

Seattle Ethics and Elections Commission Regular Meeting
March 5, 2008

The regularly scheduled meeting of the Seattle Ethics and Elections Commission convened on March 5, 2008 in Room 4080 of the Seattle Municipal Tower, 700 Fifth Avenue, Seattle, WA. Commission Vice-Chair Bob Mahon called the meeting to order at 4:01 p.m. Commissioners Tarik Burney, Ed Carr, Mel Kang and Nancy Miller were present. Commissioner Mahon announced that Commissioner Radosevich, would not be attending the meeting due to a family emergency in Chicago, and that Commissioner Iglitzin would also be absent. Executive Director Wayne Barnett and Commission staff members Harley Anders, Bob DeWeese, Gwen Ford, Polly Grow and Mardie Holden were present, as was Assistant City Attorney Jeff Slayton.

1) Public Comment

There was no public comment.

2) Approval of Minutes

Commissioner Miller made a motion to adopt the minutes of February 6, 2008, which was seconded by Commissioner Kang. Commissioner Miller proposed to omit the words “if” and “even” on line five of the third page, so that it reads “Mr. Steinbrueck stated that his role to the Advisory Committee...” The amended minutes passed unanimously.

3) Review of Executive Director’s performance (Possible Executive Session).

Commissioner Mahon proposed that the Commission delay the discussion of Agenda Item #3 until the end of the meeting, in case it required an Executive Session.

4) **Briefing on Public Financing**

The Executive Director began by announcing that the House had passed the Senate's bill authorizing local public financing, and that the Governor was expected to sign the bill.

In a memo to the Commissioners regarding public financing, the Executive Director laid out some of the decisions that the City will have to make about whether or not we want to have local public financing and, if we do, how do we want to structure the program.

The Executive Director said he chose Portland and San Francisco as "models" from among the 15 localities with public financing plans because they are similar-sized West Coast cities, and have adopted very different public financing plans, plans that exemplify the two ways that cities have, to date, publicly financed campaigns. In Portland, the equivalent of a City Councilmember is a Commissioner. If they collect 1,000 \$5 contributions from registered voters, then they are entitled to full public financing. They may receive matching funds if they face either a high spending opponent or an independent expenditure committee. The Mayoral program is the same, although the threshold is 1,500 \$5 contributions from registered voters. Qualified commissioner candidates receive \$150,000 in the Primary, and \$200,000 in the General. Qualified mayoral candidates receive \$200,000 in the Primary, and \$250,000 in the General.

Commissioner Mahon asked whether Portland and San Francisco have partisan City governments, and the Executive Director said he believes that Portland is non-partisan. He was unsure about San Francisco. But he said that in San Francisco they don't have a primary, they have instant run off voting.

The discussion turned to the high cost of elections in Portland, and the Executive Director stated that in Oregon there is no campaign contribution limit. A city candidate can raise large

sums of money from very few people and that may account for the higher spending. The question remains if the City decided to go with a Portland-style plan, how would it be financed, keeping in mind the need to be fiscally responsible, and the need to design a program in which candidates would want to participate.

Commissioner Kang asked the Executive Director as to why he only included Portland and San Francisco and not the existing procedures that were used in Seattle. Under the old program you qualify by getting 300 \$10 contributions from people in the City of Seattle for Mayor and 200 \$10 contributions for City Council. Then you would be matched on a one-for-one basis for contributions up to \$50 per person. The Executive Director responded that the existing procedures are nearly 20 years old, and the spending caps are very outdated. Moreover, other cities have improved on Seattle's program in the last 20 years. One of his concerns with the old program was the relatively small incentive for candidates to pursue smaller contributions.

Commissioner Burney asked whether the Executive Director had solicited input from people in San Francisco and Portland, and the Executive Director stated that he'd recommended to Councilmember Clark that she hold a brown bag and invite the person that is administering Portland's program and the person who administers San Francisco's program, to ask them how their programs work (and don't work), and if they had this to do over again what would they change.

