

Seattle Ethics and Elections Commission Regular Meeting July 1, 2009

The regularly scheduled meeting of the Seattle Ethics and Elections Commission convened on July 1, 2009 in Room 4080 of the Seattle Municipal Tower, 700 Fifth Avenue. Commission Chair Robert Mahon called the meeting to order at 4:02 p.m. Commissioners Tarik Burney Nancy Miller, and Michele Radosevich were present. Commissioners Ed Carr, Lynne Iglitzin, and Bill Sherman were absent. Executive Director Wayne Barnett and staff members Kate Flack, Polly Grow, and Mardie Holden were present, as was Assistant City Attorney Jeff Slayton.

1) Public Comment

There was no public comment.

Action Items

2) Approval of minutes for June 3, 2009 regular meeting

The Chair asked that in the eighth line of the second paragraph of item 3, the word “ordinance” be replaced with “bill.” Commissioner Miller moved that the minutes be approved as amended, Commissioner Radosevich seconded, and the minutes were approved unanimously.

Discussion Items

3) Investigative Report: Case No.09-WBI-0320-1 (Snowstorm response)

In March 2009, the Mayor requested that SEEC determine if there were violations of the Ethics Code in SDOT’s response to last winter’s snow storm. A thorough investigation, including interviews with City officials and SDOT managers and employees, failed to turn up evidence that anyone had requested preferential treatment. There was conflicting oral testimony about whether there was preferential treatment provided, and given the poisonous atmosphere in SDOT’s street use division, the Executive Director did not believe he could establish a case based solely on the oral testimony of individuals who were very interested in management changes in the street use division.

Commissioner Mahon asked if staff also looked at the City Auditor's report on SDOT, and the Executive Director confirmed that he had read the report and received a private briefing on the Auditor's investigation. The Auditor's report raised questions about the competency of management, but that did not raise issues under the Ethics Code, so the case was dismissed.

4) Ethics Code amendments: Next steps

The City Council passed the ordinance changing the Ethics Code two weeks ago and the Mayor signed it on June 22, so the amendments will become effective on July 22. Before passage, the Council added a 120-day delay in implementing the piece that applies the Code to contractors, until October 20. Staff have been meeting with the Department of Executive Administration (DEA) and other Citywide contracting employees to find out how they interact with contractors and to provide advice to them. SEEC will also have a table at the Vendor Fair that DEA is sponsoring the end of July, to disseminate information about the Code.

The Executive Director confirmed that the Council set the threshold for contractor coverage at 1,000 hours, as the commission recommended, and one of the topics of discussion with DEA is how they determine the number of hours a contractor works, since many are not paid by the hour. Our timing coincides well with a census DEA is doing of City contractors and with the budget process. Whether or not we will have to promulgate new rules to administer this new coverage is undetermined at this point. And former Advisory Opinions will be reassessed to determine what opinions or portions thereof will be void based on the amended Code.

5) Commission staff opening

Gwen Ford submitted her resignation the end of June, so we are beginning the search for a new employee. The City's Finance Director, had asked departments to reduce total staff hours, but, since SEEC has only 5.2 total FTE, the Executive Director has proposed that we reduce costs by reclassifying the vacant position to a lower rate of pay.

6) New whistleblower brochure rollout

The new Whistleblower Protection Code brochure has been redesigned under Kate Flack's leadership to be more accessible and welcoming, to draw people in with a fresh new look. The other Ethics Code brochures will be redeveloped soon with a similar feel. The Chair enthusiastically approved the new design.

7) Executive Director's Report

The Voters' Pamphlet and the Video Voters' Guide dominated the month of June. Since we have a vacancy, we have contracted with the County to do the layout of the Seattle Voters' pamphlet. We will evaluate this process for possible use in the future. Also, since the County was facing particular budget issues, they did not share monitoring responsibilities this year. Mardie Holden and Polly Grow coordinated the project with Seattle Channel, Mardie handled all the scheduling and she and Polly shared all monitoring responsibilities. The County will handle post-production, including supervising the closed captioning. Use of the TelePrompter since 2007 has facilitated the recording process.

Commissioners asked about distribution of the tapes. They are aired on the Seattle Channel, King County TV, and other municipal channels, and are available at libraries. Campaigns commonly link to their tapes. The Chair requested information on the viewership counts. We will find out from our web and the Seattle Channel how many hits they receive.

Actions still subject to appeal

8) Forward Seattle late-filing penalty (\$250)

Forward Seattle has informed us that they are going to pay the fine, without appeal.

Minutes respectfully submitted by Mardie Holden.