City of Seattle

Ethics and Elections Commission

January 26, 2009

BY HAND AND E-MAIL

Mayor Greg Nickels
City Hall, 7th Floor
Seattle, WA 98104

City Council President Richard Conlin
City Hall, 2nd Floor
Seattle, WA 98104

Dear Mayor Nickels and Council President Conlin:

At its January 14, 2009 meeting, the Ethics and Elections Commission voted to recommend that the Council and the Mayor work together to bring appointments to the Commission in line with SMC Chapter 3.70, the Commission's enabling ordinance. Bringing the appointment process into compliance with the law is a valuable goal in and of itself. The Commission also expects that making one appointment each year will prove less burdensome for your offices than the current practice, which requires that every three years you make two appointments simultaneously.

SMC 3.70.030 provides that Commissioners' "[t]erms shall be staggered so that the terms of one (1) member selected by the Mayor and one (1) member selected by the City Council expire each year." Despite that mandate, however, two Mayoral appointees' terms expired at the end of 2008, and two City Council appointees' terms expired at the end of 2007.

The origins of this problem are rooted in another provision of SMC 3.70.030, which provided that "[i]ncumbent members of the Fair Campaign Practices Commission/Board of Ethics shall complete their current terms as members of the Ethics and Elections Commission." When the Commission was created in December of 1991, incumbents' terms were not staggered. Two original City Council appointees had carry-over terms expiring in 1992, and two Mayoral appointees had carry-over terms expiring in 1993. The enabling ordinance did not provide a procedure for reconciling the conflicting requirement that incumbents serve out their terms with the requirement that the terms of one Mayoral appointee and one City Council appointee expire each year.

The Commission recommends that the Mayor fill one of the appointments that expired at the end of 2008 with an appointee whose term would expire in 2010, the year that two City Council appointees' terms expire. The City Council could either act now to extend one of those

700 Fifth Avenue, Suite 4010, PO Box 94729, Seattle, WA 98124-4729
Tel: (206) 684-8500, Fax: (206) 684-8590, E-Mail: ethicsandelections@seattle.gov, Web: http://www.seattle.gov/ethics
An equal employment opportunity, affirmative action employer. Accommodations for people with disabilities provided upon request.

GCIU 804-M

terms to expire in 2011, or it could make a one- or four-year appointment when filling one of the terms that expires in 2010.

Very truly yours,

Wayne Barnett
Executive Director

cc: Councilmember Sally J. Clark, Chair, Planning, Land Use and Neighborhoods Committee
Seattle Ethics and Elections Commission