

## CITY OF SPOKANE ETHICS COMMISSION

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### Ethics Commission's Findings, Conclusions and Decision Regarding EC 24-02 Complaint filed by Auton against CMs Klitzke, Zappone and Wilkerson

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#### FINDINGS

The Ethics Commission makes the following findings:

1. On or about 7/23/2024, Duane Auton filed an ethics complaint against Spokane City Council Members Kitty Klitzke, Zack Zappone and Betsy Wilkerson.
2. In his complaint, Mr. Auton states: "With the nature of possible litigation on the city council, I feel they are hastily approving measures. Can the legitimacy of these approvals be audited? I have an open ethics complaint and the old mayor is suing us over them." In support of his complaint, he states: "All over the news about the City Council suddenly starting to approve all kinds of city related measures" and "approving tax hikes for the ballot, even though nobody wants them."
3. On July 29, 2024, Council Member Klitzke filed a Motion To Dismiss alleging that the complaint failed to point to any provision of SMC 1.04A.030 allegedly violated. In her motion, she asserts that nothing alleged, even if were found to be true, is a violation of any provision of SMC 1.04A.030, and that there is no provision of the Code regarding "hastily approving measures." SMC 8.07.060 specifically provides that the Council may refer the increase of a sales tax measures to the voters.
4. On July 30, 2024, Council Member Zappone filed a Motion to Dismiss also asserting that the alleged violation, even if it were true, does not violate the City's Code of Ethics. He notes that if Mr. Auton has issues with the substance of Council passed ordinances or resolutions, there are other avenues to voice those concerns, such as giving testimony during the Open Forum at the Council legislative Session and casting a vote on the proposed initiative.
5. On July 31, 2024, Council President Wilkerson filed a Motion to Dismiss noting that nothing alleged, even if it were found to be true, violates any provision of SMC 1.04A.030. She also asserted that any grievance Mr. Auton may have with the approved tax proposition for the November ballot may be resolved through casting a vote or by testifying during Open Forum at the Council Legislative Session.
6. On July 31, 2024, the Ethics Commission held a meeting to review the complaint to determine whether, pursuant to SMC 01.04A.110 (D)(1) and (2), the Commission had jurisdiction to conduct further proceedings and whether the complaint, on its face, alleges facts that, if true, would substantiate a violation. The Commission considered Mr. Auton's July 23, 2024 complaint, the July 29, 2024 Motion to Dismiss filed by Council Member Klitzke, the July 30, 2024 Motion to Dismiss filed by Council Member Zappone and the July 31, 2024 Motion to Dismiss filed by Council President Wilkerson, and testimony presented by Mr. Auton at the meeting.

## CONCLUSIONS

The Ethics Commission makes the following conclusions:

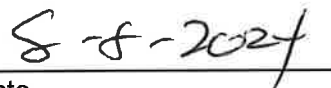
The complaint met the requirement of SMC 01.04A.110 (C) with respect to the complaint being submitted on the correct form and alleging a violation by individuals who are subject to the Ethics Code. The complaint failed, however, to identify any specific provision of the Ethics Code as having been allegedly violated and therefore failed to meet that requirement of SMC 01.04A.110 (C). Additionally, the complaint failed to describe facts constituting a violation in sufficient detail so that the Commission and Council Members Klitzke, Zappone and Wilkerson could reasonably understand the nature of the complaint being alleged. Mr. Auton's grievances with the City Council hastily approving measures including "approving tax hikes for the ballot" do not set forth facts that would demonstrate a violation of the Ethics Code.

## DECISION

Based upon the Findings and Conclusions set forth above and the deliberation of the Ethics Commission, the Ethics Commission concludes that the complaint by Mr. Auton must be dismissed pursuant to SMC 01.04A.110 (C) on the basis that the complaint has failed to identify a provision of the Ethics Code as having been allegedly violated or to describe facts constituting the violation in sufficient detail so that the Commission and the respondents can reasonably understand the nature of the complaint being alleged.

This decision was approved by a vote of 5 to 0 of the Ethics Commission members present for and participating in the hearing.

  
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Merle Iverson, Chairperson

  
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Date