BEFORE THE SEATTLE ETHICS AND ELECTIONS COMMISSION

In the matter of	)	Case No. 14-2-0717-1
	)	
SALLY BAGSHAW	)	SETTLEMENT AGREEMENT
	)	

This settlement is made between Councilmember Sally Bagshaw and the Executive Director of the Seattle Ethics and Elections Commission (the "Director"). Upon approval by the Seattle Ethics and Elections Commission (the "Commission"), the following findings, conclusions and agreements shall be binding upon Councilmember Bagshaw, the Director, and the Commission (the "Parties"), and their successors, heirs and assigns, and shall constitute the complete agreement between the Parties.

Councilmember Bagshaw and the Director agree to the following:

FINDINGS OF FACT

1. Councilmember Bagshaw is a member of the Seattle City Council.

2. On April 28, 2014, the City Council voted unanimously to place a measure on the August 5 ballot asking voters whether or not to create a metropolitan parks district. The measure is known as Proposition 1.

3. The Mayor's Office for Senior Citizens ("MOSC") is a City agency. MOSC organizes and hosts a monthly Senior Coffee Hour. MOSC created and disseminated two flyers for the July 17, 2014 coffee hour: one erroneously billing it as a discussion of transit (which was the subject of another coffee hour), and the other billing it is as discussion of Parks financing and the proposal to establish a Metropolitan Parks District. Councilmember Bagshaw saw the Transportation flyer but did not see the Parks flyer.

4. Councilmember Bagshaw was told that the discussion would be about Parks financing and the proposal to establish a Metropolitan Parks District and she accepted the invitation with that understanding. Councilmember Bagshaw was not told that the event would be held in a City facility or would be sponsored by the City. On the contrary, she understood that she was attending the event, along with another campaign speaker Brice Maryman on behalf of the Seattle Parks for All campaign.

5. Councilmember Bagshaw says that the fact that the event was a regular coffee sponsored by MOSC was not clear to Councilmember Bagshaw until she was introduced by Michael Taylor-Judd from the MOSC. The Director says that Councilmember Bagshaw should

have known when she saw the flyer that the coffee was a City-sponsored event; however, since Councilmember Bagshaw did not see the Parks flyer she did not have full information about the event.

6. On July 17, 2014, at about 9:50 a.m., Councilmember Bagshaw arrived at the MOSC event. The event was held in Conference Room 150 of the Central Building in Downtown Seattle. MOSC rents space in the Central Building, which is privately owned, and is entitled to use Conference Room 150 as a result of that rental, as are the other non-City tenants of the Central Building. There is no signage that indicates that Conference Room 150 is or was a City facility or in any way affiliated with the City.

7. Approximately 45 seniors attended. Councilmember Bagshaw brought three pieces of Seattle Parks for All[1] campaign literature promoting Proposition 1. When she realized that most of the attendees were expecting a discussion of transit, she set aside her plan to discuss Parks financing.

8. Councilmember Bagshaw placed the campaign literature on a table at the back of the room along with other MOSC literature. During the course of the coffee hour approximately 30 copies of one of the pieces – a sheet entitled "What do you get in Downtown, Magnolia, Belltown and Queen Anne?" – were distributed to the attendees. Councilmember Bagshaw did not distribute the literature.

CONCLUSIONS OF LAW

9. The Seattle Elections Code, SMC 2.04.300, states that "[n]o elected official nor any employee of his or her office…may use or authorize the use of any of the facilities of a public office or agency, directly or indirectly, for the purpose of assisting a campaign for…the promotion of or opposition to any ballot proposition."

10. Councilmember Bagshaw is an elected official.

11. The MOSC Senior Coffee Hour was organized by City employees using City facilities, and took place in a room the City was entitled to use as a result of space it rented elsewhere in the building.

AGREEMENT

12. Councilmember Bagshaw acknowledges bringing campaign literature to the MOSC Coffee Hour violated the Elections Code. She says that had she known the facts as

[1] Seattle Parks for All is the registered political committee promoting the passage of Proposition 1.

recited in paragraph 11, she would not have brought campaign materials to the event. The Director acknowledges that there was legitimate confusion on Councilmember Bagshaw's part over whether the forum was an appropriate one for campaign advocacy or not, and has cautioned MOSC about sponsoring future coffee hours dealing with ballot propositions.

13. The Director believes that a nominal fine of $150 is appropriate given Councilmember Bagshaw's legitimate confusion over the nature of the event. Councilmember Bagshaw agrees to pay $150 to resolve this matter without further delay.

14. The Parties agree that this settlement agreement, upon the Commission's approval, will constitute, insofar as is legally possible, a full and final settlement between the Parties, as to all facts, actions, controversies and matters that have occurred or may have occurred, as described herein, related to Councilmember Bagshaw's use of campaign literature at the Senior Coffee Hour, and do forever release, acquit and discharge each party, its present or former officials, employees, agents, representatives, heirs and assigns from all present claims, demands, damages, costs (specifically including attorney's fees and costs), actions or causes of action arising out of all facts, actions, controversies and matters that have occurred or may have occurred or in any way related to the Senior Coffee Hour, and the acts or omissions of the Commission, its members, agents or employees in handling the matter filed under Ethics and Elections Commission Case No. 14-2-0717-1 and any events related thereto.

15. The Parties agree that the Commission's review of this settlement agreement does not preclude the Commission from hearing this case in the event that the Commission rejects this agreement and calls for a hearing, or in the event that Councilmember Bagshaw rejects any Commission modification of this agreement and requests a hearing.

16. The Parties agree that if Councilmember Bagshaw distributes campaign materials in a City facility in the future because of lack of diligence the Commission will be entitled to hold a special meeting or a regular meeting to issue a determination that she has violated the Elections Code. Under the municipal code, the Commission may impose a fine of up to $5,000 per violation, and may require costs that do not exceed the amount of any monetary fine.

17. The Parties agree that this settlement incorporates and supersedes any and all other oral and written agreements and assurances of any and all kinds between the parties, and that there are no other written or oral agreements that alter or modify this agreement.

Sally Bagshaw

Councilmember Sally Bagshaw
Date: September 8, 2014

Wayne Barnett

Wayne Barnett, Executive Director
Date: September 8, 2014