

CITY OF SPOKANE ETHICS COMMISSION

Ethics Commission's Approval Decision Requested by the City's Engineering Services Director

On February 2, 2015, Kyle Twohig, the City of Spokane's Engineering Services Director, notified the City of Spokane's Ethics Commission pursuant to SMC 1.04.030 M. 3 of his request for the Commission's approval of a personal service contract for a former city employee who retired in the past twelve months. A copy of the letter is attached to this decision. SMC 1.04.030 M. 3. provides that whenever a City officer or employee wishes to contract with a former City officer or employee for expert or consultant services within one year of the latter's leaving City service, advance notice shall be given to and approval received from the ethics Commission.

The Ethics Commission met on February 25, 2015 to review Mr. Twohig's request. Pursuant to the facts set forth in Mr. Twohig's February 2, 2015 letter and the provisions of SMC 1.04.030 M. 3., the Ethics Commission determines that:

1. Appropriate notice has been given to the Ethics Commission,
2. There are no adverse effects to the City in granting approval, and
3. No violations of the Ethics Code would occur by approving the request.

The Ethics Commission approves the request by the Engineering Services Director for personal services contracts with a former city employee as set forth in the February 2, 2015 letter.

Troy Bruner - Chairperson

Date

Piccolo, Mike

From: Riedinger, Rebecca
Sent: Monday, February 02, 2015 11:10 AM
To: Troy & Susan Bruner
Cc: Isserlis, Nancy; Dalton, Pat; Piccolo, Mike
Subject: Requests for Advisory Opinion from Kyle Twohig.

Troy, please see below. Kyle Twohig is requesting an advisory opinion from the Ethics Commission in connection to the matter he sets forth in this note. He would like the meeting to be held as soon as possible, rather than waiting until the regular March meeting because, he would like very much to hire Mr. Nelson as soon as possible if the Commission approves of it. Please advise. Thank you. Becky

Rebecca,

Engineering Services is asking for consideration of a matter for the Ethics Committee with regard to SMC 1.04.030 and hiring a former City employee via personal services contract that has retired within the past 12 months.

Do to the need to hire additional consultants to manage the workload of the recently passed Street Levy, Engineering Services is in need of someone to help manage the consultant contracts on behalf of the City of Spokane. Engineering does not have capacity to design or manage the construction of additional projects that have been deemed critical to construct in 2015; these projects will be designed by consultants. A retired principal engineer, Gary Nelson, has been identified as the best candidate to perform the duties needed to manage these consultants. The services needed include submittal review, provide staff updates, review invoices for payment, keep consultant on schedule, review and approve change orders, and ensure that the plan set package prepared in accordance with City standards.

The duties described are not the primary role for a Principal Engineer. The Principal Engineer position leads all design teams that are producing plans, specification, and estimates for the capital improvement program. Consultant management is an occasional and minor duty assigned to some engineers at various levels, but rarely the principal engineer.

This is a major opportunity for the City of Spokane to both save a large sum of money, and also extend our capacity in order to meet the expectations communicated to the voters with regard to delivering the approved projects. We have someone available with pricing that is very competitive as compared to the open market. Best of all, the knowledge attained from delivering projects over the past many years will make him far more valuable than anyone we could hire from a consulting firm. Being able to rely on someone with City experience will alleviate a tremendous amount of oversight on the staff end, and ensure that someone is managing these consultant contracts with the City of Spokane's best interests in mind.

Engineering would appreciate this to be considered at the earliest time available of the committee.

Thank you,
Kyle

Rebecca Lynn Riedinger
Attorney Assistant
Office of the City Attorney
City of Spokane