5) Review of lobbying legislation

The Executive Director said that the bill had been re-introduced because the title was incorrect. The version he handed to the Commissioners is the version now before the Council. The new bill makes it clear that the lobbyist is an individual, and that the lobbyist's employer is the person on whose behalf the individual is lobbying. If you're a lawyer at Perkins Coie, your

employer for the purpose of this act is not Perkins Coie, it's the firm's client. In addition, the definition of "compensation" was clarified to address the concerns raised by the Chair in January. Until the bill is passed, the Commission can provide advice to the Council.

Chris Leman was present to speak on the lobbying ordinance. Mr. Leman said he represented the Community Council Federation, which has been around since 1946. They support having disclosure of paid lobbying, but under the bill most paid lobbying won't be disclosed. He is hoping that the Commission agrees that it is inequitable and does a disservice to the public interest to exempt from public disclosure lobbying by government employees and consultants. Mr. Leman said that lobbying done at taxpayer expense is especially in need of being disclosed.

Mr. Leman said that the Executive Director said that this current ordinance would cover approximately 25 lobbyists, and that if lobbying by government is included that you wouldn't be able to administer this without more money being added to the budget. This is probably true. There have been arguments that it is impractical or unnecessary for government employees to report, which cannot be squared with the fact that right now government lobbying is regulated by the State. For many years, City of Seattle staff and consultants who lobbied the State Legislature and government have had to report their activities to the State Public Disclosure Commission.

Commissioner Mahon asked whether or not the City can require state employees to register, which still leaves county and other municipalities subject to this ordinance. The Executive Director said that he believes that King County lobbyists would be covered under this Ordinance. He said that Seattle has an Office of Intergovernmental Relations staffed by five or six people whose job it is to interact with other governments to advance the City's interest. He believes the idea is that the employees of the "OIR equivalent" at the County, Sound Transit and

other public agencies would be required to file. If the Chief Executive of Sound Transit were to call over to the Council or Mayor to discuss some piece of legislation on four or more occasions, that would not trigger filing with us.

Commissioner Kang circulated some notes on the draft lobbying legislation. The Executive Director said that to the extent that we were to enact a rule that was not grounded in this Ordinance it would not withstand court scrutiny. Commissioner Kang said that he thinks the legislative component should be done by the City Council and not by appointed Commissioners. Commissioner Kang asked if you're a lobbyist, how are you put on notice that you're entrenching upon the conduct regulated by this ordinance? He believes that some more work needs to be in terms of when do you cross the line and become subject to this statute.

Commissioner Miller made a motion to recommend limiting the exemption for other governments to elected officials, which was seconded by Commissioner Kang. The motion carried unanimously.

Commissioner Kang made a motion to amend the Statement of Policy, limit the Commission's rulemaking authority, recommend that City Council further study the administrative burdens associated with complying with the lobbying law, and add a discovery provision to the statute of limitations. Commissioner Carr seconded. Commissioner Miller voiced her concern with recommending that the City Council further study the administrative burdens, after which Commissioner Kang amended his motion to omit that recommendation. The amended motion passed unanimously.

Commissioner Kang then made a motion to recommend that the City Council study the administrative burdens that it would have on groups that operate in the City of Seattle, which was seconded by Commissioner Burney. The motion failed by a vote of 4-1.

Before moving into executive session, the Executive Director announced that staff member Harley Anders is leaving the City at the end of April, and thanked Harley for his years of service to the Commission. The Executive Director distributed a copy of the ad for Harley's position.

Commissioner Mahon announced at 5:40 that the Commission was going into Executive Session to discuss the Executive Director's Performance. The remaining discussion items were deferred until the Commission's next meeting.

Commissioner Mahon reconvened the regular session at 5:57 p.m. with the discussion on the review of the Executive Director Performance Evaluation

A motion was made by Commissioner Miller and seconded by Commissioner Burney to (i) accept the Executive Director's Performance Evaluation and recommendations as prepared by Commissioners Iglitzin, Mahon, and Radosevich, (ii) award six days of merit leave to the Executive Director, (iii) seek a review of the classification of the Executive Director's position by the Personnel Department, and (iv) increase the Executive Director's compensation to \$113,733.00, retroactive to January 1, 2008 in light of the fact the evaluation process has been continued for the last several months and the fact that it has been two years since the previous evaluation. The motion carried unanimously.

The meeting adjourned at 6:02 p.m.

Minutes respectfully submitted by Gwendolyn Ford, Administrative Staff Assistant.