

Seattle Ethics and Elections Commission Regular Meeting

February 6, 2013

The regularly scheduled meeting of the Seattle Ethics and Elections Commission convened on February 6, 2013 in Room 4080 of the Seattle Municipal Tower, 700 Fifth Avenue. Commission Chair Bill Sherman called the meeting to order at 4:02 p.m. Vice-Chair Rich Cohan and Commissioners Brad Axel, Bruce Carter, Lorena González were present. Commissioners David Mendoza and Kendee Yamaguchi were absent. Executive Director Wayne Barnett and staff members Anthony Adams, Polly Grow and Kate Flack were present. Assistant City Attorneys Jeff Slayton and Gary Smith were also in attendance.

1) Public Comment

There was no public comment.

Action Items

2) Approval of minutes of January 3, 2013 regular meeting

Commissioner Carter moved to approve the minutes from the January 3, 2013 regular meeting, and Vice-Chair Cohan seconded. The minutes from the January 3, 2013 regular meeting were unanimously approved.

3) Request for Administrative Dismissal in Case No. 12-1008-1

The Executive Director explained to the commissioners that when he determines that there is reasonable cause to believe that a minor or inadvertent violation (but not both) has occurred, he can ask the commission to administratively dismiss the case.

In this case, a Parks Department employee participated in a matter in which a non-profit whose board he had joined was seeking City funds. The Executive Director was seeking an administrative dismissal because (1) there was no evidence that the employee had given the non-

profit any special treatment, and (2) as soon as staff alerted him to the issue under the Ethics Code, he had handed off the work to his supervisor. All applicants for funding received funds, and no money ever went to the non-profit with the employee's participation.

The Vice-Chair made a motion to administratively dismiss the complaint, and Commissioner Carter seconded. The vote to administratively dismiss Case No. 12-1008-1 was unanimous.

4) Proposed changes to Whistleblower Protection Code

The Executive Director introduced the latest iteration of the Whistleblower Protection Code, reflecting the changes adopted by the Commission at the January 3, 2013 meeting.

The Chair asked whether there were any comments on the latest draft, and Commissioner Carter spoke in favor of enhancing the confidentiality provisions for whistleblowers. After a discussion of what level of confidentiality the Commission could make available to a whistleblower, Commissioner Carter made a motion to include a whereas clause reading: "WHEREAS it is the policy of the City not to disclose the identity of a Cooperating Employee who in good faith reports alleged improper government action. This policy is intended to ensure that Cooperating Employees report potential improper governmental action without concern that providing such information would endanger their physical safety or property, their right to privacy, or result in any form of retaliation" and to amend Section 3.A.2 to read: "The identity of a Cooperating Employee shall be kept confidential and shall not be disclosed unless such disclosure is required under applicable law or the employee in writing waives confidentiality."

The vote to amend the draft was unanimous.

The Vice-Chair then made a motion to recommend the entire package of changes to the City Council. Commissioner Carter seconded, and the Commission voted unanimously to refer the proposed changes to the City Council.

Discussion Items

5) Public Financing of City elections

The Executive Director recapped for the Commission the information shared by the Executive Directors of the Los Angeles and San Francisco Ethics Commissions, and the League of Women Voters' representative from Portland. He then shared information on recent Seattle elections, and the three goals for public financing outlined in the letter to the Commission (increase competitiveness, reduce barriers to entry, and increase the role of small donors). He asked Commissioners whether, based on what they had heard to date, they wanted to move on to a discussion of program design or whether they did not believe there was either a need for public financing, or sufficient evidence that public financing would advance the stated goals for the program.

Commissioners indicated they wanted the work to continue. Commissioner Carter cautioned that he had not been persuaded that Seattle's electoral system was broken, or that San Francisco or Los Angeles's electoral system, with public financing in place, was as good as Seattle's system without public financing. Commissioner Axel said he thought the public would benefit from strong challengers, even if that did not change reelection rates. The Chair said that what he heard in the discussion was the potential for public financing to create a campaign environment that functions better as a deliberative process involving a wider array of voices.

6) Executive Director's report

The Executive Director provided the Commission with a spreadsheet showing all of the penalties either approved or levied by the Commission from 1999 through the present.

He then told the Commission that based on the Commission's indication that they wanted an off-year Video Voters' Guide, he would be working to secure funding for such a guide in next year's budget. The Seattle Channel had indicated that they would be willing to produce a Guide if funds were available.

Finally, the Director told the Commission that he expected to come forward with proposals to amend the Commission's office fund rule at some point in 2013. The funds are proliferating in the wake of last year's changes to the Elections Code, and the rules could stand to be clarified.

The Regular Commission meeting for February 6, 2012 adjourned at 6:00 p.m.