# Spokane County Resolution Cover Sheet

This form must accompany each resolution filed with Spokane County Elections. The contact person or persons should have the authority to do so and be available to answer questions.

<table>
<thead>
<tr>
<th>Name of District:</th>
<th>City of Spokane</th>
</tr>
</thead>
<tbody>
<tr>
<td>District Address:</td>
<td>808 W. Spokane Falls Blvd., Spokane, WA 99201</td>
</tr>
<tr>
<td>Date of Election:</td>
<td>November 8, 2022</td>
</tr>
<tr>
<td>Contact Person:</td>
<td>Terri Pfister</td>
</tr>
<tr>
<td>Contact Phone:</td>
<td>(509) 625-6354</td>
</tr>
<tr>
<td>Contact Email:</td>
<td><a href="mailto:tpfister@spokanecity.org">tpfister@spokanecity.org</a></td>
</tr>
<tr>
<td>2(^{nd}) Contact Person:</td>
<td>Laurie Farnsworth</td>
</tr>
<tr>
<td>2(^{nd}) Contact Phone:</td>
<td>(509) 625-6319</td>
</tr>
<tr>
<td>2(^{nd}) Contact Email:</td>
<td><a href="mailto:lfarnsworth@spokanecity.org">lfarnsworth@spokanecity.org</a></td>
</tr>
</tbody>
</table>

Attorney for District:
Lynden Smithson, Interim City Attorney / Mike Piccolo, Asst. City Attorney
(509) 625-6225 / 625-6237
Attorney Email Address:
ismithson@spokanecity.org / mpiccolo@spokanecity.org

Type of Election (levy, bond, lid lift, etc.): Charter Amendment

Please state the pass/fail requirement for this measure (i.e. simple majority, 60%, etc.) as determined by your legal counsel, together with applicable statutory references: by a majority of the electorate of the City - Section 125 of the City Charter of the City of Spokane

Signature: [Signature]
Date: 8/2/2022

This form may be filled out and printed.

This mandatory resolution cover sheet must accompany any resolution.
Agenda Wording
Resolution requesting the County Auditor to hold a special election on Nov. 8, 2022 concerning amendments to the City Charter concerning the appointment and duties of the City Attorney.

Summary (Background)
This resolution requests that the County Auditor set a special election for Nov. 8, 2022, at which the voters would consider making changes to the City Charter concerning the method of appointing the City Attorney, the duties of the City Attorney, and creating the ability of the Mayor and the City Council to appoint special counsel as needed.
RESOLUTION NO. 2022-0069

A RESOLUTION REQUESTING THE SPOKANE COUNTY AUDITOR TO HOLD A SPECIAL ELECTION ON NOVEMBER 8, 2022, TO SUBMIT TO THE ELECTORS OF THE CITY OF SPOKANE A PROPOSITION REGARDING AMENDMENTS TO SECTIONS 24, 28, 29 AND 33 AND REPEAL SECTION 32 OF THE SPOKANE CITY CHARTER RELATING TO THE APPOINTMENT, DUTIES AND POWERS OF THE CITY ATTORNEY AND OTHER LEGAL COUNSEL

WHEREAS, pursuant to Section 84 of the City Charter, the City Council, of its own motion, may submit to popular vote for adoption or rejection at any election, any proposed ordinance or measure, in the same manner and with the same force and effect as provided in the article for submission on petition; and

WHEREAS, pursuant to Section 125 of the City Charter, the City Council, of its own motion, may submit to popular vote for adoption or rejection at any election, proposed amendments to the City Charter; and

WHEREAS, RCW 29A.04.321(3) requires the City to present a resolution calling for a special election on the date of the general election to the Spokane County Auditor no later than the date of the primary election, which in 2022 falls on Tuesday, August 2, 2022.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Spokane, pursuant to Sections 84 and 125 of the City Charter, that:

1) the Spokane County Auditor is hereby requested pursuant to RCW 29A.04.321(3) to call a special municipal election to be held on November 8, 2022, for the purpose of submitting to the electors of the City of Spokane for their approval or rejection the following proposition:

CITY OF SPOKANE

PROPOSITION NO. 1

Amendment to the City Charter Regarding the City Attorney

This proposition will amend sections 24, 28, 29, and 33 and repeal section 32 of the Spokane City Charter to amend the requirements and process for the appointment, duties, and powers of the City Attorney and other legal counsel, as set forth in Ordinance C-36244.

