

23 October, 2015

Mr. Troy Bruner, Chair
City of Spokane Ethics Committee

Re; Statement asserting lack of jurisdiction in the case of Ethics complaint against Councilman Mike Fagan.

Mr. Bruner,

I respectfully request that the Spokane Ethics commission dismiss a complaint against me as filed by CM Jon Snyder due to lack of jurisdiction.

CM Snyder alleges that during an interview I participated in with an Inlander reporter, that I unlawfully disclosed information which is protected by an attorney/client privilege. I maintain that the "contents and conclusion" of this memo being discussed in an open session of the legislative meeting of the Spokane City Council the day prior to the interview constituted an "implied waiver" to the attorney/client privilege, therefore the privilege was not in effect at the time of my interview.

At my own expense, I arranged to procure a written transcript of the aforementioned meeting where the "contents and conclusions" of the subject memo were discussed. The issue described in the subject memo is entitled; *"Does adding additional information to an initiative petition sheet beyond the mandatory requirements violate the Spokane Municipal Code, and if so, what options are available to the City Council."*

To support my assertion that there was an "implied waiver" due to the "contents and conclusion" being discussed, I would direct your attention to the video record of the meeting, and the aforementioned meeting transcript.

The discussion regarding the "contents and conclusion" of the memo begin on page 2, line 12 and all councilmembers present during that meeting were engaged in that discussion except me. *Please note that on page 8, line 19 CM Snyder acknowledges the "memo", and then on page 17, line 12 CM Mumm thanks Mr. Piccolo for the "memo".* My involvement in any discussion which took place during that meeting, pertained to directly making a motion to send a petition to the auditor for signature verification.

See attached meeting transcript.

The Washington State Associations of Municipal Attorneys (WSAMA) and the Municipal Research and Services Center (MRSC), commonly refer to a booklet published in 2010 entitled; Public Law Ethics Primer authored by Mr. Earl Warren

Contained in that booklet regarding "waivers", section C 1 general rule is very clear; *"The privilege with respect to communications between a client and an attorney is the privilege of the client alone, and it may be waived by the client testifying or otherwise alluding to the substance*

or content of the communication.” Hunt v. Blackburn, 128 U.S. 464, 9 S. Ct. 125, 32 L. Ed. 488 (1888), cited in Malco manufacturing Company v. Elco corporation, 307 F. Supp. 1177, 1178 (E.D. Pa. 1969); Eastern Technologies Inc. v. Chem-Solv Inc., 128 F.R.D. 74, 76 (E.D. Pa 1989).

In addition, the Washington State Supreme Court in Pappas v. Holloway, 114 Wn.2d 198 (1990), found that there is an implied waiver of the attorney-client privilege when; *“There is an affirmative act, such as filing a suit or testifying on the subject”*.

And finally, at the end of the advanced agenda briefing of the Spokane City Council meeting of 14 September, 2015. CM Allen sent an email to Mr. McClatchey and Mr. Piccolo asking; *“if a confidential memo is mentioned in public session, the document can then be accessed via a PRR?”*

Approx. 11 minutes later, Mr. Piccolo responded to CM Allen with; *“I do believe simply referencing the existence of a confidential document makes it a public records. The further one goes in publicly referencing a confidential document as the basis and reason for your decision the more likely the document would be a public records or at least subject to a public records request.”* See attached email dtd; 14 Sept. 2015

Mr. Piccolo had served as the City Council legal advisor for 3 years during my term, and has periodically given the council information and education regarding matters such as these. This is part of the basis in my belief that I did not violate the ethics code. If Mr. Piccolo is of this belief also as indicated in the above email excerpt, that would explain the reason why he did not stop the council meeting of 13 July, 2015 to remind the council of the existence of the subject memo, nor did he stop the meeting to ask for an executive session. He instead continued to have a two way dialog with council members regarding the “contents and conclusion” of the subject memo.

Based upon the information that I have provided, I believe that I have not committed the alleged breach of confidentiality and would greatly appreciate your consideration in dismissing this complaint due to lack of jurisdiction.

Regards,

A handwritten signature in black ink, appearing to read 'Mike Fagan', with a long, sweeping horizontal line extending to the right.

