

CITY OF SPOKANE ETHICS COMMISSION

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

On January 12, 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 1.04030 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 January 14, 2015 to review Mr. Twohig's request. Pursuant to the facts set forth in Mr. Twohig's January 12, 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 January 12, 2015 letter.

 2-27-15

Troy Bruner - Chairperson Date

Riedinger, Rebecca

From: Twohig, Kyle
Sent: Monday, January 12, 2015 2:23 PM
Riedinger, Rebecca
Subject: RE: Request for Advisory Opinion to Ethics Committee

Rebecca,

Here is a summary of the issue I would like to bring forward to the Ethics Committee. Can you please send me the time, date, and location for the meeting?

Engineering Services is asking to consider a violation to 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.

We have an opportunity to hire a recently retired Senior Engineer, Steve Hansen, from the City to help us manage consultant contracts that were recently added to the Engineering Services workload after the vote of the Street Levy. Engineering does not have capacity to design or manage the construction of two additional projects that have been deemed critical to construct in 2015. Engineering solicited local engineering firms via RFQ to provide these services on the upcoming Rowan and Indiana projects. However, there is also need for someone to manage these consultant contracts on behalf of the city. The services needed include submittal review, provide staff updates, review invoices for payment, keep consultant on schedule, review and approve change orders, insure punch list is in place and record drawings received and property formatted.

The duties described are not the primary role for the Senior Engineer. The Senior Engineer position leads a team of design technicians to produce plans, specification, and estimates for a variety of capital improvement projects. Consultant management is an occasional and minor duty assigned to some engineers at various levels. For reference, there are 3 design teams in Engineering, and there is often 1 project per year requiring consultant oversight.

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 first year of street levy projects. We have someone available that has proposed pricing that is very competitive when compared to the open market. Best of all, the knowledge attained from designing 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.

From: Riedinger, Rebecca
Sent: Wednesday, December 17, 2014 11:27 AM

To: Twohig, Kyle
Cc: Troy & Susan Bruner; Piccolo, Mike; Isserlis, Nancy; Dalton, Pat
Subject: Request for Advisory Opinion to Ethics Committee

Mr. Twohig, I contacted Troy Bruner, the Chair to the Ethics Committee, and he has added your request for an advisory opinion to the January Ethics Committee Meeting Agenda, so you are all set. However, the Committee is requesting that you submit your request in writing, stating all the circumstances and issues surrounding the matter you wish them to review. You would submit that letter to me and I will provide it to them after "officially" opening the matter.

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Here is the link to the Ethics Committee Policy and Procedural Manual, which sets forth the process that it follows.

<https://static.spokanecity.org/documents/bcc/committees/ethics-committee/ethics-committee-policy-andprocedural-manual.pdf>

As you will see, it has the following provisions:

Rule 2. Complaint Process

2.1 Filing of Complaints. Complaints shall be filed with the ethics committee or with the staff person assigned to assist the ethics committee within the time period set forth in SMC 1.04.100. Complaints must be written, signed under oath by the complainant and directed to the committee. The complaint shall set forth the facts which the complainant believes substantiate a violation of the Code of Ethics and which provisions of the code the complainant believes were violated. (or the request for advisory opinion) A copy of the complaint shall be provided by the committee staff liaison to the employee or official (hereinafter referred to as the respondent) identified in the complaint (or request for review) as having violated the code of ethics.

Within fourteen days of the filing of the complaint with the Committee, the Chairperson, or his or her designee, shall inform the complainant that the Committee has received the complaint and of any subsequent meeting. Within thirty days of the receipt of the complaint by the Committee, the Committee shall meet to determine whether the Committee has jurisdiction and whether additional investigation is necessary.

So, we did set the matter already, to accommodate your request, but we still need a written submission explaining what issues exactly you need reviewed. If you have any questions about that, please let me know. Otherwise, I will look forward to the receipt of your letter so that they committee can prepare to meet with you in January. Becky

Rebecca Lynn Riedinger
Attorney Assistant
Office of the City Attorney
City of Spokane
808 W. Spokane Falls Blvd., 5th Floor
Spokane, WA 99201-3326

T (509) 625-6229 F (509)
625-6277
rrjedinger@spokanecity.org

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Prepared in Anticipation of Litigation,

[Your cooperation is requested; no disclosure authorized without express consent of client(s) &
City Attorney.]

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