As substituted on 7/25/2022
Shall this measure be enacted into law?

Yes ........................................................................................................... □

No .......................................................................................................... □

2) the City Clerk is directed to deliver a certified copy of this resolution to the Spokane County Auditor no later than August 2, 2022.

Adopted July 25, 2022.

City Clerk

Approved as to form:

Michael J. Piccolo
Assistant City Attorney

I HEREBY CERTIFY THIS IS A TRUE AND ACCURATE COPY OF THE ORIGINAL WHICH IS ON FILE IN THE OFFICE OF THE CITY CLERK

CITY CLERK

SEAL: CITY OF SPOKANE

COUNTY OF SPOKANE

STATE OF WA

DATE

As substituted on 7/25/2022
For/Against Committee Member Appointment Form

Name of District: City of Spokane
District Contact Name: Terri Pfister
Email Address: tpfister@spokanecity.org Phone: 509-625-6354

Jurisdiction's responsibility:

1. Email completed form to pamphlet@spokanecounty.org by the resolution submittal deadline.
2. Provide committee members with statement submission requirements and deadlines. Committees are solely responsible for submitting voters' pamphlet statements to the Elections Division.

Deadlines are on page 13 of these administrative rules. Questions? Contact the Elections Office at pamphlet@spokanecounty.org or call 509.477.2320.

Information for inclusion in voters' pamphlet:

“For” Committee (1-3 members):

Committee Name: Committee For Proposition 1 - City Attorney
Phone: __________________________ Email: __________________________ Web:

Committee Member #1: Karen Lindholdt Email: karenlindholdt@gmail.com
Committee Member #2: Rick Eichstaedt Email: riverlawyer@gmail.com
Committee Member #3: Breean Beggs Email: breeanlbeggs@gmail.com

“Against” Committee (1-3 members):

Committee Name: Committee Against Proposition 1 - City Attorney
Phone: __________________________ Email: __________________________ Web:

Committee Member #1: Jonathan Bingle Email: JonathanBingle@BingleEnterprises.com
Committee Member #2: Bill Hyslop Email: bill.hyslop@comcast.net
Committee Member #3: Jim McDevitt Email: skywagon260@gmail.com
RESOLUTION NO. 2022-0072

A resolution regarding the appointment of for and against committee members relating to the ballot measure on the November 8, 2022, general election regarding a proposition regarding amendments to sections 24, 28, 29 and 33 and repeal of section 32 of the Spokane City Charter relating to the appointment, duties and powers of the city attorney and other legal counsel, and approving the explanatory statement prepared by the City Attorney.

WHEREAS, the City Council approved Resolution No. 2022-0069 on July 25, 2022, requesting the Spokane County Auditor to hold a special election on November 8, 2022, for the City to submit to the voters a proposition regarding amendments to sections 24, 28, 29 and 33 and repeal of section 32 of the Spokane City Charter relating to the appointment, duties and powers of the city attorney and other legal counsel; and

WHEREAS, pursuant to the Spokane County Local Voters' Pamphlet – Administrative Rules for Jurisdictions, adopted pursuant to RCW 29A.32.230, the City is required to appoint committees "For" and "Against" the City Attorney proposition, to provide an explanatory statement of the ballot measure prepared by the City Attorney and to submit the committee appointments and explanatory statement to the Spokane County Elections Department by August 2, 2022; and

NOW, THEREFORE, BE IT RESOLVED that the City Council appoints the following members to the "For" and "Against" committees to prepare arguments in favor of and in opposition to the ballot proposition as well as rebuttal statements, consistent with the Spokane County Local Voters' Pamphlet Administrative Rules. The For/Against Committee Membership Appointment Form as provided for by the Spokane County Elections Department shall be attached to this resolution.

BE IT FURTHER RESOLVED that the City Council approves the explanatory statement provided below as prepared by the City Attorney to be forwarded to the Spokane County Elections Department for inclusion in the local voters' pamphlet.

BE IT FURTHER RESOLVED that the City Clerk is directed to deliver a certified copy of this resolution to the Spokane County Auditor no later than August 2, 2022.

City Attorney Proposition For Committee:

1. Karen Lindholdt
2. Rick Eichstaedt
3. Breean Beggs
City Attorney Proposition Against Committee:

1. Jonathan Bingle
2. Bill Hyslop
3. Jim McDevitt

Explanatory Statement for City of Spokane Proposition No. 1,
Amendment to the City Charter Regarding the City Attorney

Proposition No. 1 submits to the voters a ballot measure to amend the requirements and process set out in the Spokane City Charter regarding the appointment, duties, and power of the City Attorney and other legal counsel, as set forth in Ordinance C-36244.