Mike Fagan, Councilman
Spokane City Council

EXCERPTS OF SPOKANE CITY COUNCIL LEGISLATIVE
MEETING OF MONDAY, JULY 13, 2015

VIDEO TAPE TIMES TRANSCRIBED:

1 hour 14:20 to 1 hour 26:10

3 hours 42:52 to 3 hours 48:15

IN ATTENDANCE:

City Council President:

Ben Stuckart

Council Members:

Mike Fagan

Candace Mumm

Jon Snyder

Karen Stratton

City Clerk:

Terri Pfister

Assistant City Attorney:

Mike Piccolo

Council's Policy Advisory:

Brian McClatchey

ORIGINAL

1 MR. STUCKART: And we have one hearing
2 tonight. Can you read the hearing?

3 MS. PFISTER: H1A, hearing on proposed
4 initiative number 2015-1, petitions filed on behalf of
5 Jackie Murray, sponsor relating to immigration status
6 information. H1B, first reading, ordinance C35281
7 relating to immigration status information amending
8 Spokane Municipal Code Section 3.10.040 repealing
9 Spokane Municipal Code Section 3.10.050 and adopting a
10 new Section 3.10.060 to Chapter 310 of the Spokane
11 Municipal Code.

12 MR. STUCKART: Before we open the hearing up
13 to public testimony is Mr. Piccolo here?

14 I have I think about 13 or 14 questions. I
15 want to go over what the options are and some things I
16 see the specific. So because you're my initiative
17 expert and we've been working together for four years I
18 appreciate you being here tonight, but I have some
19 specific questions about this initiative because I want
20 to get to the point where I ask what our options are
21 tonight, but I want to go over some stuff before we
22 take testimony.

23 So given the federal law upheld by the
24 Supreme Court in the USA versus Arizona case in 2014,
25 completely occupies the field of immigration, what

1 impact would repeal of the existing ordinance have in
2 terms of the federal enforcement of immigration law?

3 MR. PICCOLO: Unfortunately I don't think I
4 can give you a very good answer to a very complex
5 question. This is unfortunately the first time you've
6 addressed that question with me, and frankly I don't
7 think I could give you a very--because it's a very
8 complex question. I would need time to obviously
9 prepare an answer.

10 MR. STUCKART: Well, so when--well, let's
11 not go to the federal preemption issue then. Let's
12 talk about our charter because the initiative says that
13 any time we change immigration policy it would have to
14 then go to charter.

15 And my question is, does the initiative
16 violate the charter by requiring that an automatic
17 referendum each time any change is made to the city's
18 posture for its federal immigration enforcement without
19 requiring petitions or a sufficient number of
20 signatures?

21 Because it seems like part of this
22 initiative says that if we were to change any
23 immigration policy ever it would just immediately have
24 to go to the citizens, which violates--that would make
25 the SMC in conflict in my opinion with the charter.

1 MR. PICCOLO: I believe the initiative
2 requires any change to be approved by the City Council
3 and then a vote of the citizens, not a charter, not a
4 charter change.

5 MR. STUCKART: No, but it requires a
6 referendum by the people without signature. That seems
7 to say that any time a referendum goes to the people
8 under the charter it says they have to collect
9 signatures. This would override that charter
10 requirement it seems and just go straight to referendum
11 of the people any time we made a change.

12 MR. PICCOLO: Well, that certainly would
13 raise a question about the charter form of government
14 where the City Council is the legislative body and can
15 pass legislation. It would seem to--

16 MR. STUCKART: Right. But then it has to go
17 to an automatic referendum under this initiative it
18 seems.

19 MR. PICCOLO: Right. It would raise a
20 question in the city charter whether or not it's
21 violating the charter provision granting the
22 legislative authority to the City Council.

23 MR. STUCKART: Okay. So then, Adam, can you
24 turn this over or turn it to this legislative history?

25 And is there a way to blow that up?

1 This legislative history, when the people
2 went and collected signatures and they bring it to you,
3 the language of the initiative, correct?

4 MR. PICCOLO: Well, the process is for the
5 sponsors to file their proposed initiative with the
6 City Attorney's Office first. Our office will draft
7 the ballot title and the summary of the measure, format
8 the entire proposal to meet the city charter
9 provision--the SMC format, and to make other editing
10 changes which we present to the sponsor.

