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JUL 12 2016

OFFICE OF THE CITY ATTORNEY



P.O. Box 2054
Spokane, WA 99210

To: Mike Piccolo
CC: Ethics Commission
From: John Griffin
Date: 07-11-16
Re: Jamie Pendelton vs SPD Roberge and SPD Wuthrich

Dear Mike Piccolo and Ethics Commission,

I have been made aware that Sergeant Wuthrich and Officer Roberge are the subject of an ethics complaint that the Commission is considering reviewing and potentially setting dates for a hearing. Sergeant Wuthrich raised concerns about jurisdiction in an email to Mike Piccolo dated 07-05-2016.

On 07-06-2016, I also email Mike Piccolo and spelled out the Spokane Police Guilds position specifically referring to Spokane Municipal Code 01.04A.160 Applicability, which is cited below:

Title 01 General Provisions
Chapter 01.04A Code of Ethics
Section 01.04A.160 Applicability

The Code of Ethics shall be applicable to all elected or appointed officers and exempt confidential employees and **shall not be applicable to represented employees unless the City and the respective labor union have entered into a collective bargaining agreement providing that compliance with the Code of Ethics is a condition of employment.**

Date Passed: Monday, January 12, 2015
Effective Date: Wednesday, February 25, 2015

Since the City and the Spokane Police Guild have a current Collective Bargaining Agreement covering 2012- 2016 and the underlined section of the cited Spokane Municipal Code is not contained in that Collective Bargaining Agreement, the city ethics code does not apply to Sergeant Wuthrich and Officer Roberge. As such, the Ethics Commission does not have any jurisdiction to review or hear this complaint and any attempt to do so would be a violation of our Collective Bargaining Agreement and subject to any and all legal remedies allowed under the law.

Respectfully,

John Griffin
President
Spokane Police Guild