The City Charter would be amended to provide that the City Council would appoint the City Attorney, upon agreement of the Mayor, to a seven-year term and could remove the City Attorney, with agreement of the Mayor, prior to the expiration of the seven-year term only for just cause by a vote of a majority plus one of the City Council. The proposition sets forth the duties of the City Attorney, including commencement and settlement of significant litigation upon the prior approval of the City Council and the Mayor. The proposition further provides the ability of the Mayor and City Council to separately employ special legal counsel independent of the City Attorney to advise and represent the Mayor and City Council in matters related to their respective official capacity or interest.

ADOPTED by the City Council August 1, 2022.

Approved as to form:

Michael J. Piccolo
Assistant City Attorney
Agenda Sheet for City Council Meeting of: 7/25/2022

<table>
<thead>
<tr>
<th>Submitting Dept</th>
<th>CITY COUNCIL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contact Name/Phone</td>
<td>BREEAN BEGGS 625-6254</td>
</tr>
<tr>
<td>Contact E-Mail</td>
<td><a href="mailto:BBEGGS@SPOKANE.CITY.ORG">BBEGGS@SPOKANE.CITY.ORG</a></td>
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<tr>
<td>Agenda Item Type</td>
<td>First Reading Ordinance</td>
</tr>
<tr>
<td>Agenda Item Name</td>
<td>0320 — ORDINANCE AMENDING CITY CHARTER REGARDING CITY ATTORNEY</td>
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**Agenda Wording**

Submitting a ballot proposition to the voters of the City of Spokane amending the duties of, and the process for the appointment and removal of, an Independent City Attorney and other legal counsel by amending sections 24, 28, 29, 33, and 117, and repealing section 32 of the Spokane City Charter.

**Summary (Background)**

This ordinance is related to a resolution that requests the County Auditor set a special election for Nov. 8, 2022, at which the voters would consider making changes to the City Charter concerning the method of appointing the City Attorney, the duties of the City Attorney, and creating the ability of the Mayor and the City Council to appoint special counsel as needed.

**Fiscal Impact**

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**Budget Account**

**Council Notifications**

<table>
<thead>
<tr>
<th>Division</th>
<th>ALLERS, HANNAHLEE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Study Session/Other</td>
<td>FA Comm., 6/27/2022</td>
</tr>
<tr>
<td>Council Sponsor</td>
<td>CP Beggs, CM Wilkerson</td>
</tr>
<tr>
<td>Distribution List</td>
<td>M. Piccolo</td>
</tr>
</tbody>
</table>

**PASSED BY**

**SPokane City Council:**

7/25/2022

**First Reading of the above ordinance held on:**

7/25/2022

**City Clerk**

AND FURTHER ACTION WAS DEFERRED

CITY CLERK
ORDINANCE NO. C - 36244

An ordinance submitting a ballot proposition to the voters of the City of Spokane amending the duties of, and the process for the appointment and removal of, an Independent City Attorney and other legal counsel by amending sections 24, 28, 29, 33, and 117, and repealing section 32 of the Spokane City Charter.

WHEREAS, pursuant to Section 125 of the City Charter, the City Council, of its own motion, may submit to popular vote for adoption or rejection at any election, proposed amendments to the City Charter; and

WHEREAS, in 1999, Spokane voters changed the City’s form of government from the council-manager form to the mayor-council (so-called “strong mayor”) form of government; and

WHEREAS, when that change occurred, the city charter’s provisions concerning the City Attorney and other legal counsel were not updated to implement the change in government structure; and

WHEREAS, under the current city charter, the Mayor nominates and the City Council appoints the City Attorney, but the City Attorney can be fired by the Mayor alone for any reason or for no reason at all; and

WHEREAS, as a result, although the City Charter requires that the City Attorney act as the legal advisor to both the City Council and the Mayor, in practical terms the City Attorney is not structurally independent under the current form of government; and

WHEREAS, the initiation and settlement of litigation can have a large impact on the City’s budget, which is the paramount area of the City Council’s responsibility, yet the City Council does not currently have the authority to approve the initiation or settlement of litigation; and

WHEREAS, from time to time, the City Council and the Mayor may each require their own independent counsel to advise them on various matters which may not be held in common with the other branch of City government; and