11 We do all this in consultation with the
12 sponsor, but the--

13 MR. STUCKART: Is there any language in the
14 SMC about adding things after you have approved
15 language? Because I'm assuming the biased language in
16 the legislative history, which we can clearly say is
17 biased, it has nothing to do with the initiative, was
18 not approved by you or Ms. Pfister?

19 MR. PICCOLO: No. The two blocks there, the
20 legislative history and the instruction was in the
21 original initiative as filed by the sponsors. When our
22 office received it we then formatted it, wrote the
23 ballot title, summary of the measure, did all that in
24 consultation with the sponsor.

25 We did not include that language. We also

1 revised the caption of the initiative different from
2 what the sponsors had proposed, and there was some
3 discussion about that, and our goal was to remain, to
4 make sure we avoided any bias, prejudicial
5 discriminatory language. The two paragraph, the two
6 blocks here were not included.

7 When our office forwarded that to the City
8 Clerk the City Clerk then takes that form and sent it
9 to the City Council to start the process.

10 MR. STUCKART: So does the municipal code
11 deal with bias?

12 MR. PICCOLO: The municipal code provides
13 that the ballot title, summary of the measure, the
14 title, the caption of the initiative is to have
15 neutral, unbiased--

16 MR. STUCKART: Right. But if you're going
17 out and collecting signatures and a biased legislative
18 history is next to what should be nonbiased, aren't we
19 really in essence violating the municipal code by even
20 collecting these signatures?

21 MR. PICCOLO: Well, the mandatory sections
22 of the SMC had been complied with. From our office we
23 met the requirements of the SMC.

24 MR. STUCKART: Right, you did.

25 MR. PICCOLO: We all did correct sections,

1 and--

2 MR. STUCKART: There is no remedy for me to
3 say that's biased so what are our options?

4 Well, Counsel Member Mumm.

5 MS. MUMM: I'm sorry, but I need to point
6 out and I need to disclose that this was brought to me
7 on my porch. The signature gatherers were not familiar
8 with the City Council, somebody who had come in from
9 out of town to gather signatures in our community, and
10 the signature was positioned, that information was on
11 the right on the clipboard, and then the signature page
12 was right to the left.

13 And I said, that's not the ballot language
14 we approved, and that language was not approved. And
15 we had about a half-hour discussion about that, and I
16 asked him to stop using it. So I even experienced that
17 language right next to where you sign the signature.

18 So I don't know--I know it's on the same
19 page, but it's on the reverse, is that correct? Is
20 that how that--

21 MR. STUCKART: Where the text of the--

22 MS. MUMM: So that's how it was presented to
23 me at my house.

24 MR. STUCKART: --initiative is.

25 Counsel Member Snyder?

1 MR. SNYDER: I want to get this figured out
2 because now I'm confused, too.

3 Where exactly is the language triggering the
4 instant referendum? Is that on the front side or the
5 back side of the initiative?

6 MR. STUCKART: No, it's section, it adds
7 3.10.060, we shall not limit the ability of any
8 employee, and then if we do if approved by the majority
9 of the City Council and a majority vote of the people
10 at the next general election.

11 MR. SNYDER: Well, where is that exactly?

12 MR. STUCKART: It automatically kicks in a
13 referendum without signatures in violation of the city
14 charter.

15 MR. SNYDER: Okay. So what I'm trying to
16 figure out, Mr. Piccolo, is how come that provision
17 isn't mentioned in the June 23rd, 2015, ballot title
18 for the initiative? That was added later, is that why
19 it's not in there? Because in that memo, just the last
20 page of our packet which is the letter from Terri
21 Pfister, the ballot language only references the
22 removal of the biased free policing language. It
23 doesn't talk about the automatic referendum.

24 MR. PICCOLO: Well, most likely you're
25 trying to draft that ballot title, it's difficult to

1 encompass everything. So we tried to do that as best
2 we can with the limited number of words that we have.
3 I think the ballot title has a, each section has a
4 limited number of words that you're allowed to use
5 under state law. So we try to wordsmith as best we
6 can. Certainly it's not a perfect art form, but we are
7 limited--

8 MR. SNYDER: The problem there is that there
9 wasn't enough space to really mention that part of it
10 because that would be, to me that's a pretty big part.

