

**Seattle Ethics and Elections Commission Regular Meeting
February 1, 2017**

A regular meeting of the Seattle Ethics and Elections Commission convened on January 11, 2017 in Room 4080 of the Seattle Municipal Tower, 700 Fifth Avenue. Commission Chair Eileen Norton called the meeting to order at 4:02 p.m. Vice Chair Brendan Donckers and Commissioners Charlene Angeles, Alexandra McKay, Vickie Rawlins and Hardeep Singh Rekhi were in attendance. Commissioner Bruce Carter was absent. Executive Director Wayne Barnett and staff members Polly Grow, Rene LeBeau, Jenna Smith and Annie Tran were present. Assistant City Attorney Jeff Slayton was also present.

1) Public Comment

There was no public comment.

Action Items

2) January 11, 2017 special meeting minutes

Commissioner Rawlins made a motion to adopt the minutes and Commissioner Angeles seconded the motion. The motion passed unanimously.

3) Appeal of dismissal in Case No. 17-1-0103-1

The Chair asked who would be representing the Commission in the appeal and Assistant City Attorney Slayton said that he had not advised the Director on the matter and would be representing the Commission.

The Chair invited David Preston to present his appeal. Mr. Preston said that he did not believe his complaint had been evaluated on the merits. He said it had been read cursorily by the Director. The Chair asked Mr. Preston to explain the underlying issue.

Mr. Preston said that Ms. Aspelund sent a strongly worded letter to the City Council that the City was not adequately funding the police. The same day she sent it she saw the email in a blog written by Erica Barnett called the C is for Crank.

Ms. Aspelund did her own public record request, and learned that Councilmember Herbold had provided her email to Ms. Barnett. Mr. Preston said that he believed this was not related to City business and was for the gain of a private individual. He said he did not assert that the email was confidential.

The Chair asked whether Mr. Preston understood that anything sent to City Council was public. Mr. Preston said he knew that, but believed that for records to be released they should be requested specifically through the public disclosure process, which should be applied to all citizens equally.

Commissioner Angeles asked Mr. Preston to expand on who had gained by the disclosure. Mr. Preston said that both Ms. Barnett and Councilmember Herbold had benefited.

The Chair again asked Mr. Preston whether he agreed that the email was a public document as soon as it hit Councilmember Herbold's email inbox. Mr. Preston said he agreed. The Chair said she did not see the relevance of the immediacy of the disclosure.

Assistant City Attorney Slayton told the Chair that frequently when there is a public records request the document is provided the same day.

The Vice Chair asked Mr. Slayton whether there were any laws other than the Public Records Act that would govern the release of a public document. Mr. Slayton said the Ethics Code does prohibit officials from using their offices for private gain. He discussed a county case where an employee took advantage of public information to purchase property and profit from that purchase.

Commissioner McKay asked Mr. Preston to speak to the issue of private gain. Mr. Preston said it was certainly a gain for Ms. Barnett, who used that information to attract readers to her blog, from which she is paid. Mr. Preston said he disagreed with Mr. Slayton that there had to be a dollar figure attached for there to be a violation.

The Chair asked Mr. Preston whether he was arguing that under no circumstances should a City official to send a document to a reporter without a public records request. Mr. Preston said not necessarily. He said city officials should not volunteer to send information to reporters or their friends unless its specifically asked for.

The Chair asked the Director whether he had anything he wanted to say and he said that he did not. She then asked the commissioners whether they wanted to go into executive session. The Commission went into executive session.

The Commission emerged from executive session at 4:27. The Chair asked Mr. Preston whether he wanted to add anything and he said that he did not. She asked the Director who said the City has a commitment to transparency and he hoped the Commission would do nothing that would chill the relationship between City officials and the media.

The Vice Chair made a motion to affirm the Director's dismissal and Commissioner McKay seconded. The Vice Chair made the point that he agreed with Mr. Preston that a private benefit need not be quantifiable, but said that he did not see a private benefit in this matter. The vote to affirm the Director's dismissal was unanimous.

Discussion Items

4) I-122 status report

Rene LeBeau told the Commission that the program had already received more than 3,000 vouchers. Eight candidates had pledged to participate in the program, and one of them had

officially qualified to redeem vouchers. She said the County had been fantastic to work with on signature verification.

She said the office had been inundated with phone calls and emails in the days following the launch, but that it had tapered off in recent days.

The Chair asked how vouchers were coming in and Ms. LeBeau reported that about two thirds of them were coming in by mail and a third dropped off by campaigns.

Ms. LeBeau then shared the draft document for requesting replacement vouchers with the Commission and a one-page guide to the process. She said there was no plan to put the document on the website.

Commissioner Rekhi asked what we would do if we received a request for replacement vouchers from someone who had already assigned their vouchers, and staff replied that we would not count more than four vouchers from any individual.

The Vice Chair asked what kind of calls staff was fielding. Ms. LeBeau said many callers want to know which candidates are participating in the program. It is a challenge, because that list of candidates will not be set until June 2.

The Director said that now that the initial rollout was done staff was turning its attention to other matters, including the Statement of Legislative Intent. Staff would need to work with the Department of Neighborhoods and the Office of Immigrant and Refugee Affairs to come up with best practices for reaching communities that have not traditionally been involved in City government.

The Vice Chair asked whether the Public Disclosure Commission had met to discuss the bundling question. The Director said that the PDC had decided that vouchers were to be treated

the same as any other contribution, and so could not be bundled. He said the PDC would be issuing an opinion, which staff had seen in draft form at the PDC meeting.

Commissioner Angeles asked about outreach to those with criminal records who were not eligible to vote, and the Director and Ms. LeBeau both said that issue had yet to be dealt with but was certainly on the list of things that needed attention

The Director explained to the Commission why some vouchers had been mailed to people outside Seattle. He also told the Commission that staff would require inactive voters with addresses outside of Seattle to attest that they were eligible to participate in the program. The fact that someone lives outside the City limits does not, standing alone, mean that they are ineligible to participate in the program. They could be a student or serving in the armed forces and still be a Seattle resident.

5) Executive Director's report

The Director told the Commission that he had briefed the Education, Equity and Governance Committee on the Democracy Voucher Program that morning and all had gone smoothly.

He also told them that the Commission ended the year approximately \$10,000 in the black. While the books showed a deficit of approximately \$800, he was in the process of getting some expenses booked to the Democracy Voucher program that had been erroneously booked to the Commission.

He reminded Commissioners that this was Commissioner McKay's last meeting, and that there were cookies to mark the occasion.

The Regular Commission meeting for February 1, 2017 adjourned at 5:04 p.m.