Seattle Ethics and Elections Commission Regular Meeting
March 4, 2009

The regularly scheduled meeting of the Seattle Ethics and Elections Commission convened on March 4, 2009 in Room 4080 of the Seattle Municipal Tower, 700 Fifth Avenue. Commission Chair Robert Mahon called the meeting to order at 4:01 p.m. Commissioners Mel Kang, Nancy Miller and Michele Radosevich were present. Commissioner Ed Carr joined the meeting by telephone. Commissioners Tarik Burney and Lynne Iglitzin were absent. Executive Director Wayne Barnett and staff members Gwen Ford, Polly Grow and Mardie Holden were present, as was Assistant City Attorney Gary Keese.

1) Public Comment

There was no public comment.

2) Approval of minutes of the January 14, 2009 meeting

Commissioner Radosevich made a motion to accept the minutes as prepared, which was seconded by Commissioner Miller. The minutes were approved unanimously. Commissioner Kang abstained because he was not present at the January 14th meeting.

3) Approval of Minutes for February 4, 2009 meeting

The Chair said that the third line in Item #6 should state that the "Commission would use City funds to pay for the trip." Commissioner Miller made a motion that the minutes should be approved, and Commissioner Radosevich seconded. The amended minutes were approved unanimously.

5) Advisory Opinion 09-01 (Discounts for City Employees)

The Executive Director said that there are two Commission opinions that already address discounts, although this opinion addresses two new questions. First, does the Ethics Code permit

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special offers to employees of select departments, as opposed to the entire City workforce. And second, how may the City inform employees of discounts without providing free advertising to businesses. The two prior advisory opinions take very different views on this question, and he believes the Commission should clearly articulate its thinking on this issue.

The draft opinion does three things. First, it reaffirms that offers that comes into every City employee on terms similar to those that are offered to employees of other large employers are acceptable under the Ethics Code. Second, it states that offers directed to specific departments are not *per se* acceptable. But it sets out the following analysis to guide decisions about such gifts: (1) how big is the class, (2) is it offered to other groups of employees or employers and (3) is there a nexus between the offeror and the people being offered the gift.

Applying the analysis to this case, the draft opinion says that the police department can accept a discount from a company that sells vacation packages. Unlike a company that sells home security systems, there is no nexus between the work police officers do and a vacation business.

Third, the opinion states that offers should be publicized on the City's InWeb, where many are already listed. The opinion does not approve of e-mails to all City employees offering half price pedicures during the month of April, for example.

In response to a question from Commissioner Kang, the Executive Director clarified that this opinion deals with offers that are disseminated by the City. The Commission cannot control the actions of private businesses that send e-mails to City employees.

Commissioner Kang stated that he would take out the reference to cigarettes. The Executive Director said that he had only put that in as an example to prod the Executive to

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develop standards for what offers will be posted, and not address them on an *ad hoc* basis. He will remove the reference to cigarettes.

Commissioner Kang said the opinion needs to clarify that not only may the business not have dealings with the departmental employees offered the gift, but the business's owners as well. For example, if the owner of the travel company were under criminal investigation, the police department should not take the discount. The Executive Director said he would make that clear.

Commissioner Miller suggested some grammatical changes, which the Executive Director said he would make. Commissioner Radosevich made a motion to adopt Advisory Opinion 09-01 as amended to reflect Commissioners Miller and Kang's comments, which Commissioner Kang seconded. Advisory Opinion 09-01 was approved unanimously.

4) Public hearing, discussion, and possible vote on rule establishing the list of positions and names of City officers and employees who are required to file Financial Interest Statements.

The Chair opened the public hearing. There was no one present to testify.

Commissioner Radosevich made a motion to accept the list of positions and names of City officers and employees who are required to file Financial Interest Statements, which was seconded by Commissioner Miller.

In response to a question about appeals, the Executive Director explained that the main objection the Commission hears is that employees have been erroneously placed on the list. We take the list that is given to us by the department, however, and objections to being placed on the list need to be taken care of at the departmental level. If, however, you are on the list and believe that filing causes you some undue hardship, there is a legal standard that the Commission can hear appeals. Any appeals will be heard at the Commission's April meeting

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The Commission voted unanimously to adopt the list of positions and names of City officers and employees who are required to file Financial Interest Statements.

6) Executive Director's Report

The Executive Director thanked the Commission for all the work they had done on the review of the Ethics Code, which was a long, long process. He is in the process of reviewing the draft ordinance that Assistant City Attorney Jeff Slayton prepared.

The nomination of Bill Sherman has been formally submitted to the Council. The next Planning, Land Use, and Neighborhoods Committee hearing is next Wednesday, but the nomination is not on the agenda. He hopes to get it on the agenda during the month of March.

Mr. Sherman has been nominated to take Commissioner Kang's seat on the Commission. This is slated to be the three-year term.

The Planning, Land Use, and Neighborhoods Committee is expected to take up the issue of fines being paid with public funds at its next meeting. The Executive Director will be there representing that the Commission's agreement with the proposed changes.

Meeting adjourned at 4:25 p.m.

Minutes respectfully submitted by Gwendolyn Ford, Administrative Staff Analyst.

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