

## **Seattle Ethics and Elections Commission Regular Meeting**

**January 6, 2010**

The regularly scheduled meeting of the Seattle Ethics and Elections Commission convened on January 6, 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. Commissioners Tarik Burney, Ed Carr, Lynne Iglitzin, Nancy Miller, Michele Radosevich and Bill Sherman were present. Executive Director Wayne Barnett and staff members Anthony Adams, Kate Flack and Mardie Holden were present, as was Assistant City Attorney Jeff Slayton.

### **1) Public Comment**

There was no public comment.

### **Action Items**

#### **2) Approval of minutes for December 2, 2009 regular meeting**

The Chair proposed two amendments to the December 2, 2009 minutes, clarifying comments made by Chris Leman. Commissioner Sherman moved to approve the minutes as amended, Commissioner Miller seconded the motion, and the minutes were unanimously approved.

### **Discussion Items**

#### **3) Application of the Ethics and Elections Codes to city use of social media**

Commissioner Sherman suggested that the Executive Director be tasked with identifying experts who could address the Commission on social media, with the idea that the Commission would devote a half-day meeting to hearing from a panel of experts and taking public comment on applying the Ethics and Elections Codes to social media interactions. There was broad consensus for organizing a special meeting devoted to this issue in the first quarter of 2010.

**4) Dismissal of complaint alleging that City Light manager committed improper governmental actions**

This dismissal was not appealed. The Executive Director said that the complainant's allegations were not actionable under the Ethics Code. Commissioners had no questions.

**5) Dismissal of Case No. 9-2-1023-1 (Allegation the Forward Seattle's independent expenditures in support of the Rosencrantz campaign violated the Elections Code)**

The Executive Director reviewed the allegations and told the Commission that the staff's investigation failed to establish that Forward Seattle's expenditures had been coordinated with Mr. Rosencrantz's campaign. Commissioners had no questions.

**6) Usage of the SEEC On-Line Voters' Guide in the 2009 General Election**

The Executive Director reminded the Commission that Bob DeWeese reported on this issue at the December Commission meeting. The written report memorializes Mr. DeWeese's analysis.

**Proposed Amendments to Ethics and Elections Codes**

The Chair directed the Commission's attention to two items not on the agenda, both of them proposed Code changes.

The Executive Director explained that the first change was necessitated by an error in drafting the Elections Code changes that the City Council adopted in the summer of 2009. The amendment to Section 2.04.250 compared the changes to the law as it existed up until 2006. Changes to SMC 2.04.250 made in 2007 were not reflected in the bill. The proposed amendment would repeal last summer's change and replace it with an accurate description of the law being amended. There is no substantive change.

The Chair moved to recommend that Council adopt this bill, which Commissioner Carr seconded. The motion passed unanimously.

The Executive Director then explained that the second bill involved the definition of immediate family for purposes of financial interest statement filing. When the City Council last year expanded the definition of immediate family for purposes of the conflict-of-interest section of the Ethics Code, that change had an unintended consequence. It triggered the requirement for City employees to disclose information about these immediate family members on their financial interest disclosure statement. Unless the law is changed, City employees will need to provide information about property owned by their siblings, parents, and children, and any dealings those people have with City government. The Executive Director explained that state law has a narrower definition of immediate family strictly for purposes of financial interest disclosure reporting. The proposed amendment comes close to reinstating the law as it existed prior to last summer's code changes, although the language has been improved.

Commissioner Radosevich moved to recommend that City Council adopt this change, which the Chair seconded. The motion carried unanimously.

#### **7) Executive Director's Report**

The Executive Director laid out his goals for 2010, and encouraged the Commission to let him know if they had other items they'd like to see on the Commission's work plan. He said that in addition to wrapping up the Commission's work on the social media issue, he would like the Commission to review the Whistleblower Code much as it had in the past two years reviewed the Ethics and Elections Codes. We should make sure that we are keeping abreast of best practices, and the Whistleblower Code has not been reviewed in some time.

In addition, the Executive Director proposed reviewing the Elections Code implications of a recount. The 2009 Mayoral election almost went to a recount and staff was examining the Elections Code implications under severe time pressures. The Executive Director thinks that

future Commissioners and staff would benefit from the Commission studying this issue and formulating an analysis with the luxury of time.

Finally, if there is time, the Executive Director would like to take another look at the financial interest disclosure program. He continues to believe that we collect far too little information from far too many people, and he'd like to explore changes in the program.

The Executive Director also wanted to correct misstatements he'd made at the December Commission meeting. Contrary to his initial report, Commission staff will not be furloughed in 2010. The ordinance authorizing furloughs of City employees doesn't authorize independent commissions like the SEEC to impose furloughs on employees. If the Executive Director cannot identify sufficient budget savings this year, we may need to seek an ordinance authorizing furloughs, but that wouldn't happen until later in the year.

The Chair noted that the Executive Director's term was expiring in the summer of 2010, and proposed that the Commission review the Executive Director's performance in connection with making a decision whether or not to reappoint the Executive Director. The Chair and Commissioners Iglitzin and Sherman all said that they would be willing to make some calls to people in a position to provide input on the Executive Director's performance. The Commission also discussed holding a public hearing to solicit public input on the Executive Director's performance as well.

The January 6, 2010 Seattle Ethics and Elections regular meeting was adjourned at 4:53 p.m.