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VIA E-MAIL: mkapaun@spokanecity.org

October 27, 2025

City of Spokane Ethics Commission
Attn: Megan Kapaun, Staff Liaison
Ethics Commission Staff Director
City of Spokane – Office of the City Attorney
Assistant City Attorney
808 W. Spokane Falls Blvd.
Spokane, WA 99201-3326

Re: Investigation of Ethics Complaint by Linda Biel

Dear City of Spokane Ethics Commission,

Thank you for allowing me to conduct an independent investigation into an ethics complaint filed by Linda Biel, received by the City Clerk on June 24, 2025. The purpose of my investigation was to act as a neutral third party and conduct a fact-finding investigation to determine whether there is reasonable cause to believe that the subjects of the complaint violated the City's Code of Ethics as alleged - specifically, whether City of Spokane Mayor Lisa Brown, Council President Becky Wilkerson, Council Member Paul Dillon, Council Member Kitty Klitzke, Council Member Zack Zappone, and former Council Member Lili Navarette engaged in a violation of SMC 1.04B.050(A) stemming from a vote on Ordinance C36679 occurring at a City Council meeting on or around June 16, 2025.

SCOPE OF INVESTIGATION

Interviews:

My investigation included interviews with the following individuals: Complainant Linda Biel (hereinafter "Biel") with city resident Derek Baziotis (hereinafter "Baziotis") and city resident Phil Altmeyer also in attendance, City of Spokane Mayor Lisa Brown (hereinafter "Mayor Brown"), Council President Becky Wilkerson (hereinafter "CP Wilkerson"), Council Member Paul Dillon (hereinafter "CM Dillon"), Council Member Kitty Klitzke (hereinafter "CM Klitzke"), Council Member Zack Zappone (hereinafter "CM Zappone"), former Council Member and current City of Spokane employee Lili Navarette (hereinafter "CM Navarette"), Director of City Council Office Jacobbe Byrd (hereinafter "Byrd"), Council Policy Advisor Christopher Wright (hereinafter "Wright"), and Civil Service Chief Examiner Kelsey Pearson (hereinafter "Pearson").

Documents Reviewed:

I reviewed the Ethics Commission Complaint (hereinafter “the Complaint”) submitted by Biel, then I watched the entirety of relevant portions of the City Council meeting on June 16, 2025, (hereinafter “the Meeting”) that went into the early hours of June 17, 2025, regarding Ordinance C36679 (hereinafter “the Ordinance”)(located at <https://vimeo.com/1093968443?share=copy#t=5119.285> and <https://vimeo.com/1093968689?share=copy#t=1673.112>).

I reviewed an email with links and attachments from Giacobbe Byrd, dated August 15, 2025, titled “Re: Independent Investigation of Ethics Complaint” with a link to the City Council’s Rules of Procedure, a link to the final agenda packet for the June 16, 2025, City Council meeting, links to the June 16, 2025, City Council meeting, e-mail correspondence dated June 16, 2025, from Wright regarding the procedure to move for reconsideration at a council meeting, and the public comment sign in sheet from the June 16, 2025, council meeting.

I submitted a Public Records Act request on or around August 28, 2025, for the following: records of all calls, any and all text messages, and any and all written messages using any app or social medial platform, including e-mails, sent or received by the following individuals on June 16, 2025, and June 17, 2025, regarding Ordinance C36679, and/or public camping, and or Motion for Reconsideration: Mayor Lisa Brown, City Council President Betsy Wilkerson, City Council Member Jonathan Bingle, City Council Member Michael Cathcart, City Council Member Paul Dillon, City Council Member Zack Zappone, City Council Member Kitty Klitzke, and Spokane City Employee/Formar City Council Member Lili Navarette. I received and reviewed the responsive documents including e-mail correspondence, a record of phone calls, a record of text messages, and Facebook messages referring to the subject matter.

In addition, I reviewed a document created by Biel and submitted to me at our meeting titled “Violations of Public Trust and the Spokane Code of Ethics¹.” I also reviewed the following submitted by Biel at or after our meeting: e-mail from Council Member Jonathan Bingle dated June 17, 2025, titled “Tonight Should Bother Everyone;” e-mail from Biel dated September 13, 2025, titled “Dawn Kinder²;” e-mail from Biel dated September 13, 2025, titled “I ran across this³.”

