

Seattle Ethics and Elections Commission Regular Meeting

April 6, 2011

The regularly scheduled meeting of the Seattle Ethics and Elections Commission convened on April 6, 2011 in Room 1610 of the Seattle Municipal Tower, 700 Fifth Avenue. Commission Chair Robert Mahon called the meeting to order at 4:01 p.m. Vice-Chair Bill Sherman, and Commissioners Tarik Burney, Rich Cohan and Lynne Iglitzin were present. Commissioners David Mendoza and Amit Ranade were absent. Executive Director Wayne Barnett and staff members Anthony Adams, Bob DeWeese, Kate Flack, Polly Grow and Mardie Holden were present. Assistant City Attorney Gary Keese was also in attendance.

1) Public Comment

There was no public comment.

Action Items

3) Approval of minutes of March 2, 2011 meeting

Commissioner Cohan moved to approve the minutes of the March 2, 2011 regular meeting, Vice-Chair Sherman seconded. The minutes of the March 2, 2011 regular meeting were unanimously approved.

4) Request for Administrative Dismissal in 11-WBI-01181-1 (Parks hiring process)

This was a case in which a Parks and Recreation hiring process went terribly wrong in which Seattle Parks Department employees admitted Ethics code violations. The Executive Director recommended the S.E.E.C. issue an Administrative Dismissal based on adequate disclosure provided by the accused parties, prior to committing any ethical infractions or violations. Commissioner Iglitzin what changes were made to the Ethics code that affected this case? The Executive Director answered, the previous alterations made last summer to the

definition of “Immediate Family”. Had this violation transpired a few months earlier, he would not been required to disclose. Based on the case presented by the Executive Director, Commissioner Iglitzin moved for an Administrative Dismissal in this case, Vice-Chair Sherman seconded. The request of Administrative Dismissal was approved unanimously.

2) In re Jeff Britsch

This was a quasijudicial matter to decide whether Jeff Britsch, a former Commercial Vehicle Enforcement Officer with the Seattle Department of Transportation violated the Ethics Code when he worked simultaneously for the City and as a private truck inspector. The Executive Director alleged that Mr. Britsch had violated the section of the Ethics Code that prohibits City employees from participating in matters involving private clients, and the section of the Ethics Code that bars employees from using their positions for non-City purposes.

Both parties made brief opening statements, after which they jointly submitted an agreed statement of facts. At 4:40 p.m., after both parties made closing statements, the Commission went into executive session to deliberate.

At 5:01 p.m. the Commissioners returned with a decision. Vice-Chair Sherman moved that Mr. Britsch be found to have violated the sections of the Ethics Code that bar City employees from participating in matters involving private clients, and that bar employees from using their positions for non-City purposes, and that he be assessed a penalty of \$14,750.00, with the Executive Director authorized to set up a payment plan. Commissioner Iglitzin seconded. The motion was unanimously approved.

5) Advisory Opinion 11-01E (Political Committee giveaways)

This opinion deals with incentives that a political action committee may offer to contributors. The Chair agreed with most of the opinion, but disagreed with the conclusion that t-shirts with campaign messages could be distributed to PAC members without that activity being reported. The intended audience for a t-shirt is the general public, not the member. Other commissioners echoed the Chair's concern with that aspect of the opinion.

The Executive Director said that staff would revisit the opinion, and return with a redraft at the Commission's next meeting.

Discussion Items

6) Interlocal agreement with Seattle Public Schools

The Executive Director briefed the Commission on the status of the negotiations with the Seattle Public Schools. Vice-Chair Sherman asked how this would impact the number of individuals that the SEEC oversees. The Executive Director said the City of Seattle currently has around 11,000 employees; and this make approximately 8,000 additional people subject to the staff's oversight. Commissioner Iglitzin asked if Seattle was the first City to see this kind of partnership between the City and its schools, and the Executive Director said that it was his understanding that this type of venture was unprecedented in the State of Washington.

The Chair clarified that the Commission will not have any authority over Seattle Public Schools employees. It is the Executive Director's workload that is expanding, not the Commission's. The Executive Director will report his findings directly to the School District, and they will have the responsibility to impose discipline.

7) SEEC personnel matters

The Executive Director informed the Commission that our Ethics Trainer Mardie Holden will be retiring at the end of May 2011.

The Chair said that he had reviewed the compensation level of the Executive Director, and found it was not comparable to other officers holding similar positions. The Chair proposed that the Executive Director's pay be set on par with that of the City Auditor. Vice-Chair Sherman agreed, especially given the significance of the tasks and scope of his position. He said that he could not support any additional compensation beyond what the Chair recommended, in light of the City's budget troubles.

Vice-Chair Sherman moved that the Executive Director receive a pay raise equal to that of the City Auditor for the 2011 calendar year, Commissioner Iglitzin seconded. Commission Cohan asked to amend this decision, so that the language is explicit that this change in pay rate does not impact the salary band for the Executive Director's position. The Commission unanimously approved setting the Executive Director's salary on par with the City Auditor.

8) Executive Director's Report

The Executive Director said that he had distributed the draft Social Media opinion to all of the City's elected officials, and to some good government advocates in town as well. He expected that the opinion would be ready in time for the Commission's May meeting.

The Executive Director also reported that the House bill to change the standard for rejecting a voters' pamphlet statement appeared to be dead.

**The April 6, 2011 Seattle Ethics and Elections Commission Regular Meeting
adjourned at 5:45 P.M.**