

July 12th, 2023

Spokane Ethics Commission Members

Via Mike Piccolo

Delivered via email

Re: May 15th, 2023, Complaint

Dear Commission Members:

I am respectfully requesting you consider declining jurisdiction over the May 15th, 2023, ethics complaint filed against me.

The complaint alleges that I violated SMC 1.04A.010 and SMC 1.04A.030 of the Spokane Municipal Code. Furthermore, regarding SMC 1.04A.030, the complaint alleges that Subsections A, G, K, M, and N were violated. Additionally, the complaint alleges that I violated RCW 42.23.070.

The purpose of this written response is to show that the complaint's alleged facts, even if they are later found to be true, are not sufficient enough to constitute a violation of the Code of Ethics. This written response cannot dispute the alleged facts at this time even though many of the alleged facts are unfounded. Overall, the complaint does not show how the alleged facts, even if they are found to be true, constitutes a violation of the Code of Ethics.

Alleged Violation – RCW 42.23.070

The Spokane Ethics Commission does not oversee violations of the Revised Code of Washington. Therefore, the Spokane Ethics Commission should consider declining jurisdiction regarding the allegations that the RCW was violated.

Alleged Violation - SMC 1.04A.010 Purpose

SMC 1.04A.010 defines the purpose of the Code of Ethics. It states, "City officers and employees shall maintain the utmost standards of responsibility, trustworthiness, integrity, truthfulness, honesty and fairness in carrying out their public duties, avoid any improprieties in their roles as public servants including the appearance of impropriety, and never use their City position, authority or resources for personal gain." The complaint is alleging this section was violated, however, this section of the code does not state any prohibited conduct that would be considered a violation of these standards. Prohibited conduct would constitute a violation, and that is addressed in the next section of the code 1.04.A.30. There is no violation of this section of the Code of Ethics. The Ethics Commission should decline jurisdiction.

Alleged Violation - SMC 1.04A.30.A General Prohibition Against Conflicts of Interest

The complaint alleges that I had a conflict of interest in redistricting because of political motivation. The complaint does not explain how I would personally benefit from such an outcome. This section of code reads:

In order to avoid becoming involved or implicated in a conflict of interest or impropriety, or an appearance of conflict of interest or impropriety, no current City officer or employee shall have an interest, financial or otherwise, direct or indirect, or engage in a business or transaction or professional activity, or incur an obligation of any nature, that might be seen as conflicting with the City officer or employee's proper discharge of his or her official duties, the conduct of official City business or as adverse to the interests of the City. Performance of a legally required duty by a City officer or employee shall not be considered a violation of the Code of Ethics.

Even if the alleged facts were true, the complaint does not supply any evidence of how I personally benefitted, financial or otherwise, direct or indirect, from redistricting.

In fact, I never voted for any redistricting map at any time. I was not a voting member of the Redistricting Commission when they unanimously voted for the final four maps at the August 31, 2022 meeting. I abstained from voting when City Council amended the final map at the October 23, 2022 meeting. I abstained from voting on the final adoption of the map at the November 7, 2022 meeting.

Additionally, if there is an inherent conflict of interest for city council members to vote on redistricting maps, then every city council member would have a conflict of interest. However, the Charter requires council members to be involved in the redistricting process, which can be seen in the bolded parts of the charter below. First, the Charter also requires that two council members serve on the Redistricting Commission as advisory members, which I was an advisory member and never voted (Section 59.A). Second, the Charter allows any city resident to submit maps to the Redistricting Commission, which I am a city resident (Section 59.C). Third, the Charter requires that Council choose from one of the maps submitted from the Redistricting Commission and vote on its final adoption (Section 59.E). Even though I do not have more of a conflict of interest than any other city council member who may voted on the final maps, I abstained from all votes on any map.

Section 59: Council Districting

- A. **Membership of the districting board shall consist of the council president and one other council member who shall serve as advisory members**, and three qualified representatives.
- B. Qualified candidates for the districting board must satisfy the following criteria:
 - 1. Candidates must be registered voters within the City of Spokane.
 - 2. Candidates must be current residents of the City and have maintained a primary residence within the City for the past two consecutive years.
- C. No member of the districting board shall:
 - 1. have been a registered lobbyist in the State of Washington within one year prior to selection;
 - 2. campaign for elective office or actively participate in or contribute to any political campaign of any candidate for local, state, or federal office while a member of the districting board;
 - 3. Hold or campaign for any city council position for two years after the effective date of the districting plan.