I reviewed a news story sent to me via text message on September 11, 2025, from Baziotis from @everyoneBREAKING NEWS titled “Spokane Mayor and City Council Majority Under Investigation for Ethics Violation.”

I reviewed the following documents received from Wright: Chronology of Ordinance C36679; Agenda Sheet for City Council dated April 18, 2025, with enacted language of Ordinance

¹ Though I reviewed the document, many of the allegations contained therein were not set forth or outlined in the original Complaint and were therefore not considered as part of my findings. *See* SMC 01.04B.160(B). This material was provided to the City Attorney’s office.

² Though I reviewed the e-mail, the allegations contained therein were not set forth or outlined in the original Complaint and therefore not considered as part of my findings *See* SMC 01.04B.160(B).

³ Though I reviewed the e-mail, the allegations contained therein were not set forth or outlined in the original Complaint and therefore not considered as part of my findings. *See* SMC 01.04B.160(B).

C36679, effective August 6, 2025; amended Ordinance C36679, dated May 30, 2025; and e-mail dated October 1, 2025, titled “Spokane City Council Rules on Reconsideration.”

I reviewed e-mail correspondence from Sarah Sirott, Legislative Assistant to CM Klitzke regarding dates of the 2024 Homelessness Roundtables, dated October 1, 2025.

I reviewed e-mail correspondence dated October 2, 2025, from CM Navarette setting forth the dates and deadlines relating to her application for the CHHS position.

I reviewed e-mail correspondence dated October 23, 2025, from Pearson regarding Civil Service procedures.

I also reviewed the Spokane Municipal Code, specifically the Code of Ethics found in Section 01.04B.

SUMMARY OF EVENTS/WITNESS STATEMENTS

The following is a summary of the allegations and corresponding events derived from the above listed witness interviews and documentary review. My findings are subject to change based on the discovery of additional evidence and/or witness statements.

The Vote and Reconsideration of Ordinance C36679

Ordinances relating to homelessness and camping in Spokane were a long-discussed topic prior to the Meeting. Several roundtables⁴ took place throughout 2024, giving Spokane residents the opportunity to provide input into potential and proposed legislation, including topics addressed in Ordinance C36679. The Ordinance went through several revisions before being placed on the Meeting agenda for vote⁵.

CM Navarette did not speak with Mayor Brown or any Council Member about how she intended to vote on the Ordinance prior to the Meeting. CM Navarette regularly kept her voting intentions to herself, and it was frequent practice for CM Navarette to refrain from making comments during council meetings. There was at least some expectation amongst the Council that the Ordinance would pass, as evidenced by a press release drafted before the meeting. However, it is standard practice to prepare a press release in anticipation of a vote. Despite the expectations, neither the Mayor nor any council member knew how CM Navarette intended to vote on the Ordinance.

A large group of citizens, predominately supporting the Downtown Spokane District, attended the Meeting to provide public testimony regarding the Ordinance. Much of the testimony was against the Ordinance and, put in the simplest of terms, what became widely referred to as its 7-day allowance for camping. Approximately 31 individuals testified. The Council engaged in

⁴ The 2024 Roundtables took place on or around September 10, October 1, October 22, November 7, November 19, and a Town Hall on December 10.

⁵ I do not address the text of Ordinance C36679 or the subsequent revisions as they are not relevant to the Complaint.

discussion and voted down the Ordinance in a 4-3 vote, with the votes recorded as follows: CP Wilkerson – no, CM Dillon – yes, CM Michael Cathcart – no, CM Jonathan Bingle – no, CM Zappone – yes, CM Klitzke – yes, and CM Navarette – no. The events occurring after the vote are the subject of Biel's complaint.

After the vote and while the Council moved on to the next agenda matter, CM Zappone can be seen on the recording getting up from his seat with his phone in hand. He went into the back conference room and spoke with Mayor Brown on the phone⁶ who asked him if he knew why CM Navarette voted no, which he did not. CM Zappone was shocked that CM Navarette and CP Wilkerson voted no. But CM Navarette had never given an indication how she intended to vote on the Ordinance. CM Zappone thought there was a way to possibly bring the vote back with a modification. Mayor Brown told CM Zappone it was up to him and the other Council members to decide what to do and when to do it. CM Zappone returned to the meeting and eventually the Council took a recess.

