

**Seattle Ethics and Elections Commission Special Meeting
October 19, 2017**

A special meeting of the Seattle Ethics and Elections Commission convened on October 19, 2017 in Hearing Room 4009 of the Seattle Municipal Tower, 700 Fifth Avenue. Commission Chair Eileen Norton called the meeting to order at 2:05 p.m. Commissioners Bruce Carter and Hardeep Singh Rekhi were in attendance, and Vice-Chair Brendan Donckers and Commissioners Charlene Angeles Vickie Rawlins joined by telephone. Vice-Chair Brendan Donckers was absent. Executive Director Wayne Barnett and staff members Rene LeBeau, and Jenna Smith were present. Assistant City Attorney Gary Smith was also in attendance.

1) Public Comment

Dennis Saxman spoke in favor of the request for reconsideration.

2) Request for Reconsideration

The Chair stated for the record that Initiative 122 is silent on how the Commission deals with decisions that are made by the Commission. Because there is nothing in the Initiative, she understood why Mr. Preston used the appeal process in the Commission's rules for appealing the Director's determinations. The Commission felt it was important while it is in this learning phase to err on the side of hearing Mr. Preston's appeal.

Commissioner Carter confirmed with the Chair that the Commission was treating Mr. Preston's appeal as a motion for reconsideration.

The Vice Chair and Commissioner Rekhi both stated that they were not participating in this matter.

The Chair invited David Preston to come forward and speak to his request. Mr. Preston submitted and spoke to a list of forums that he said Ms. Gonzalez was invited to or knew about but did not attend and did not inform the Commission of in September.

The Chair told Mr. Preston that it was premature to discuss forums that occurred after the Primary election.

Commissioner Angeles questioned whether some of the forums on Mr. Preston's list would have met the Commission's definition of forum.

The Chair said that the basis of the Commission's decision in September was not the meeting list furnished by Ms. Gonzalez. It was partly that this is a new program, this is the first year it's been in place, and we are learning on the fly in many instances. She stands by the decision she made last time.

Commissioner Carter said it appeared that there were additional forums that Ms. Gonzalez did not attend during the primary. But the Commission's initial decision as he understood it was focused on the apparent misunderstanding regarding what forums would qualify as forums for the purposes of I-122.

Commissioner Rawlins recalled a discussion regarding whether the list of forums furnished by Ms. Gonzalez in September was complete, but recalled leaving the meeting thinking that it may not have been a complete list of forums to which Ms. Gonzalez had been invited.

The Chair told Mr. Preston there was nothing in his October 5 letter that changed her mind. She made a motion to sustain the Commission's prior decision, and Commissioner Carter seconded. The vote in favor was 4-0, with two abstentions.

3) Request for Administrative Dismissal

The Director explained that he believed there was a violation of the bar on contributions from contractors that was minor, but not inadvertent, and under the rules this triggered an opportunity for him to request that the Commission administratively dismiss the complaint. The

unlawful contribution was from Microsoft, which has earned more than \$250,000 under City contracts in the last 24 months. He noted that this contribution accounted for .0007 of the candidate's contributions to date as of the time he drafted the memo.

The Director explained that two of the allegations were unfounded. Ash Grove Cement is not a contractor, they received energy efficiency rebates, so they are not barred from contributing. And Al Clise is not a majority owner of Clise Properties, so he is not barred from contributing.

Two allegations are ambiguous: Paul Allen and Seattle Hospitality for Progress share a contribution limit with two entities that paid lobbyists more than \$5,000 in the last twelve months. It is not clear, though, that the rule regarding contribution limits applies to the new sections of the law enacted by I-122.

Commissioner Rawlins disclosed that while she had not socialized with Ms. Durkan in about seven or eight years, they have been friends for 25 years or so. She also disclosed having performed some legal work for Ms. Durkan about 14 years ago.

Commissioner Angeles said that one of the purposes of I-122 was to limit big money's influence on local elections, and that it was not a coincidence that Microsoft and Paul Allen were at issue in the complaint. While she was not convinced there was a violation, she said she was concerned about undermining the intent of the Initiative.

Commissioner Carter moved to approve the request for an administrative dismissal, and Commissioner Rekhi seconded. The motion carried unanimously.

4) Petition to have contribution limit increased from \$250 to \$500 – People for Jon Grant

Commissioner Carter asked to go into executive session. The Chair said the Commission would likely be in executive session for approximately 15 minutes to receive legal advice.

Upon returning from executive session, the Chair noted that the Commission had received legal advice and that it had not made any decisions.

Commissioner Carter said he did not believe the Commission had any choice under the language of the initiative but to grant the request. He said, though, that he was not comfortable changing the rules so late in the election.

The Chair concurred with Commissioner Carter. She said one campaign had significantly more donors than the other campaign, and for that their opponent was getting relief from the contribution limit. She looked forward to reviewing the section in 2018.

Commissioner Carter made a motion to lift the contribution limit to \$500, and Commissioner Angeles seconded. The motion carried unanimously.

5) Executive Director's attendance at 2017 Council on Government Ethics Laws conference

The Director explained that the annual COGEL conference was approaching, and he thought it was valuable attending in 2016.

Commissioner Carter made a motion to authorize the Director to attend the conference and the Chair seconded. The motion carries unanimously.

The Special Commission meeting for October 19, 2017 adjourned at 3:06 p.m.