11 MR. STUCKART: Every individual election
12 costs about 200,000 so we'd kick in a \$200,000
13 referendum every time the City Council act, they
14 give--the police chief said, I still want this policy,
15 which I had for 10 years, and passed that policy.
16 According to this it would then have to be approved by
17 the Council, and then it would kick in a referendum.

18 MR. PICCOLO: Correct.

19 MR. STUCKART: So I find all sorts of
20 problems in this, whether it's the charter conflict or
21 whether it's the biased signatures. So what's our
22 remedy today, what are our options?

23 MR. PICCOLO: Well, at this point under the
24 municipal code the function is to, since they did bring
25 in enough valid signatures or the number was high

1 enough to meet the charter requirement, the Council has
2 the option to, again going just under the municipal
3 code, to approve the measure outright or to ask the
4 City Clerk to validate the signatures.

5 MR. STUCKART: And what if we did neither of
6 those? What if I said, this is a violation of the
7 charter, it was biased from the beginning, and there
8 are a slew of other reasons that I'm not going to put
9 it on the ballot? What if I take a remedy that's not
10 in the SMC?

11 MR. PICCOLO: Then it would be up to other
12 parties to decide if they want to bring any type of
13 legal action against the City.

14 MR. STUCKART: So if my options are truly by
15 the SMC to approve it or validate, would it be the
16 community's option to file a lawsuit about the charter
17 problem and about the problem with bias validation of
18 the signatures because they clearly put language on
19 there that we never approved?

20 MR. PICCOLO: Well, certainly.

21 MR. STUCKART: So that would be an outside
22 legal agency could challenge this?

23 MR. PICCOLO: I'll just reiterate. On the
24 initiative form, the version that came to the City
25 Council, the version that went to the hearing examiner

1 was a version that came out of the City Attorney's
2 Office.

3 MR. STUCKART: That did not include that
4 side legislative history.

5 MR. PICCOLO: Right.

6 MR. STUCKART: That was added after Terri
7 Pfister approved it, it was added after you approved
8 it, and it was added after the hearing examiner
9 approved it.

10 MR. PICCOLO: And when the sponsors received
11 the hearing examiner's nonbinding opinion they have to
12 make a decision whether or not to go forward with their
13 initiative or that they want to revise any portion of
14 it, and they're required to notify the City Clerk of
15 their decision, which they did, and the City Clerk also
16 asked the sponsor to send a final copy of the
17 initiative as format in terms of font, page size, just
18 so we have that in our office, and that's when these
19 two sections reappeared on the initiative form.

20 MR. STUCKART: They reappeared after you'd
21 already said no, here's what's approved, and then they
22 said okay, thanks, and added that in.

23 MR. PICCOLO: Correct.

24 MR. STUCKART: And then you're telling me
25 that was their story at the door is the parts that

1 weren't approved by city staff.

2 MS. MUMM: And I asked them to stop doing
3 that when they talk to people and said it's a matter of
4 semantics, and in their opinion that's what happened.

5 MR. STUCKART: Can you flip that over,
6 Adam?

7 Did he show you how to blow that up?

8 VOICE: What section do you want?

9 MR. STUCKART: I want that legislative
10 history.

11 MR. SNYDER: It's worthless unless we get HD
12 cameras.

13 MR. STUCKART: Okay. Thank you. We will
14 open it up to public testimony now.

15 *****

16 3 hour 42:52 to 3 hour 48:15:

17 MR. STUCKART: And with that we go to council
18 commentary. Councilman Fagan, do you want to go
19 first?

20 MR. FAGAN: You bet.

21 Thank you, Council President. I would like
22 to make a motion at this point in time to go ahead and
23 refer Initiative 2015-1 to the county auditor for
24 signature verification.

25 MR. SNYDER: Second.

1 MR. STUCKART: So there's a motion on the
2 table to send it for verification. Discussion?
3 Because this will be the vote. That's our--that'll be
4 the vote.

5 Council Member Mumm.

6 MS. MUMM: I had a couple legal questions of
7 our adviser here, and he's been helping me along
8 through this.

9 If someone wanted to rescind their signature
10 after what they heard tonight that this document was
11 not what the Council approved, do you have any thought
12 on whether they could do that or what their recourse
13 might be?