Mayor Brown texted CP Wilkerson to call her, which she did during the break, and the two discussed why she voted no on the Ordinance. CP Wilkerson made it clear that she never supported a 7-day allowance and had told others she intended to vote no. They discussed whether a compromise would be possible. The discussion was limited to CP Wilkerson's vote and there is no evidence that the votes of other council members were discussed. There were no promises made in exchange for continued discussion on the Ordinance.

In the meantime, CM Navarette had also gone to the back conference room, followed by CM Zappone. The three council members discussed whether there was a compromise that could be made to get the Ordinance passed. CP Wilkerson stated that she would support changing the 7-day provision to 3-days, something she had previously voiced to council members. CP Wilkerson explained that a 3-day provision was supported by community input she obtained prior to the meeting. CM Zappone and CM Navarette both agreed they would support such an amendment. CM Navarette told me that she had performed her own research and met with community members on the issue prior to the Meeting and felt that a 3-day provision would be an acceptable compromise. CM Navarette, who had already announced that she intended to resign from her council position on June 30, 2025, wanted to pass the legislation before leaving because she felt it was a critical issue for the entire Spokane community. There were no promises made to trade votes in exchange for the compromise on the Ordinance, nor was there any reference made about CM Navarette procuring a new job with the City. (*See infra* for further discussion). CM Navarette sought advice from Wright on how to make an amendment during the meeting and a Motion for Reconsideration was suggested. CM Navarette had never made such a motion, so she was unclear how to proceed. Wright provided guidance via e-mail, noting that a council member on the prevailing side of the vote needed to bring the motion. CM Navarette did not communicate with Mayor Brown during this time.

In the meantime, CM Dillion, who was not surprised by CM Navarette's no vote, saw that CP Wilkerson, CM Zappone, and CM Navarette were all in the conference room, so he went the opposite direction to check his phone. He did briefly speak with Mayor Brown to discuss

⁶ Mayor Brown was not in attendance at the meeting. She watched the Meeting on the television.

whether a compromise on the Ordinance was possible. There was no additional discussion. The Council had moved for reconsideration in the past, so CM Dillon e-mailed Wright seeking guidance on whether the rules needed to be suspended for a reconsideration motion and amendment to the Ordinance. CM Dillon suggested an amendment to a 3-day provision because that time limitation had been used in other camping ordinances. He felt the community was upset over the 7-day provision and since a 3-day provision had already been enacted in other ordinances that could be a compromise. Wright responded, explaining the applicable rules, copying CM Zappone and CM Navarette. Wright e-mailed CM Navarette explaining how to make a motion for reconsideration.

CM Klitzke attended the meeting remotely and did not discuss the vote or an amendment with any other council members during the meeting. She spoke with Mayor Brown for approximately 23 seconds, where the Mayor thanked her for her comments on the ordinance. Biel concedes that her complaint against CM Klitzke was because she voted in favor of the ordinance, which in and of itself does not create a conflict of interest.

Records and witness testimony establish that text messages were shared between council members during the June 16, 2025, meeting, but most of them speak for themselves. Notably, CM Navarette did not text Mayor Brown or any council member during the meeting. Some of the texts with explanation are as follows:

- Text exchange between Byrd and CM Klitzke - June 16, 2025, 9:23 pm – 9:34 pm.
 - CM Klitzke was in a hotel room appearing via video conference. Her daughter was in the room with her for a part of the meeting. The comment from CM Klitzke stating, “I asked her to stop. I feel like the serious topic does not lend itself to her interference, sorry. I am going off camera” is in reference to asking her daughter to stop making bunny ears behind her while on camera.
- Text exchange between Mayor Brown and CM Dillon – June 16, 2025, 9:54 pm – 10:00 pm
 - Mayor Brown wanted to speak with CM Dillon after the original vote on the Ordinance. The brief call occurred as set forth above. CM Dillon indicates he wanted to speak with CM Navarette on the break. That conversation did not occur.