- D. The districting board shall convene a minimum of five public hearings throughout the City to receive written and oral comments and to accept proposed districting plans from

the general public. **The districting board shall only consider those plans which are submitted by individual city residents.** The districting board shall hold open meetings, prepare and disclose its minutes, and it may employ experts, consultants, and attorneys not employed by the City, as necessary to carry out its duties as established in this Charter. The districting board shall utilize the most recent available census information and guidelines for districting as established in RCW 44.05.090, as applicable.

- E. No more than ninety days from the effective date of this Charter amendment, the districting board shall submit three districting plans to the city council for final public review and comment. No more than one hundred twenty days from the effective date of this Charter amendment, the **city council shall select one of the districting board's plans** without alteration, except for data errors. **Upon adoption by a majority vote of the city council, the districting plan shall be submitted to the clerk of the city council.** The districting plan shall become effective upon filing and the districting board shall be relieved of any further duties and disbanded. The districting plan shall be in force until the effective date of the plan based upon the next succeeding federal decennial census or until a modified plan takes effect as established in this Charter.

Additionally, I was invited to submit maps and advised at public meetings to submit a map to the Redistricting Commission. At the August 24, 2022 meeting, the chair of the commission invited me to submit maps at the next meeting. I had not planned to submit a map until I was invited. At the August 31, 2022 commission meeting, the issue of a conflict of interest was raised by one of the commissioners. I offered to not show my maps. However, our legal advice at that meeting was that I could submit a map because there were multiple levels of approval that prevented a conflict of interest. I was not a voting member of the commission, and thus did not have a vote on the final maps that the commission forwarded on. At the August 31, 2022 meeting, the commissioners unanimously voted to forward the map I submitted as one of their finalists. At that point they said the map was no longer my map, but it was the Commission's map. They renamed the map and adopted it as one of their own. The record of these public meetings can be found in the video links in attachment 1. I simply followed the legal advice that I was provided about their being a conflict of interest. I cannot be found in violation of an ethics violation when I followed the legal advice I was provided at a public meeting.

Finally, this matter has already been heard in Superior Court and ruled by Judge Hazel to not have used political data to draw maps. In his court order (see Attachment 3), he states, "Petitioners have not demonstrated that the Council, in adopting the redistricting plan, used population data, 'for the purposes of favoring or disfavoring any racial group or political party.'" Judge Hazel went farther to say, "We're talking about 1.5 percent versus 3 percent. The differences are not ginormous. It does not scream to me gerrymandering when I look at it... Especially when state law is, the favored principle is to keep neighborhoods intact and that was one of the only ways to do it." The matter of political motivation and benefit, which is the premise for a conflict of interest, has already been resolved in the court of law, and thus there is no additional reason for the Ethics Commission to adjudicate on the matter.

The complaint does not provide any evidence that I had a conflict of interest and personally benefitted. The Ethics Commission should decline jurisdiction of this complaint.

Alleged Violation – SMC 1.04A.030.G Personal Interest in Legislation

The complaint alleges I had a personal interest in legislation because the adopted maps benefitted me.

This section of the code reads:

No City officer or employee may benefit either directly or indirectly from any legislation or contract to which the City shall be a party except for the lawful compensation or salary of the City officer or employee unless such interest is a remote interest where the facts and extent of such interest is disclosed. City council members' participation in the enactment of legislation shall be governed by chapter 42.23 RCW – The Code of Ethics for Municipal Officers and chapter 42.36 RCW – The Appearance of Fairness Doctrine. City council members shall not be prohibited from participating in the adoption of legislation when the council member has only a remote interest in the legislation, which has been disclosed, and the legislation is applicable to the general public and not unique to the council member.

The complaint does not show how I benefited either directly or indirectly from legislation. The complaint simply refers to a series of messages, most of which I sent to my college friends who live across the country. It does not show any personal benefit. I did not make any money off of this legislation. I did not get any personal reward. They do not even show how I will politically benefit in an election. They do not show any personal interest or gain. Any redistricting changes will have political implications. However, these are nonpartisan positions, so any political changes do not have a direct impact on voters. Additionally, there is no evidence that I will be running an election in this current district in future years.

