

APR 13 2020

CITY OF SPOKANE ETHICS COMMISSION

Office of the City Attorney

**Ethics Commission's Decision Approving Request by the
City Director of Engineer Services**

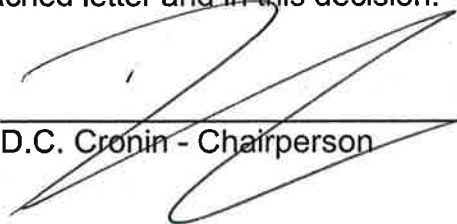
On March 2, 2020, Kyle Twohig, the City's Director of Engineering Services, notified the City of Spokane's Ethics Commission pursuant to SMC 1.04.030 O. 3 of his request for the Commission's approval of the City contracting with a former city employee for expert or consulting services. A copy of the letter is attached to this decision.

SMC 1.04.030 O. 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 officer or employee leaving City service, advance notice shall be given to and approval received from the Ethics Commission.

The Ethics Commission met on March 18, 2020 to review the request. Pursuant to the facts set forth in the letter from Mr. Twohig, the testimony presented to the Commission and the provisions of SMC 1.04.030 O. 3, the Ethics Commission determines that:

1. Appropriate notice has been given to the Ethics Commission.
2. The evidence submitted in the letter from Mr. Twohig demonstrates benefit to the City by having the former City employee, Kara Heatherly, work on the project identified in the letter as a consultant until City staff can develop the experience and expertise to perform the work.
3. The testimony demonstrates that there is no real or apparent conflict of interest between Ms. Heatherly's new employer and the consulting work she will be performing in regards to the City's online based software. Use of this commercial online based software by her employer and the City is of a different nature.
4. There are no adverse effects to the City in granting approval but there would be an adverse effect to the City if it were not able to utilize Ms. Heatherly's knowledge and experience in a consultant capacity.
5. No violations of the Ethics Code would occur by approving the request.

The Ethics Commission approves by a unanimous vote of seven to zero the request by the City's Director of Engineering Services for approval of the City contracting with Ms. Heatherly for expert or consulting services as set forth in the attached letter and in this decision.


D.C. Cronin - Chairperson
Date



DEPARTMENT OF
ENGINEERING SERVICES
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February 27, 2020

Dennis Cronin, Chair
Ethics Committee
City of Spokane
808 W. Spokane Falls Blvd.
Spokane, WA 99201

Re: Request for Decision from the City of Spokane Ethics Committee

Dear Mr. Cronin,

The City's Public Works division is seeking review and approval for consulting services with a soon-to-be former City employee within one year of leaving city service, as defined in the City's Code of Ethics section 01.04A.030.

Kara Heatherly has worked for the City of Spokane for nearly 8 years, most recently as a program professional in the Integrated Capital Management department. The body of work performed in this position also supports Engineering Services to aid in the delivery of the Capital Improvement Program. Her largest project, which she has been actively leading for 2.5 years, is related to the conversion of our program management system to an online based software called PMWeb. For professional reasons, Kara is leaving the City to advance her career with Avista Utilities and will be leaving her position with the City of Spokane. This will create a major loss in the institutional knowledge of this project from both the technical and operational sides.

She has been the City's lead on the operational side, software consultant management, staff and contractor training, report development, and technical troubleshooting on this highly complex system. The loss of her participation in this software rollout may very well set us back a year in progressing towards full utilization of the system. Kara's in-depth knowledge of both the nuances of our operations, technical knowledge of the software system, and understanding of the historical and future state of our development are the elements we want to continue to access over the next year.

Engineering Services has very recently hired a dedicated staff member to support this system who began working for the City on February 24, 2020. It is our intention to phase Kara's services out as this new staff member learns the operational and technical details of our project management practices and system integration. The new staff member will have

a very long learning curve due to the complexity of both the software system and our unique project management processes.


Currently, we are in a soft rollout phase, utilizing the new system on roughly 1/3 of the projects being delivered in 2020. This is a critical time as we are having to address bugs and issues in our system and its reporting functions while also bringing in a large number of new users to work within the software. This is a critical time to gain adoption at both the staff and contractor level in order to move forward with full utilization in 2021. Losing access to our primary SME on this major transition to full electronic program management will significantly set us back and we may have to abandon our current and planned efforts to have a soft rollout in 2020. Kara has worked diligently to gain the trust and understanding of our construction management staff that are having the most difficulty in converting to the system, and the team is considerably apprehensive moving forward without her.

Launch failure will have massive repercussions to the City's delivery of a \$75M capital program in 2020. The construction management team will be managing a huge project workload this season while in the process of learning to utilize this system. We believe it is in the best interest for the City to maintain access over the next year during this critical transition. In summary, we believe that retaining the services of Kara Heatherly in a consulting capacity will have the following benefits to the City of Spokane:

- Retaining 2.5 years of knowledge in the development and rollout of our new custom software
- Training of current staff, contractors, and our new hire on the system
- Continuity in the further development of the software system and rollout
- Allows the City to maintain momentum in the rollout and transition to a fully electronic program management system
- Allows the City to realize significant financial savings in staff time and outside consultant utilization by not losing major ground due to Kara's departure
- Helps ensure the successful delivery of the City's \$75 Million construction season for 2020.

Thank you very much for taking the time to consider this request. Please let me know if there is any other information that I can provide and I look forward to meeting with the commission at your next convenience.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Kyle Twohig', with a stylized, flowing script.

Kyle Twohig

Director of Engineering Services