14 MR. MCCLATCHEY: If someone wanted to revoke
15 their signature they could send a written statement to
16 the clerk requesting that their signature be removed
17 from the petition.

18 MS. MUMM: And then my other--

19 MR. MCCLATCHEY: The RCW's--or under the
20 SMC's. Sorry.

21 MS. MUMM: And sending it to the county is
22 only to verify the signatures, the ballot language
23 wouldn't be, the extraneous language would be the one
24 that we adopted or would we be held to this version?

25 MR. MCCLATCHEY: As far as I'm aware, and

1 maybe if Mr. Piccolo is still here he could help me
2 with that piece of it, I believe the verification of
3 the signatures is just to verify that those are
4 registered voters, that that is the proper address, and
5 the other information that's on the petition wouldn't
6 be an element of that verification.

7 Do you see that the same?

8 MR. PICCOLO: Correct. The ballot title and
9 the summary of the measure would not change. The two
10 boxes here are not part of the official ballot, but up
11 to the elections office, so the ballot title does not
12 change. And that's what goes on to the actual ballot
13 published by the elections office.

14 MR. MCCLATCHEY: I think she's talking about
15 the verification of the signatures at the verification
16 stage.

17 MR. PICCOLO: Yes. All the county's going
18 to do at the verification stage is verify that the
19 signatures are registered Spokane, City of Spokane
20 voters.

21 MR. STUCKART: And then we could change the
22 ballot language?

23 MR. PICCOLO: No. No, the way the ballot
24 language is written in the initiative is the way it
25 came out of our office, it stays the same.

1 MS. MUMM: So the ballot language part is
2 correct, but the summary was not what was approved in
3 its entirety.

4 MR. PICCOLO: The summary of the measure is
5 also correct. The only thing that's different--

6 MS. MUMM: Okay.

7 MR. PICCOLO: --are those two boxes.

8 MS. MUMM: Okay. The other thing I noticed
9 was that we require to have an option for people to say
10 that the addresses given is, they might have a
11 different mailing address than their home address, and
12 this has come up before in verifying signatures, and
13 for some reason it's not on this version.

14 MR. PICCOLO: And I don't think that's an
15 issue for the county elections office. They can take
16 the signature, the printed name and go--the address is
17 provided, but that has not been a problem with the
18 county elections office.

19 MS. MUMM: However, it's a requirement in
20 our SMC.

21 MR. PICCOLO: And I don't know that it's
22 actually filled out for every single signature. Some
23 signatures do not have phone numbers--some of the
24 spaces don't have phone numbers filled in so it does
25 vary, and the county will strive to make sure that

1 every--

2 MS. MUMM: Right.

3 MR. PICCOLO: --valid signature is counted.

4 MS. MUMM: Thank you.

5 MR. STUCKART: Council Member Stratton.

6 MS. STRATTON: Bear with me, Mike. I have a
7 question. I'm not sure I understand this. So we can
8 send it forward to get the signatures validated, but
9 what about the the verbiage? I mean, if the wording
10 that changed--

11 MR. STUCKART: Yeah, and that's--

12 MS. STRATTON: I mean, does that revert back
13 to--

14 MR. STUCKART: No, they changed when they
15 added this whole thing on the signature collection
16 sheet. That will not be on the ballot, though.

17 MS. STRATTON: Okay.

18 MR. STUCKART: That was just biased
19 signature collecting, not biased law that would be put
20 on the ballot.

21 MS. STRATTON: So that goes away, and then
22 anybody that may have signed that because of that added
23 worded could take their names off?

24 MR. MCCLATCHEY: They could provide a
25 written statement to the clerk asking that their

1 signature on a petition be removed for, presumably for
2 whatever reason.

3 MR. PICCOLO: And I believe they have to do
4 that fairly quickly. Once you send the ballots, the
5 signatures to the county--

6 MR. STUCKART: They're starting to verify on
7 Wednesday morning. Training is at nine a.m. for people
8 that want to go watch the verification, and then the
9 signature verification starts at 10 a.m., and my
10 understanding is it'll probably take either three or
11 four days so they'll be done by Monday.