Furthermore, the Code of Ethics explicitly states that council members are not prohibited from participating in the adoption of legislation when the council member has a remote interest and the legislation is applicable to the general public. It was publicly known how the redistricting would change the composition of districts. A new map is applicable to the general public and not unique to me as a council member. A new map impacts all future candidates. Therefore, there is no evidence of any personal interest in legislation. The Ethics Commission should decline jurisdiction of this complaint.

Alleged Violation – SMC 1.04A.30.K Fair and Equitable Treatment

The complaint alleges I violated this section of SMC but yet again provides no evidence of a violation.

This section of code reads:

1. No City officer or employee shall knowingly use his or her office or position to secure personal benefit, gain or profit, or use position to secure special privileges or exceptions for himself/herself or for the benefit, gain or profits of any other persons.

2. No City officer or employee shall employ or use the employment of any person under the City officer's or employee's official control or direction for the personal benefit, gain or profit of the City officer or employee or another beyond that which is available to every other person.
3. No City officer or employee shall use City-owned vehicles, equipment, materials, money or property for personal or private convenience or profit. Use is restricted to such services as are available to the public generally, for the authorized conduct of official business (not personal use), and for such purposes and under such conditions as can be reasonably expected to be approved by City policies.
4. Except as authorized by law and in the course of his or her official duties, no City officer or employee shall use the power or authority of his or her office or position with the City in a manner intended to induce or coerce any other person to provide such City employee or any other person with any compensation, gift, or other thing of value directly or indirectly.
5. City Officers and employees are encouraged to participate in the political process on their own time and outside of the workplace by working on campaigns for the election of any person to any office or for the promotion of or opposition to any ballot proposition, but shall not use or authorize the use of City facilities of resources for such purposes except as authorized by the provisions of RCW 42.17A.555.

At no point does the complaint provide any evidence that I used my position as city council member to secure personal benefit, gain, or profit or use my position to secure special privileges for the benefit, gain, or profits of any other persons. There are no direct or indirect gains for anyone in this allegation. The complaint alleges I violated #2 because I directed my aide. However, my aide was carrying out his duties in advising me. At no point is there any evidence of personal benefit, gain or profit. There is no evidence I violated #3 using City-owned vehicles, equipment, materials, money or property for personal or private convenience or profit. There is no evidence of violation of #4 of inducing or coercing any other person to provide me or another person any compensation, gift, or other thing of value. And there is no evidence of #5 of participating in the political process. There is no evidence of a violation of this section of the Code of Ethics. The Ethics Commission should decline jurisdiction of this complaint.

Alleged Violation – SMC 1.04A.030.M Aiding Others Prohibited

The complaint alleges I violated this code because I communicated with my aide and with Councilmember Wilkerson.

This section of code reads:

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

There is absolutely no evidence in this complaint that my aide or Councilmember Wilkerson violated any provision of the Code of Ethics. Additionally, there is no evidence that I knew there was a violation of the Code of Ethics and that I aided or assisted them in violating the Code of Ethics. I simply communicated with them about the proposed maps. There is no evidence of a violation of this section of the code. The Ethics Commission should decline jurisdiction of this complaint.

Alleged Violation – SMC 1.04A.030.N Commission of Acts of Moral Turpitude or Dishonesty Prohibited

The complaint alleges I violated this section but again provides no evidence.

This section of code reads:

No City officer or employee shall commit any act of moral turpitude or dishonesty relating to his or her duties or position as a City officer or employee or arising from business with the City. Conviction of a felony or a misdemeanor involving moral turpitude or dishonesty, the nature of which demonstrates lack of fitness for the position held, shall be considered conclusive evidence of a violation of this Code of Ethics. Demonstrated acts of moral turpitude or dishonesty are not limited to felony or misdemeanor criminal convictions.

There is no evidence that I committed a felony or a misdemeanor. There is no evidence of me being dishonest with any statement that I made about redistricting. Redistricting has already been heard in court and has been affirmed as not violating the law. There is no evidence of me committing any act of moral turpitude or dishonesty. The Ethics Commission should decline jurisdiction of this complaint.

