

**Seattle Ethics and Elections Commission Regular Meeting
September 1, 2010**

The regularly scheduled meeting of the Seattle Ethics and Elections Commission convened on September 1, 2010 in Room 4080 of the Seattle Municipal Tower, 700 Fifth Avenue. Commission Chair Robert Mahon called the meeting to order at 4:00 p.m. Vice-Chair Tarik Burney and Commissioners Rich Cohan, Lynne Iglitzin, Michele Radosevich, Amit Ranade and Bill Sherman were present. Executive Director Wayne Barnett and staff members Anthony Adams, Kate Flack, Polly Grow and Mardie Holden were in attendance, as were Assistant City Attorneys Gary Keese and Jeff Slayton.

1) Public Comment

There was no public comment.

Action Items

2) Hearing on Ed McKenna's appeal of the Executive Director's rejection of a sentence in his voters' pamphlet statement.

The Executive Director rejected Ed McKenna's voter pamphlet statement on the grounds that it violated Rule 4.3, which bars candidates from discussing their opponents. The sentence at issue read: "I believe the citizens of Seattle deserve better than a judge who was rated the very lowest in a recent King County Bar Association judicial evaluation survey." Ryan Robertson represented Mr. McKenna, and asked the Commission to set aside the Director's decision. Assistant City Attorney Slayton asked the Commission to uphold the Director's decision. After hearing arguments from both sides, and discussing the matter, Commissioner Radosevich moved to affirm the Executive Director's decision. Commissioner Iglitzin seconded the motion, and the Commission voted unanimously to uphold the Director's decision.

3) Settlement with employee related to her participation in matters involving individuals with whom she has a personal relationship (\$600)

The case involved an employee in the Mayor's Office of Senior Citizens who made the determination that two people with whom she had a relationship were entitled to assistance with their electric bills. Several commissioners questioned the \$600 settlement, arguing that it did not seem proportional to the violation to which the employee had admitted.

Commissioner Sherman moved to reject the settlement as inadequate, and Commissioner Ranade seconded his motion. That motion failed on a 6 to 1 vote, with Commissioner Sherman casting the vote to reject the settlement. Commissioner Ranade then made a motion to hold the matter over and invite Ms. Woods to attend the meeting. Commissioner Radosevich seconded the motion, which carried by a vote of 5 to 2, with Commissioners Iglitzin and Sherman dissenting.

Commissioner Iglitzin left the meeting at the conclusion of this agenda item.

Executive Session

The Commission went in to executive session to discuss pending litigation.

4) Approval of minutes of July 7, 2010 meeting

Vice-Chair Burney moved to approve the July 7, 2010 Regular Commission meeting minutes as drafted. Commissioner Sherman seconded the motion. The minutes from the July 7, 2010 Regular Commission meeting were unanimously approved.

5) Advisory Opinion 10-01 (Interpretation of exception for financial interests shared with a "substantial segment" of the population)

This was an opinion precipitated by the changes made to the Ethics code last year. Under the revised Ethics Code, Covered Individuals may participate in matters in which they have a

financial interest so long as that interest is shared with a “substantial segment” of the City’s population.

The opinion was requested by a Covered Individual who owned rental property and a primary residence in an area of the City zoned Lowrise 3. The Covered Individual asked whether he could participate in the City’s consideration of a rental housing inspection program and changes to the zoning laws affecting land use in the City’s lowrise zones.

The Executive Director’s draft opinion recommended that the Code be interpreted to permit the individual to participate in the lowrise zoning review because approximately one-third of the City’s population lives in areas zoned for lowrise uses. Under the draft opinion, one-third of the City’s population would qualify as a “substantial segment.” In contrast, the opinion recommended that the Code be interpreted to bar the individual from participating in consideration of the rental housing program, since estimates are that less than five percent of the City’s population owns rental property that would be affected by the inspection program. Under the draft opinion, less than five percent would not constitute a “substantial segment” of the City’s population.

Commissioner Radosevich moved to adopt the opinion as drafted, and Commissioner Cohan seconded the motion. The Commission voted unanimously to adopt the opinion.

Discussion Items

6) Executive Director’s Report

The Executive Director reported that through the first half of 2010, staff is responding to approximately 80 requests for advice per month, or roughly four per day.

The Executive Director then informed the Commission that the Open Government Ombudsman proposal had not been embraced by the Mayor, so the Director would not be asking

the Commission to consider the issue further. Finally, the Director reported that the Commission had not been asked to identify major savings in the budget.

The September 1, 2010 Seattle Ethics and Elections Commission Regular Meeting was adjourned at 5:43 P.M.

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