12 ~~MS. STRATTON~~ MS. STRATTON: I also wanted to thank you
13 for your memo, but I think it is important for the
14 public to know that the petitioner was advised that the
15 extraneous language was not something that was
16 approved, and the petitioner still wanted to go forward
17 with it anyway. Do you want to explain that?

18 MR. PICCOLO: Yes. Early on we had some
19 correspondence with the sponsor about the additional
20 language. At the beginning of the initiative form
21 their language is different. On the very first
22 initiative they filed you'll notice that the titles
23 vary, different from what was actually approved by our
24 office.

25 So we had changed that out and explained why

1 the process where the two boxes were added on after the
2 initiative had gone through our office, to the City
3 Council, to the hearing examiner. Correspondence was
4 sent to the sponsor saying that that language was not
5 part of the SMC.

6 MS. STRATTON: Okay.

7 (End of meeting excerpt.)

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1 STATE OF WASHINGTON)

2) ss: Reporter's Certificate

3 COUNTY OF SPOKANE)

I, David

4 Caviezel, Certified Shorthand Reporter/Notary Public

5 (CCR No. 0002502) in and for the State of Washington;

6 DO HEREBY CERTIFY:

7 That the foregoing is a true and correct
8 transcription to the best of my ability of two sections
9 of the 7-13-15 Spokane City Council Legislative Meeting
10 at the video tape times as described on page one
11 hereto.

12 Witness my hand and seal this 27th day of
13 August, 2015.

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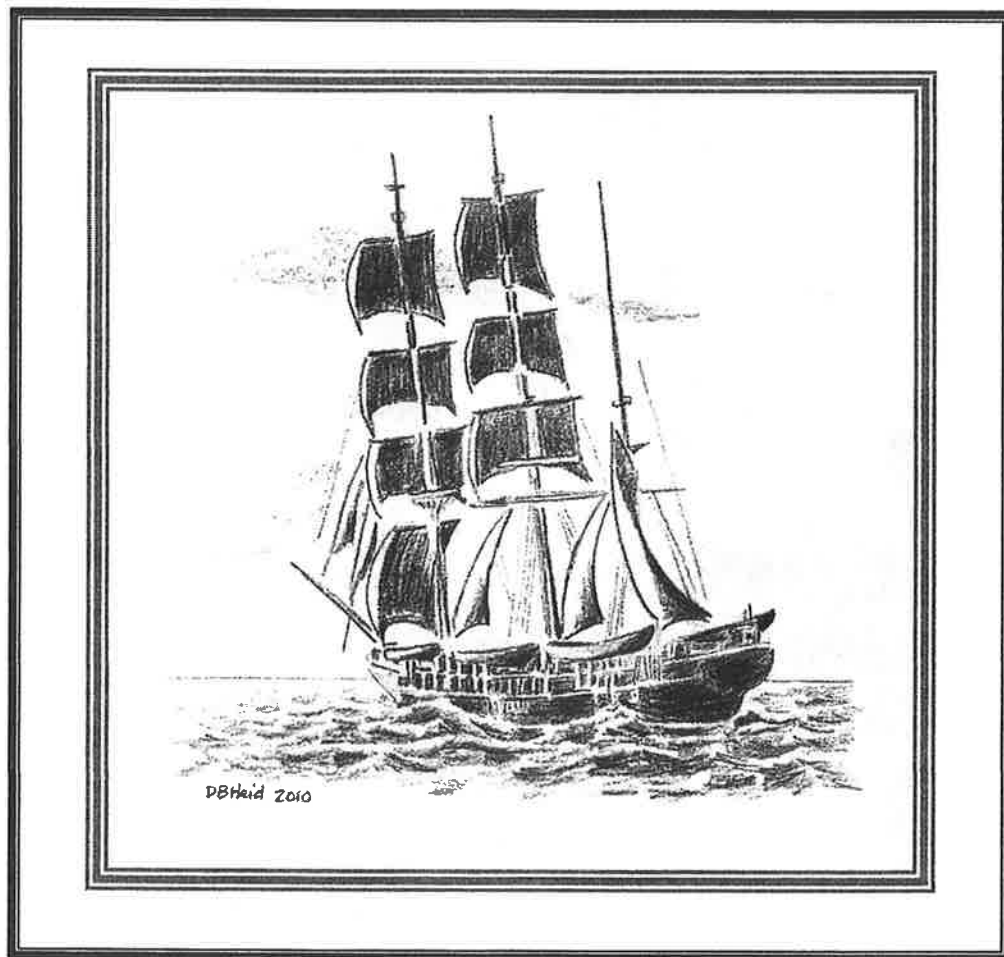
25


Notary Public in and for the State
of Washington, residing in Spokane.