Summary

In conclusion, SMC 1.04A.030 (A, G, K, M, and N) are as follows: a general prohibition against conflicts of interest, personal interest in legislation prohibited, fair and equitable treatment, aiding others prohibited, and commission of acts of moral turpitude or dishonesty prohibited. No evidence provided shows how any of these subsections were violated. As stated before, the complaint simply reshapes private messages that were already made public, discussed, and ruled on by the Spokane County Superior Court.

Additionally, the City of Spokane was the defendant in the case in which the Spokane County Superior Court upheld the map in question and the legality of my involvement in the redistricting process. I ask the Ethics Commission, if the City of Spokane defended my actions in Superior Court and won, how could the City of Spokane then charge me with a violation of the Code of Ethics?

In recent week an Inlander article has shed light on how the Ethics Commission and complaint process has been weaponized against elected officials for political gain (see Attachment 2). There has been an increase of complaints during an election year. It is unfortunate that a group of individuals has distorted an incredibly important process. I urge you to dismiss these frivolous complaints outright.



CITY COUNCIL
808 W. Spokane Falls Blvd.
Spokane, WA 99201-3335
(509) 625-6255

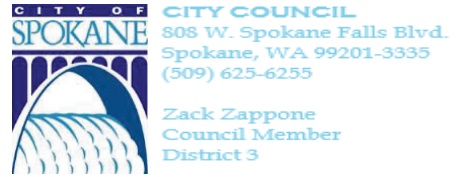
Zack Zappone
Council Member
District 3

I deeply appreciate your consideration and the work you do for Spokane. Once again, I am respectfully requesting you decline jurisdiction over this complaint as no evidence provided shows a violation of the Code of Ethics. My actions were already ruled to be legal and inline with the goals of the redistricting process.

Sincerely,

A handwritten signature in black ink, appearing to read "Zack Zappone", with a long horizontal flourish extending to the right.

Zack Zappone
Spokane City Council Member



Attachment 1

The August 24, 2022 and the August 31, 2022 Redistricting Commission meeting minutes with links to video recordings can be found at the following website:

<https://my.spokanecity.org/bcc/boards/city-council-districting-board/T>

Attachment 2

June 08, 2023

How a network of politicians tied to U.S. Rep. Cathy McMorris Rodgers are pulling behind-the-scenes strings to tar up local liberals

By Daniel Walters

Just weeks after Spokane City Council member Jonathan Bingle submitted an ethics complaint against former Council President Ben Stuckart last year, Bingle faced an ethical dilemma of his own.

In his May 4, 2022, press release announcing the complaint, Bingle condemned Stuckart for being involved in discussions about selecting a homeless shelter operator, when one of the candidates was proposing giving Stuckart a \$150,000 job should it be selected.

"The citizens of Spokane deserve to know that the process to select a new shelter has integrity and that their hard-earned taxpayer dollars are being stewarded appropriately," Bingle is quoted as saying in the press release.

But, back then, when the *Inlander* asked him if anyone else besides his council aide was involved in writing the ethics complaint and the subsequent press release, Bingle had to decide whether to tell the truth.

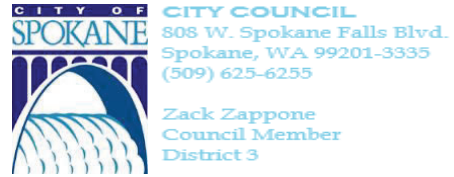
He didn't. Instead, he argued, repeatedly, defensively, that no one else was involved. "The complaint, the press release, all of that is my language," Bingle insisted, more than once.

Now, more than a year later, confronted with new evidence, Bingle admits that wasn't true. Not for the complaint, not for the press release.

"That is not something I wrote alone," Bingle says.

To start with, he says, he had the help of Emily Strode, a consultant who'd worked on his 2021 campaign. Along with consulting for numerous political candidates, including Al French, she worked for five years under U.S. Rep. Cathy McMorris Rodgers, most recently as the Republican congresswoman's campaign manager in 2021.

