

**Seattle Ethics and Elections Commission Regular Meeting
October 3, 2012**

The regularly scheduled meeting of the Seattle Ethics and Elections Commission convened on October 3, 2012 in Room 1600 of the Seattle Municipal Tower, 700 Fifth Avenue. Commission Chair Bill Sherman called the meeting to order at 4:00 p.m. Commissioners Bruce Carter, Rich Cohan, Lorena González, David Mendoza and Kendee Yamaguchi were all present. Vice-Chair Tarik Burney was absent. Executive Director Wayne Barnett and staff members Anthony Adams, Kate Flack, Gary Keese and Chris Thomas were present. Seattle City Attorney Jeff Slayton was also in attendance.

Before moving on to the agenda, the Chair welcomed new commissioners Lorena González and Kendee Yamaguchi to the Commission.

1) Public Comment

The Chair called for public comment, and there was no one in attendance who wished to comment. (Chris Leman did make public comment later in the meeting, and his comments are summarized below.)

Action Items

2) Approval of minutes of September 5, 2012 regular meeting

Commissioner Carter moved to approve the minutes from the September 5, 2012 regular meeting. Commissioner Cohan seconded the motion. The minutes from the September 5, 2012 regular meeting were unanimously approved.

3) Request from Mayor regarding OPA complaint

The Chair postponed consideration of this agenda item until the arrival of a representative from the Mayor's office.

4) Potential housekeeping amendments to the Elections Code

Every two years, staff reviews changes to State elections law, and makes recommendations for which of those State law changes should be adopted by the City. Prior to the 2013 municipal elections, staff recommended (1) changing the code to account for the recodification of RCW Chapter 42.17 as 42.17A, (2) changing the code to account for a Ninth Circuit decision barring the State from limiting contributions to ballot measure committees in the 21 days before an election, (3) eliminating the requirement that sponsor identification be spoken on all broadcast ads, and (4) making several other housekeeping changes.

Commissioners recommended several changes to the proposed rewording of the law limiting contributions to ballot measure committees in the 21 days before an election. The Executive Director said that he would work with the Law Department to make sure that the language was appropriate.

Commissioner Yamaguchi expressed reservations about changing the law governing sponsor identification. She asked staff to explain why the law currently required that the sponsor identification be spoken. The Executive Director did not know the answer to that question, and said that he would make sure that the Commission had that information before making any recommendations. Commissioner Yamaguchi said that she wanted to make sure that the Commission understood the impact of this change on people with disabilities before recommending a change to the law.

3) Request from Mayor regarding OPA complaint

Carl Marquardt, Legal Counsel to the Mayor, presented the Mayor's request to the Commission. He said that in light of the fact that the complaint involved OPA, in the interest of

fairness and the appearance of fairness, the Mayor's office was seeking an outside agency to do the investigation.

The Chair asked Mr. Marquardt to clarify what he meant when he asked Commission staff to conduct an investigation "consistent with OPA procedures." Mr. Marquardt said that he was asking staff to conduct an investigation providing police department personnel with the due process rights that those employees have under their collective bargaining agreements.

The Chair also asked Mr. Marquardt to clarify the scope of the investigation that the Mayor's office was asking staff to undertake. Mr. Marquardt said that he wanted staff to conduct an investigation of the facts to determine what transpired, and to offer policy recommendations, if staff felt that additional policies would be appropriate.

Commissioner González asked Mr. Marquardt whether he was asking staff to extend the due process rights under the collective bargaining agreements to OPA's Director. Mr. Marquardt said that the Director is not covered by the collective bargaining agreements.

Commissioner Carter asked whether the City Council was on board with the request, and the Executive Director indicated that he had exchanged voice mails with the chair of the Public Safety Committee, and he did not have any objections.

Commissioner Carter asked whether staff had the resources to honor the request, and the Executive Director said that staff had the capacity to take on the investigation.

The Chair asked whether there were looming deadlines that could affect the investigation. Mr. Marquardt said that the deadline for discipline may have passed, but that does not change the Mayor's interest in knowing whether policies were violated, and whether changes to policy are warranted.

Commissioner González said that she was not opposed to the staff taking on the investigation, but she was concerned about staff being asked to conduct investigations under three different sets of rules. She said that she did not want to create a precedent for affording protections under collective bargaining agreements to employees not party to those agreements.

Ms. Flack asked Mr. Marquardt whether there were rules or policies regarding retaliation. Mr. Marquardt said that there was not a detailed policy specific to OPA. Commissioner González encouraged staff to look at the 2008 police accountability panel's report.

Commissioner Cohan made a motion to accept the invitation from the Mayor's Office to investigate the complaint against the Office of Professional Accountability. Commissioner Mendoza seconded. The Chair clarified to Commissioner González's satisfaction that the investigation would include an analysis of what rules apply to the investigation of civilian employees of the police department as opposed to the investigation of sworn officers. The motion passed unanimously.

1) Public Comment

Chris Leman asked permission to make public comment even though the time for public comment had passed. The Chair invited Mr. Leman to address the Commission.

Mr. Leman told the Commission that the SEEC should produce a Video Voters' Guide for all municipal elections, not only those in odd-numbered years. He also renewed his request for a Commission advisory opinion on appropriate conduct for City agencies during ballot measure campaigns.

5 and 6) Resolutions honoring Lynne Iglitzin and Amit Ranade

The Chair read into the record resolutions recognizing Lynne Iglitzin and Amit Ranade for their service to the Commission. Ms. Iglitzin read a poem she had composed for the Commission, and was rewarded with a warm round of applause and laughter.

Commissioner Mendoza moved to approve the resolutions, and Commissioner Cohan seconded. The motion to approve the resolutions honoring Lynne Iglitzin and Amit Ranade was unanimously approved.

5) Status report on potential Whistleblower and Elections Code changes

The Chair said that he was aiming to have a draft of the Whistleblower Code ready for the November Commission meeting, and certainly by the December meeting.

The Chair also reported that the City Council's Finance Committee had completed its consideration of the campaign finance proposals that the Commission had considered earlier this year. The Committee voted to bar candidates from rolling over funds to subsequent campaigns, and amended the proposal to permit candidates to begin raising funds on January 1 of the year prior to an election. The full Council expects to take up the bill at its October 15 meeting.

6) Executive Director's report

The Executive Director had nothing to report.

The Regular Commission meeting for October 3, 2012 adjourned at 5:14 p.m.