When the Council resumed proceedings after the break, CM Zappone can be seen motioning to CM Navarette. This was done as an indication to CM Navarette to interrupt the proceedings to make a Motion for Reconsideration. CM Navarette had never brought a reconsideration motion and did not know when it could or should be brought. CM Navarette confirms that she brought the motion on her own accord without influence or promises from Mayor Brown or other council members. She wanted to see the Ordinance pass with the 3-day allowance as a compromise.

CM Navarette made a motion for reconsideration which was followed by heated procedural argument amongst council members. Ultimately, the amendment passed 5-2, with CP Wilkerson and CM Navarette voting yes, bringing the amendment back onto the agenda for a vote. After additional arguments amongst council members, public comment was allowed on amendment of three (3) minutes per witness. Several citizens who had previously testified on the subject had

gone home for the evening, assuming the issue was decided on. But approximately eighteen (18) witnesses testified regarding the amendment, most who were angry about the reconsideration motion and amendment, especially so late at night when a lot of citizens and reporters had gone home. CM Navarette did not explain to the public why she brought the motion. It is not uncommon for her to stay quiet about the reasons for her actions nor is there a requirement that she explain her reasons. Testimony went well into the early morning of June 17, 2025. Ultimately the Council voted 7-0 to defer vote on the amended ordinance until June 30, 2025, to allow additional time for comment and compromise. Ordinance C36679 as amended did not pass during the June 16, 2025, meeting.

CM Navarette's Position with the City of Spokane Community, Housing, and Human Services Department

As of November 2024, CM Navarette intended to run for her council seat but was struck by a serious illness. At the time, she was working on the council and working a full-time job. The illness was severe and as such, CM Navarette needed to slow down, ultimately deciding to end her full-time position and not to re-run for her council position. She announced her resignation from the council on or around May 20, 2025.

On or around February 24, 2025, a position for a Program Professional with the City of Spokane Community, Housing, and Human Services Department (hereinafter "CHHS") was posted. The application and hiring process is performed through the Civil Service Commission. This is not a position in Mayor Brown's administration, nor does she have any control over the terms or conditions of the position, including hiring or firing. CM Navarette told CP Wilkerson of her illness and at some point in early 2025, of her intent to apply for the open position. Council members have no influence over the Civil Service Commission, nor do they have any control over the terms or conditions of the position, including hiring or firing.

The Civil Service Commission is an independent body that is tasked with providing free and competitive examinations open to all those who meet the eligibility requirements for all positions within the classified service. Civil Service Director Pearson explains the process as follows:

The processes for job classification, character of examination and type, recruitment, eligibility, and certification and selection are dictated by the Merit System Rules, most recently adopted March 19, 2024.

When Civil Service opens a recruitment for a job classification, work is assigned out to a Merit System Analyst for test development. All testing devices are built with two subject matter experts. One selected from management and one selected from the bargaining unit that represents the position. (Rule IV, Section 5d: Examination content will be related to the specific classification and based on the approved classification specification. A subject matter committee must review the examination for its applicability to the classification before administration of the exam. The committee will comprise at least one Civil Service employee, one SME selected by the appropriate bargaining unit, and one SME selected by management.)

Once the test has been built, a recruitment is open for a minimum of two weeks. These recruitments are posted on governmentjobs.com, LinkedIn, Indeed and at times, specific job recruitment platforms.

All applicants are screened for minimum qualifications by a Merit System Analyst and moved forward in the process of testing. (Rule IV, Section 4: Every applicant must affirm, in a manner satisfactory to the Commission, that they are able to perform the essential functions of the position to which appointment is sought, with or without reasonable accommodation.)

Once testing has finalized, scoring is completed using predetermined scoring criteria and candidates who pass the exam are ranked based on their score and placed on an eligible list. Candidates are then notified by email of their rank and the hiring process moving forward. (Rule IV, Section 15a. Candidates whose performance on the examination meets or exceeds the established minimum passing criteria will be enrolled upon the eligible list in order of their general average standing. (1) On open-entry eligible lists, candidates earning the same score will have the same rank. c. Open-entry eligible lists will be effective from the date of their approval by the Commission for one year.)