MRSC

PUBLIC LAW ETHICS PRIMER

2010 Update



In civilized life, law floats in a sea of ethics.

Earl Warren

conversations regarding the contemplation of a future crime. *State v. Hansen*, 122 Wn.2d 712, 720, 862 P.2d 117 (1993). See *State v. Richards*, 97 Wash. 587, 167 P. 47 (1917); *State v. Metcalf*, 14 Wn. App. 232, 540 P.2d 459 (1975), *rev. denied*, 87 Wn.2d 1009 (1976). It does not apply to past crimes. *In re Disciplinary Proceeding Against Schafer*, 149 Wn.2d 148, 166, 66 P.3d 1036 (2003).

3. **Employees of Client Corporation.** See *Odmark v. Westside Bank Corp. Inc.*, 636 F. Supp. 552 (W.D. Wash. 1986) (counsel did not have a joint attorney-client relationship with individual officers and employees of a corporation). But see *Hearn v. Rhay*, 68 F.R.D. 574 (E.D. Wash. 1975) (state prison officials are “clients” of the Attorney General; but note that some communications are not included).

4. **Two Clients with Same Attorney.** Note the possible analogy to the cases of two clients with the same attorney. See *Cummings v. Sherman*, 16 Wn.2d 88, 132 P.2d 998 (1943) (where the impact on the privilege was to defeat it). This is why the public agency counsel must not forget that the client is the agency not the individual official, though the privilege may cover the official. While the agency may act through the decisions of the official, the distinction is still important, particularly in ethical situations where it needs to be remembered who owns the privilege and where the attorney’s primary loyalty must reside.

C. Waiver

1. **General Rule.** The privilege with respect to communications between a client and an attorney is the privilege of the client alone, and it may be waived by the client testifying or otherwise alluding to the substance or content of the communication. *Hunt v. Blackburn*, 128 U.S. 464, 9 S. Ct. 125, 32 L. Ed. 488 (1888), cited in *Malco Manufacturing Company v. Elco Corporation*, 307 F. Supp. 1177, 1178 (E.D. Pa. 1969); *Eastern Technologies Inc. v. Chem-Solv. Inc.*, 128 F.R.D. 74, 76 (E.D. Pa. 1989).

2. **Washington Cases in Accord.** The privilege may be waived, but waiver must be distinct and unequivocal. *State v. Ingels*, 4 Wn.2d 676, 713, 104 P.2d 944 (1940). The privilege belongs to the client and not the attorney, and actions, such as testimony by the client, may constitute waiver. *Id.* at 714.

Fagan, Mike

From: Allen, Michael
Sent: Monday, September 14, 2015 3:58 PM
To: Fagan, Mike
Subject: FW: Confirmation

FYI.

From: Piccolo, Mike
Sent: Monday, September 14, 2015 3:55 PM
To: Allen, Michael; McClatchey, Brian
Cc: Dalton, Pat
Subject: RE: Confirmation

Mike, I do believe simply referencing the existence of a confidential document makes it a public records. The further one goes in publicly referencing a confidential document as the basis and reason for your decision the more likely the document would be a public records or at least subject to a public records request.

Let me know if you have questions.

Mike P

From: Allen, Michael
Sent: Monday, September 14, 2015 3:47 PM
To: Piccolo, Mike; McClatchey, Brian
Subject: Confirmation

Mike and Brian,

If I remember right, if a confidential document is mentioned in public session, the document can then be accessed via a PRR. Is that correct?

Thanks,



Councilmember Mike Allen | Spokane City Council |
509.625.6261 | fax 509.625.6563 | mallen@spokanecity.org | spokanecity.org



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ADVISORY:

Please be advised the City of Spokane is required to comply with the Public Records Act Chapter 42.56 RCW. This act establishes a strong state mandate in favor of disclosure of public records. As such, the information you submit to the City via email, including personal information, may ultimately be subject to disclosure as a public record