WHEREAS, the City Council desires to seek approval from the voters of Spokane to amend the City Charter to ensure that the City Attorney is functionally and structurally accountable to both the Mayor and the City Council and to more fully implement the duties of the City Attorney under the City Charter within the Mayor-Council form of government by having greater independence.
NOW THEREFORE, the City of Spokane does ordain:

Section 1. That section 24 of the Spokane City Charter is amended to read as follows:

Section 24: Mayor

The mayor shall be the executive officer of the City. In addition to the powers and duties granted a chief executive and/or administrative officer under the law of the State of Washington, the mayor shall have the following powers and duties:

A. The power to appoint and remove the administrative heads and assistant administrative heads in each department of the City government, provided the appointment of an administrative head shall be subject to the approval of the city council and, further provided, that the head or assistant head of any department shall not be deprived by any such removal of any standing under the civil service provisions of this Charter which the employee may have had before appointment as head or assistant head of a department.

B. The power to appoint and remove a city clerk, provided such appointment shall be subject to the approval of the city council.

C. The power to appoint and remove the city attorney, provided such appointment and removal shall be subject to the approval of the city council as described in Section 28.

D. The power to appoint and remove, subject to the civil service provisions of this Charter, all other officers and employees of the City of Spokane or to authorize the head of a department or officer responsible to the mayor to appoint and remove subordinates in such department or office.

E. The power to make all other appointments required to be made by the mayor by the laws of the State of Washington and in the manner provided thereby.

F. The power to appoint and remove a chief administrative officer whose title may be determined by the mayor. The chief administrative officer shall, under general supervision of the mayor, assist the mayor in administering City government. The salary of the chief administrative officer shall be fixed in the discretion of the mayor, subject to the approval of the city council.

G. The power to appoint and remove an executive secretary and assistants not subject to civil service, whose compensation shall be fixed by the city council.

H. Whenever the city council shall be required to appoint any member of a board, commission, or other body, unless the appointee is a council member, it shall be the duty of the mayor to nominate a suitable person for such appointment. If the
city council refuses to appoint any nominee of the mayor, then the mayor shall, within ninety days thereafter, nominate another person to fill the office, and may continue to nominate until appointment. If the mayor fails to make another such nomination within ninety days, then the city council shall select a suitable person to fill the office.

I. The power to initiate the removal of a council appointee, other than a council member appointee to a committee of the council, by recommending such removal to the city council. The council shall consider the request. If a majority of the council is in favor, the appointee shall be removed. Upon such removal, the vacancy for the unexpired term, if any, shall be filled by appointment in the same manner as if at the beginning of the term, except as otherwise provided in this Charter.

J. The duty to see that all laws and ordinances are faithfully enforced and that law and order are maintained in the City.

K. The duty of the mayor annually at the second meeting of the city council in October to communicate by message to the city council a statement of the conditions and affairs of the City, and to recommend the adoption of such measures he or she may deem expedient and proper. The mayor shall make special communication to the city council from time to time as he or she may deem useful and proper, and shall submit reports on City matters when so requested by the city council.

L. The duty to prepare and present to the city council a budget and a budget message setting forth the programs proposed for the City during the next fiscal year.

M. The power to recommend to the city council for adoption such measures and ordinances as may be deemed expedient and to make such other recommendations to the city council concerning the affairs of the City as may seem desirable.

N. The power to veto ordinances or parts of ordinances passed by the council and submitted to him or her as provided herein but such veto may be overridden by the vote of a majority of all council members plus one more vote.

O. The power to make investigation into the affairs of the City.

P. The power to make recommendations in connection with the awarding of public contracts and shall see that all contracts made by the City of Spokane are faithfully performed.

Q. The duty to hold no employment other than that of the City.

As substituted on 7/25/2022
R. The duty to approve for payment and submit to the city council at each meeting for its allowance all claims and bills.

Section 2. That section 28 of the Spokane City Charter is amended to read as follows:

Section 28: **Independent City Attorney – Qualifications, Appointment, and Removal**

A. The city attorney shall be a member of the Bar of the State of Washington, and shall have practiced law within the State of Washington not less than five years immediately preceding (his or her) their appointment.

B. The city council shall appoint the city attorney by resolution upon the agreement of the mayor for a term of seven years, which term may be renewed for a single additional seven-year term by resolution of the city council after there is an opportunity for input from the mayor and the public. This subsection B shall apply only to appointments to the position of city attorney after the effective date of this section.