When a requisition has been submitted and approved for a vacant position in a department, we send the top 15 names to the hiring manager for consideration. (Rule V, Section 3 From the open-entry list, (1) The 15 highest eligibles.) Hiring managers may select any candidate within the top 15 as long as candidates ranked higher on the list are interviewed and considered. (Rule V, Section 5a, The appointing officer must interview and consider all certified candidates ranked equal to or higher than the person to be appointed. The appointing officer may within 20 days select one of the eligibles and notify the Commission on the provided form.)

CM Navarette applied for the open CHHS position on or around February 26, 2025. The application was initially denied because CM Navarette did not submit her school transcripts. She reapplied and her application was accepted on or around March 6, 2025. On or around March 10, 2025, CM Navarette was informed that she met the minimum qualifications. She took the required test and was told that she ranked 11th on the eligible list on or around March 25, 2025. CM Navarette interviewed for the position and was offered the job on or around May 21, 2025, accepting the position the same day. Mayor Brown became aware that CM Navarette had been ill, intended to resign from her council position, and was applying for a job with the City at some point in the process, but the two did not have any conversation about the job or application process. CM Navarette began the job on or around July 2, 2025.

AUTHORITY AND FINDINGS⁷

Biel's Allegations and Relevant Law

The subject of Biel's complaint is that Mayor Brown, CP Wilkerson, CM Dillon, CM Zappone, CM Klitzke⁸, and CM Navarette violated SMC 1.04B.050(A) through impropriety, abuse of position, intentional deception, lack of fairness and transparency, failure to uphold integrity, and actions that erode public trust, alleging the following:

- **Impropriety and Abuse of Authority:** Biel alleges that reopening the vote late at night with minimal public notice violates the principles of fairness, honesty, and transparency. (Complaint, pg. 4).
- **Intentional Deception:** Biel alleges that Council President Wilkerson's false claim misrepresented the public record and was used to manipulate the vote's outcome. (Complaint, pg. 4).
- **Lack of Integrity:** Biel alleges that altering the ordinance to allow 3-day camping – without any input, consent, or testimony supporting that position – is a violation of the public process and public trust. (Complaint, pg. 4).
- **Erosion of Democratic Legitimacy:** Biel alleges that rewriting legislation behind closed doors contradicts the duty to act with openness, deliberation, and respect for citizen voices, including possible vote trading. (Complaint, pg. 4, 8).
- **Quid Pro Quo** – Biel alleges that it is publicly known or believed that [CM Navarette] was offered another position within the City administration under Mayor Brown, possibly in exchange or her vote on the Ordinance. (Complaint, pg. 8).

Biel cites to SMC 1.04B.050(A) – General Prohibition Against Conflicts of Interest, as authority in support of her allegations. SMC 1.04B.050(A) states in relevant part:

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.

SMC 1.04B.050(A).

As an initial matter, I find no evidence of an actual or implied conflict of interest as defined in SMC 1.04B.050(A) stemming from Biel's claims. I was unable to uncover any conspiracy, undue influence, or quid pro quo (this for that) promise in exchange for moving to amend and reconsider Ordinance C36679. I have not been presented with any evidence that Mayor Brown

⁷ Pursuant to SMC 01.04B.160(B), this investigation and findings are limited to the allegations and claims set forth in Biel's original Complaint.

⁸ Biel conceded that the only complaint against CM Klitzke is that she voted in favor of the Ordinance.

or council members acted outside of their authority during the Meeting. Plainly, the political process allows continued conversation to take place regarding legislation, and I can find no rule that prevented the communications or actions that occurred during the Meeting. However, I do recognize that there was a lack of communication from council members resulting in public confusion about what occurred with respect to the Ordinance during the Meeting, which created a sense of untrustworthiness thus prompting Biel's Complaint. Biel asked that the following topics be investigated, which I address in turn:

- a. The Mayor's communications with CM Navarette between the first and second votes.
- b. Any promised employment arrangements or job offers.
- c. The circumstances under which the vote was reopened and passed.
- d. And though not specifically listed, there is an ongoing allegation that CP Wilkerson falsely misrepresented the public record and did so to manipulate the vote's outcome.