Last week, thanks to a live link to a collaborative Google Docs file where Bingle's press release was drafted, the *Inlander* was able to see that the involvement of Strode and other McMorris Rodgers



veterans went far deeper: Bingle's press release draft was reviewed and tweaked by Dawn Sugasa, Strode's boss at the local consulting firm, Town Square Strategies, who had spent 14 years as the finance director for the McMorris Rodgers fundraising operation.

And the supposed quotes from Bingle about the importance of "hard-earned taxpayer dollars" being "stewarded appropriately" was language added by Patrick Bell, McMorris Rodgers' current deputy chief of staff.

"I have occasionally provided thoughts or edits on documents relating to local government matters," Bell says in a text message, after multiple requests for comment.

Strode did not return phone calls. Sugasa emailed back to decline to answer questions about clients.

In fact, some of Strode and Bell's drafts suggested Bingle go even further by filing an ethics complaint against his colleague, Council President Breean Beggs, with allegations he'd inappropriately distributed information about the proposed shelter. Bingle ultimately declined to do so.

It's more evidence for the theory that Beggs and other progressive council members have been floating for a year: It's all part of a political plot. In context, it looks like part of an organized salvo from professional political operatives to use ethics complaints, record requests and litigation to further muddy up the reputation of local left-leaning politicians, sometimes years before the election.

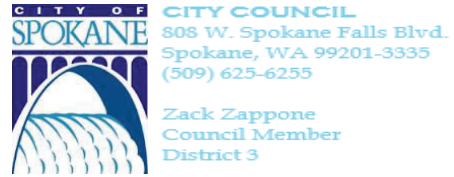
"I think the public deserves to know that all these random things that are popping up are not random," Beggs says, when told of Strode and Bell's involvement. "They're part of a group effort by a small group of very wealthy people who have a political agenda."

WHODUNNIT?

Beyond ghostwriting ethics complaints, Strode has been plenty active behind the scenes.

She rallied support to get the Trent homeless shelter lease signed. She organized phone banking efforts to oppose a redistricting map designed by liberal Council member Zack Zappone. She recruited attendees to a press conference last summer supporting the mayor's proposal to reform the city's sit-lie policy.

"I never got notice of the press conference. We have communications people who usually do this," Council member Karen Stratton said last year. "Who are these people, and what are they doing organizing a press conference with the mayor?"



The comically generic website for Town Square Strategies offers few insights. There's no hint of political intent, just a quote about genius misattributed to Albert Einstein and jargon about building "relationships with key audiences and stakeholders."

"That's what we want to know," Beggs says. "Who is paying Town Square?"

But Beggs' thinks the identity of the person who the consultants *did* manage to find to file the ethics complaint against him is notable: Tom Bassler, a retired pathologist. Bassler, Beggs says, is the son-in-law of Jerry Dicker — a passionate City Council critic and owner of the Steam Plant, Hotel Ruby and the Bing.

"Perhaps our business leaders will speak up and express their opposition to the self-serving policies of Beggs, Kinnear, Wilkerson, et al," Dicker wrote in an April email to other business owners about liberal council members.

But there are other contenders. Briefly, an anonymous user in the Google Docs press release had edited the draft to float a different last name to file the complaint: "Wendle."

While Cindy Wendle had used Strobe as a consultant during her run for City Council president in 2019, by 2022 she got a divorce and changed her last name. She says it wasn't her.

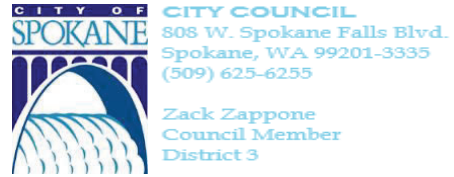
But her ex-husband, Chud Wendle, has gone to considerable lengths to dig up dirt on the City Council. His 2021 records request for body camera footage of a police officer complaining about Council member Betsy Wilkerson's reluctance to hand over surveillance footage has continued to reverberate across the City Council and mayor's race, and called into question whether police Chief Craig Meidl shares privileged information to assist Wendle's political crusade.

Wendle also spent two years as McMorris Rodgers' district director.

In fact, the very same day that Strobe began drafting the press releases, she and Chud Wendle were both at a City Council meeting, pushing back against council regulations that threatened to potentially delay the opening of the homeless shelter on Trent.

