

**City of Spokane
Ethics Commission Meeting
November 16, 2016**

MINUTES

THIS MEETING WAS AUDIO RECORDED AND IS AVAILABLE FOR REVIEW AT THE
OFFICE OF THE CITY ATTORNEY

Present:

Commission Members:

Troy Bruner, Chair
Levi Liljenquist, Member
Brian Steverson, Member
Dennis Cronin, Member

Counsel:

Mike Piccolo, Commission Counsel /City Attorney

Milt Rowland, Outside Counsel – (late arrival @4:30)

Courtney Conklin, (From James King's office/Attorney for Mayor Condon- but states she is not representing anyone there today, just present to observe events. Ms. Conklin advised that Mr. King will not be present at this meeting today.)

Elizabeth Schoedel from Legal Dept. present to answer questions regarding request to hire Rick Romero, a former city employee.

Applicant for Interview:

Sarah O'Hare

Joe Shogan, Complainant vs. Mayor Condon – Arrives after meeting has begun but prior to his matter.

Meeting

The first action item is to sign the minutes from the September 14, 2016 meeting which were approved at the prior meeting, but not actually signed. Minutes signed.

The second action item is to approve and sign the Minutes from the September 28, 2016 meeting. Levi moves to approve the minutes as is, and Brian seconds that motion. All approve. Minutes from 9/28 are approved and signed.

The third matter is the application for membership by Sarah O'Hare who would like to serve on the Ethics Commission. Troy notes the Commission does not have a list of formal questions, but the Commission would like to review her application with her, if she doesn't mind. Sarah briefly described her education and background. She has a Master's Degree in Ethics and finds very interesting the aspects and differences of business and governmental ethics. She states she is available to serve immediately and her appointment was approved unanimously.

The fourth agenda item is the matter of Theresa Sanders' November 9, 2016 written request seeking approval to contract to hire former City of Spokane employee, Rick Romero, who retired from the City on April 30, 2016. Elizabeth Schoedel explains that Mr. Romero is uniquely qualified to perform the services needed for the City's strategic planning and he has been volunteering for the City since his retirement. She states he has the energy and background to accomplish the work needed to be completed.

Dennis Cronin inquires why Mr. Romero is now deciding to stop volunteering for the City and is seeking reemployment with the City instead, since he had retired. Ms. Schoedel says obviously it is partly his business venture, but adds Rick Romero has a unique skill set and has relationships within the City and outside the City that would be helpful in this project. The project involves a clean water plan and he was the director of Utilities at one time.

Dennis states he is wondering about the process. The code states that a person cannot be rehired as a contract employee within one year of terminating their employment, asking, "Doesn't this look a little "in-house" to you? He is concerned about the appearance of it.

Brian states that, while Ms. Schoedel had referenced that Mr. Romero has a specific skill set to do this work, he had been the utility director which is "totally different", so he shares Dennis' concerns".

Mike Piccolo states the City Council has not approved – and the Commission is not required to determine the skill set of the job.

Brian states he has ethical concerns. Troy states Rick would be rehired for his professional services, and would have a business license to perform the work. He would not be a city employee, but contracted for the work. Ms. Schoedel states there is no conflict of interest with his city activities.

Troy states there is a lot of merit to Dennis and Brian's questions and concerns.

Dennis moves to deny the approval. Brian seconds that motion.

Troy asks Levi, what are your thoughts about it Levi?

Levi questions if it would be like the work Romero had been doing before he quit. Ms. Schoedel states the strategic plan looks at the entire city as a whole, rather than specifically the public works arena. Levi asks Dennis if he could explain more his position. Dennis responded that we have a former city employee who, as a presumption, should not be contracted by the City for one year. There has been no advertising for the position to offer it to any others. Look at it from the outside, why do they have the one year rule, if it is not to be followed. Another layer to it is that it's not even his same skill set of work.

Brian adds that with the other request they had like this before, the person had a very specific skill set. This is not the same. Dennis states he would ask for a vote.

The vote resulted in 3-1 opposed to the approval for the contracting with Mr. Romero. Brian Steverson - Dennis Cronin - Troy Bruner -all opposing. Levi Liljenquist voted to approve. Request for approval to contract with Mr. Romero is denied.

The next matter is the Joe Shogan complaint against Mayor Condon. Mr. Shogan has now appeared. Milt suggests we continue the jurisdictional hearing to address the additional pleadings. Troy points out Mr. Shogan alleges jurisdiction was already decided and accepted by the Commission prior to his withdrawing his complaint without prejudice, allowing him to refile the complaint – with jurisdiction previously determined and approved.

Milt agrees the complaint seems to have jurisdiction before the Commission, but many months have passed. They may decide differently now. Brian states he would suggest they delay the jurisdiction issue and so moves. Dennis seconds that motion. He would like to know more / remember better how the matter was withdrawn. Dennis states he would like to look at jurisdiction and Troy states he would like to as well. Brian states, he would like to review the matter and not just in terms of jurisdiction. Dennis seconds motion to delay jurisdictional hearing. Milt states there is nothing to be lost by determining jurisdiction and then seeing where they should go next.

Brian states he has no note that there was a specific vote where jurisdiction was established. That meeting had been recorded and he would like a transcript of the proceedings. Troy and Dennis agree it would be nice to review what happened at the meeting where Shogan withdrew his complaint, without prejudice.

Dennis moves to continue and would like to look at least at the prior minutes. He would move we table the discussion of jurisdiction. Brian seconds that motion. All approve. Motion for Continuance approved.

The next meeting will be held December 21, 2016. Regarding Sarah's appointment, it would be filling Tyler's position. Mike states he believes it would be okay to appoint her now. Meeting adjourned.

Reviewed and approved:

Dated this 21st day of December, 2016.


Troy Bruner, Chair
City of Spokane Ethics Commission