Mayor Brown and CM Navarette did not communicate during the first and second votes.

I can find no evidence that Mayor Brown and CM Navarette spoke through any form of communication between the first and second votes on the Ordinance. Witness interviews corroborate my findings.

Mayor Brown Did Not Promise CM Navarette a job with the City of Spokane in Exchange for a Reconsideration Motion or Change of Vote on Ordinance C36679.

I can find no evidence to support the claim that Mayor Brown promised CM Navarette a position with the City of Spokane in exchange for bringing a Motion for Reconsideration or changing her vote on the Ordinance.

The timing of events is the strongest evidence in this case. The CHHS position opened on or around February 24, 2025. The position was vacant and was not created for any particular person. CM Navarette began her application process with the Civil Service Commission on or around February 25, 2025, well before the Ordinance was finalized and placed on the City Council agenda. She followed the process and was offered the job on or around May 21, 2025, accepting the position the same day. Plainly, CM Navarete was hired and accepted the position well in advance of the June 16, 2025, Council Meeting. It would be impossible for Mayor Brown to offer CM Navarette the CHHS position during the Meeting because CM Navarette had accepted the job well before.

In addition, this position is not a job within Mayor Brown's administration nor is it a position where she has any control or input over hiring. Instead, hiring the position is governed by the Civil Service Commission, which by design, neither the Mayor nor any member of City Council can influence the process. The process is confidential, and the steps must be followed. Furthermore, I can find no factual evidence that Mayor Brown or any member of the City Council had input in CM Navarette's hiring process. CM Navarette did not communicate with Mayor Brown before, during or after the Meeting about the Ordinance, and there is no evidence that those who did communicate with the Mayor after the initial vote and before the Motion for Reconsideration had any influence over the hiring of CM Navarette or that there was any

discussion about her position. The discussions taking place after the original vote were to explore compromise options.

The Civil Service was created by design to avoid the ability for City officials to assert influence in the hiring of city employees. According to Pearson, there is no way into the application process without passing a test and making it onto an eligibility list. Pearson confirmed that Mayor Brown cannot promise any applicant a job because of the independent process of the Civil Service. As set forth above, there is no opportunity for the Mayor or any member of City Council to participate, intervene, or assert any influence over the Civil Service hiring process that CM Navarette was subject to for her position within the City of Spokane.

The Rules Allowed CM Navarette to Move for Reconsideration of Ordinance C36679 during the June 16, 2025, Council Meeting.

The Spokane City Council Rules provide an avenue for Reconsideration. Specifically, the rules allowed CM Navarette to move for reconsideration of the Ordinance to amend the language from a 7-day provision to a 3-day provision.

The relevant rule on reconsideration, found in the City Council Rules, is Rule 2.19 - Reconsideration, which states in relevant part:

All legislative decisions of the city council, including consent items, ordinances, resolutions, veto overrides, and hearing items are final, except that a council member on the prevailing side of a vote or who had an excused absence during the vote may move for reconsideration of all legislative decisions, other than veto overrides and mayoral appointments, within 15 days of council consideration or prior to the mayor's action on an ordinance, whichever occurs first. Nothing in this rule shall be deemed to prevent any council member from otherwise submitting an ordinance or resolution to repeal or modify a prior city council action so long as such repeal or modification is added to the committee and council agenda as provided in these rules.

According to Wright, on matters where the council rules are unclear or silent, Council refers to Robert's Rules of Order (12th ed.), which contains a lengthy discussion on reconsideration, highlights of the basic provisions that govern the motion when made in our meetings is as follows:

37:1 Reconsider—a motion of American origin—enables a majority in an assembly, within a limited time and without notice, to bring back for further consideration a motion that has already been voted on. The purpose of reconsidering a vote is to permit correction of hasty, ill-advised, or erroneous action, or to take into account added information or a changed situation that has developed since the taking of the vote.

37:7 Third, if the motion to Reconsider is adopted, the effect is—to the extent practicable, and with certain exceptions—to place before the assembly again the question on which the vote has been reconsidered, in the exact position it occupied the moment

before it was voted on originally. The original vote is thus canceled, and, before any new vote on it is taken, the question is again open to debate, amendment, or any other action appropriate in the case. If, however, the motion to Reconsider is rejected, the vote which it proposed to reconsider, as well as any action held up because of the proposed reconsideration, goes back into effect, just as though the motion to Reconsider had never been made. The same result occurs if the motion to Reconsider is dropped without having been voted on at all. (See 37:11.)