"I don't feel safe in my city," Strobe said at the meeting, after signing in as a "citizen." Then Wendle spoke, accusing the council of trying "to micromanage the administration with reactive policies."

The Trent Shelter is owned by another Mayor Nadine Woodward supporter, developer Larry Stone. In 2021, Stone donated \$50,000 to the Spokane Good Government Alliance, a PAC that's spent hundreds of thousands of dollars in opposition to progressive City Council members. (Today, the Spokane Good Government Alliance's president, John Estey, is also McMorris Rodgers' campaign director.)



Stone, Wendle, Dicker and Bassler have all been on an email list together for years, in which along with business owners like Sheldon Jackson, they have traded frustrations and lamentations about the state of homelessness and City Council leadership. In March of last year, a new name quietly began appearing on that list: Dawn Sugasa, the same one who runs Town Square Strategies.

Plenty of people on that list were furious about Stuckart — and ready to act on it.

"If you are not going to file an ethics complaint," Jackson wrote to the city attorney last April, "we will find someone that will."

MACHINE WARS

It isn't, of course, just one side with a behind-the-scenes political machine chugging along to try to influence ostensibly nonpartisan politics. Bothell-based attorney Mark Lamb proved that while suing to get the City Council's recent redistricting decision overturned.

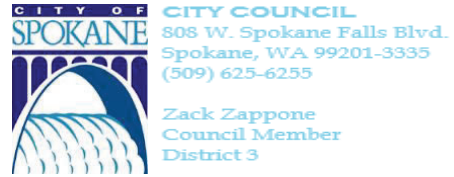
As Bell, McMorris Rodgers' deputy chief of staff, watched the live courtroom feed from afar, Lamb referred to the multiple messages he'd uncovered during discovery from Zappone, the council member who submitted his own map for redistricting.

"If you are not going to file an ethics complaint, we will find someone that will."

[tweet this](#)

In one message, Zappone was gloating about how the map he designed would give liberal council candidates a small but significant bump in a tight district. The recipient of that message: Jim Dawson, campaign director of the progressive Fuse Washington, which is part of the Democratic political machine.

And yet Lamb is a piece of the Republican machine. He's been an attorney for conservatives ranging from anti-tax crusader Tim Eyman to former state Rep. Matt Shea, who was accused of domestic terrorism by an investigator in 2019 due to his role in standoffs with federal officials.



For most of last year, Lamb was the registered agent for Town Square Strategies — all the legal mail went through him. During the same week that Strobe and Bell were workshopping last year's ethics complaints against Stuckart and Beggs, Lamb fired off 13 different sprawling records requests, against progressive council members and staffers, scrutinizing years of emails for phrases like "Defund the Police" and "All Cops Are Bastards." After a year, the city sent over at least 25 gigabytes of records to Lamb and it's barely scratched the surface of everything he's asked for.

While Zappone's map survived Lamb's litigation, the material Lamb dug up during the lawsuit continues to make life difficult for the council members. Neil Muller, a local insurance salesman, has used that information to submit ethics complaints against Zappone, Wilkerson and both their legislative aides.

Muller says he was not "put up to do this by other people" but says he did get a little bit of help from other parties. But like Bassler a year ago, he says he doesn't want to say who assisted him.

"I don't think they want to be on record," Muller says. "This town is too small."

Zappone thinks Muller's push isn't a coincidence. "It seems like a coordinated effort to try to drag me through the mud," Zappone says.

Yet attorney Jeffry Finer, who defended the council's sustainability initiatives manager against an ethics complaint last year, argues that copycatting is sometimes to blame for what looks like coordination.

"I think folks in some circles have been passing along new wisdom as to how to shove a drumstick into the spokes of municipal machinery," says Finer.

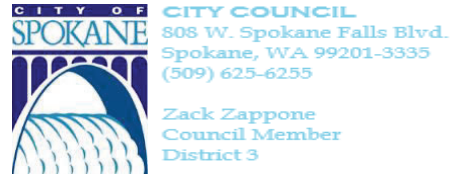
Spokane County Treasurer Michael Baumgartner argues that wisdom is not even that new — he says it happened to Spokane Mayor David Condon nearly a decade ago.

