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5 **BEFORE THE SPOKANE ETHICS COMMISSION**
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7 RE COMPLAINT OF DUANE AUTON) MOTION TO DISMISS
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10 Pursuant to SMC 01.04A.110(D)(1)(a) and (b), I request that the Spokane Ethics
11 Commission issue an order dismissing the complaint filed against me by Duane Auton for the
12 reasons set forth below.

13 SMC 01.04A.110(D)(1)(a) and (b) provides that this Commission shall dismiss a
14 complaint if the Commission: (a) has no jurisdiction and (b) the alleged violation, even if true,
15 does not violate the City’s code of ethics.

16 The complaint filed by Mr. Auton must be dismissed because he failed to point to any
17 provision of SMC 1.04A.030 that I allegedly violated. Page 1 of the complaint form simply
18 states, “Taxation with representation.” The form goes on to state that I allegedly did not respond
19 to his request within 90 days and that Council members are required by law to represent him.

20 Nothing alleged, even if true (which I assert it is not), is a violation of any provision of
21 SMC 1.04A.030. There is no provision of the Code regarding taxation without representation or
22 requiring a Council member to personally respond and address every single request of a
23 constituent.

24 Moreover, because there is no applicable requirement in the Code, this Commission lacks
25 jurisdiction to hear this complaint. Again, the Commission cannot hear allegations regarding
26 taxation without representation or the speed or sufficiency of a Council member’s response to a
constituent.

Lastly, as a practical matter, the matter was referred to officials within the City for action.
As the attached June 18, 2024 email demonstrates, this matter was referred to Clint Harris, the
Director of Streets, who took action to address Mr. Auton’s concerns – “The crew has flushed
this sidewalk in March and I was told they recently flushed the sidewalk off a second time
because of debris from the recent rain and vehicle traffic.” Despite this, Mr. Auton is still not
satisfied with the City’s response. The Commission certainly lacks jurisdiction to determine
whether actions of the Street Department are sufficient to address one constituent’s concerns.

For these reasons, the Commission must dismiss this complaint.

DATED this 29th day of July 2024

Respectfully submitted by,


Council Member Kitty Klitzke