37:8 To provide both usefulness and protection against abuse, the motion to Reconsider has the following unique characteristics, as more fully explained in 37:10:

- a. Except in committees, it can be made only by a member who voted on the prevailing side.

In this case, CM Navarette was able to make a Motion for Reconsideration because she was on the prevailing side of the original vote. No notice of the motion is required under the rules. The only restriction on the timing for bringing the motion is in Rule 2.19, indicating that it must be done within 15 days of council's consideration. There is nothing preventing a reconsideration motion from being made at the same council meeting where the original vote occurred. CM Navarette explained that she would agree to a compromise of a 3-day provision, and she wanted the legislation to pass before she left her council seat. There is no rule preventing council members from changing their minds about legislation, nor is there any restriction on the timing for changing one's mind. Though in hindsight the late hour of the reconsideration was unfortunate, I can find no conflict of interest or violation of any rule or law in CM Navarette bringing the motion that evening. Furthermore, there is no evidence that CM Navarette purposefully brought the motion after community members had left the meeting to circumvent the ability to comment on the amendment. She changed her mind and agreed to a compromise on a piece of legislation she wanted to see passed before she stepped down from her council seat, which she is allowed to do. In hindsight, CM Navarette had the opportunity to speak to those individuals at the meeting about her reasons to reconsider, though she choose not to – again, her right. Regardless, there was additional lengthy discussion on the amendment to the Ordinance including input from community members. Ultimately the vote was deferred 7-0 to be decided on at a later meeting, meaning Ordinance C36679 did not pass during the meeting.

There Was No Intentional Deception with Respect to CP Wilkerson's Comments on Ordinance C36679 during the June 16, 2025, Council Meeting.

Biel alleges that CP Wilkerson falsely misrepresented the public record and did so to manipulate the vote's outcome. She specifically alleges that CP Wilkerson said the public record supported a 3-day provision. I agree with Biel that there was not much support for a 3-day provision voiced during the Meeting. However, prior to the Meeting, CP Wilkerson was vocal that she would not support a 7-day provision in the Ordinance. She had participated in Roundtables aimed at garnering community input, which included much support of a 3-day provision. CP Wilkerson's comments during the reconsideration discussion that there was support for a 3-day provision were in response to public comments and opinion she obtained prior to the Meeting. Ultimately there was no final vote on the Ordinance so there could be no undue influence on a

vote that did not occur. I can find no intentional deception in CP Wilkerson's comments and nothing that gives rise to a conflict of interest.

CONCLUSION

Based on my investigation, I do not have reasonable cause to believe there was a conflict of interest that would qualify as a violation of the City of Spokane Code of Ethics Section 01.04B.050(A). It is my opinion that the actions and communications undertaken by Mayor Brown, CP Wilkerson, CM Dillon, CM Klitzke, CM Zappone, and CM Navarette on June 16, 2025, regarding Ordinance C36679 do not give rise to a violation of the City of Spokane Code of Ethics Section 1.04B.050(A) as alleged. Though the undesigned can appreciate the optics of how the June 16, 2025, meeting unfolded at such a late hour and without much explanation to the public, there is no evidence that any conflict of interest motivated the motion for reconsideration or amendment on the Ordinance. Furthermore, I was unable to uncover any act or communication that was not allowed by Council rules and/or procedures. The Ordinance was ultimately deferred by a 7-0 vote on June 16, 2025, with no decision made allowing additional discussions to take place on the matter. In all, I am unable to establish that any action or communication by Mayor Brown, CP Wilkerson, CM Dillon, CM Klitzke, CM Zappone, or CM Navarette on June 16, 2025 - June 17, 2025, equate to a conflict of interest in violation of Code of Ethics Section 1.04B.050(A).

Thank you for the opportunity to conduct this independent investigation. If you have questions, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Andrea Asan', with a stylized, cursive script.

Andrea Asan