"One of the main reasons that ethics complaints get filed is just to be a time suck in the middle of a campaign," Baumgartner says. "It can really take a lot of resources."

Bell and Sugasa know firsthand how grueling the process can be at the federal level: Both were put through the wringer in the 2010s by Congressional investigators when McMorris Rodgers was accused of improperly using government resources and staffers for political campaigns.

Though Bell's work on the ethics complaint press releases in May 2022 occurred on a Tuesday and Thursday morning, Bell insists in a text message that such efforts only occur during his personal time.

If it seems like a lot of the local Republican apparatus comes from Cathy-world, Baumgartner says that's because, on the state level, that's a main source of where Republican power comes from. And



increasingly, the partisan battles unfold on municipal boards and councils, not just in Congress or Olympia.

"When I first ran for office, it seemed like all politics was local," says Baumgartner. "And now it very much is 'All politics is national.'"

Plenty of people lament the intrusion of partisan politics. Even Jennifer Thomas, a member of the redistricting commission who was as outraged as anyone by Zappone's redistricting map, has some misgivings about how calculated things can get behind the scenes.

Thomas says she was frustrated when she heard that Strode — along with the Spokane County GOP — were using phone banking to organize against Zappone's map.

"I didn't want there to be something on a non-political city issue that was so significant that could be characterized as game playing," Thomas says.

But it's hard to get away from politics. Thomas's face appeared on billboards in 2018, part of the "Cathy Represents Us" campaign. So did the face of Kim Plese, who's running for City Council president.

Yet Plese says she's sick of the "partisan politics that got in the way of being a public servant in my opinion. ... If this was a partisan position, I wouldn't be running right now."

She says some of her biggest support comes from frustrated business people, like hotelier and developer Dicker who picked up the phone to personally encourage her to run for council president.

She may get email lists and doorbelling strategies from Strode, she says, but that has nothing to do with partisan politics.

Underscoring the point, Plese puts "nonpartisan" on her campaign signs.

It's the same label that Condon used on his signs to get elected mayor in 2011 — right after working for six years as the deputy chief of staff for McMorris Rodgers. ♦

COPY

Original Filed

APR 07 2023

TIMOTHY W. FITZGERALD
SPOKANE COUNTY CLERK

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF SPOKANE

IN RE: SPOKANE REDISTRICTING
and MICHAEL BROWN, REBECCA
COOK, COLIN COOK and MARK
HOWARD, all registered voters in the
City of Spokane,

Petitioners,

CITY OF SPOKANE,

Respondent,

Case No.: 22-2-04123-32

~~[PROPOSED]~~ ORDER DENYING
PETITIONERS' MOTION TO
GRANT PETITION FOR SPOKANE
REDISTRICTING

Petitioners' Motion to Grant Petition for Spokane Redistricting came on for hearing before the undersigned Judge of the above captioned court on April 7, 2023. In ruling on the motion the court considered the pleadings, the court file, the materials submitted by the parties in connection with the motion, and the argument of counsel.

Having considered the above, the court finds that the redistricting plan adopted by the Spokane City Council in November of 2022 was consistent with the criteria set forth in RCW 29A.76.010, and that Petitioners have not demonstrated that the Council, in adopting the redistricting plan, used population data "for purposes of favoring or disfavoring any racial group or political party."

Accordingly, Petitioners' Motion is hereby DENIED. The plan shall take effect immediately. Oral record from entire hearing including argument is incorporated.

~~[PROPOSED]~~ ORDER DENYING PETITIONERS'
MOTION TO GRANT PETITION FOR SPOKANE
REDISTRICTING - Page 1

Evans, Craven & Lackie, P.S.

818 W. Riverside, Suite #250

Spokane, WA 99201-0910

P: (509) 455 - 5200 | F: (509) 455-3632

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DATED this 7 day of April, 2023.



THE HONORABLE JUDGE HAZEL

CERTIFICATE OF SERVICE
[PROPOSED] ORDER DENYING PETITIONERS'
MOTION TO GRANT PETITION FOR SPOKANE
REDISTRICTING - Page 2

Evans, Craven & Lackie, P.S.
818 W. Riverside, Suite #250
Spokane, WA 99201-0910
P: (509) 455 - 5200 | F: (509) 455-3632