C. The city council, with the agreement of the mayor, may remove the city attorney prior to the expiration of a term only for just cause shown by passage of a resolution by a vote of a majority plus one of the city council. This subsection C shall apply only to appointments to the position of city attorney after the effective date of this section.

Section 3. That section 29 of the Spokane City Charter is amended to read as follows:

Section 29: **Independent City Attorney – Duties**

A. The city attorney shall (be the) provide legal (advice) to the mayor, city council, and all departments of the City (officers); shall conduct all cases in court and all other actions and proceedings not in charge of special or independent counsel, to which the City may be a party or in which it may be interested; shall provide legal advice to all boards, commissions, and other agencies of the City; shall issue written legal opinions upon the request of the mayor, city administrator, board or commission, or member of the city council; shall approve as to form all contracts entered into in the name of the City before the same are executed; and shall perform such other duties as may be required by the city council. The city attorney shall keep a docket and record of all cases and of the proceedings therein, shall keep copies of all official written communications, and shall deliver the same to any successor in office.
B. The city attorney may commence significant civil litigation on behalf of the City only upon the prior approval by the city council and the mayor, and shall not settle or dismiss any significant civil litigation brought on behalf of the City nor settle any such civil litigation brought against the City unless receiving prior authorization to do so by the city council and the mayor. The city attorney, through the city prosecutor, shall be responsible for all prosecution originating in the City of Spokane Municipal Court. The City Council shall establish, by ordinance, implementing regulations concerning the method of approval, and the types of cases and amounts in controversy to which this section applies.

C. The city attorney shall have the power to appoint, remove, and discipline all assistant city attorneys, including the city prosecutor and assistant city prosecutors. The city attorney shall also have the power to appoint, remove, and discipline all other employees and subordinates in their office subject at all times to the requirements of Article VI of this charter, pertaining to the civil service.

Section 4. That section 32 of the Spokane City Charter (City Attorney – Assistants) is repealed in its entirety.

Section 5. That section 33 of the Spokane City Charter is amended to read as follows:

Section 33: Special and Independent Counsel

A. The mayor, at any time, at the mayor's sole discretion and upon written notice to the city council, may employ (other or) special counsel to take charge of special matters or to assist the city attorney.

B. The mayor, at any time, at the mayor's sole discretion and upon written notice to the city council, may employ legal counsel independent of the city attorney to advise the mayor in the performance of the mayor's official duties, and to represent the mayor in their official capacity in matters in which the mayor may be a party or in matters in which he or she may be interested, provided that, the duties of such independent counsel shall not conflict with or supersede the duties of the city attorney as set forth in section 29 of this charter.

C. The city council, at any time, at its sole discretion, and upon written notice to the mayor and city attorney, may employ legal counsel independent of the city attorney to advise the city council and the members thereof in the performance of their official duties, and to represent the city council and the members thereof in their official capacities in matters to which the City Council or the members thereof may be a party(ies) or in which it or they may be interested, provided that, the duties of such independent counsel shall not conflict with or supersede the duties of the city attorney as set forth in section 29 of this charter.
Section 6. That section 117 of the Spokane City Charter is amended to read as follows:

Section 117: Power to Subpoena Witnesses

The council and the city attorney shall each have the power to enforce the attendance of witnesses and the production of all books, papers, documents, and files, and to administer oaths in all matters relating to the administration of City affairs or business.

Section 7. This ordinance shall be submitted to the voters of the City of Spokane for their approval or rejection at the special election to be held on November 8, 2022 in conjunction with the scheduled primary election, as the following proposition:

CITY OF SPOKANE

PROPOSITION NO 1.

Amendment to the City Charter Regarding the City Attorney

This proposition will amend sections 24, 28, 29, and 33 and repeal section 32 of the Spokane City Charter to amend the requirements and process for the appointment, duties, and powers of the City Attorney and other legal counsel, as set forth in Ordinance C - 36244.

Shall this measure be enacted into law?

Yes ................................................................. ☐

No ................................................................. ☐

Section 8. Effective Date.

This ordinance, if approved by the voters at the special election to be held on Tuesday, November 8, 2022, shall take effect and shall be in full force upon the issuance of the certification of election by the Spokane County Auditor’s Office.
PASSED by the City Council on July 25, 2022.

Council President

Attest: ____________________________________________

City Clerk

Approved as to form:

Assistant City Attorney

Mayor

Date

Effective Date

As substituted on 7/25/2022