

Seattle Ethics and Elections Commission Regular Meeting

April 7, 2010

The regularly scheduled meeting of the Seattle Ethics and Elections Commission convened on April 7, 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 Lynne Iglitzin, Nancy Miller, Michele Radosevich, Bill Sherman and Vice-Chair Tarik Burney were present, absent was Commissioner Ed Carr. Executive Director Wayne Barnett and staff members Anthony Adams, Bob DeWeese, Kate Flack and Polly Grow were present, as was Assistant City Attorney Jeff Slayton.

1) Public Comment

Marguerite Richard said that she had repeatedly been mistreated by City of Seattle employees. Her complaint stems from her claims of experiencing unresponsive and rude treatment in an attempt to receive assistance in attaining utility payment assistance. The Chair explained that the Commission enforces both the City's Ethics and Elections codes. He also commented that proper protocol in a case such as this is to have an SEEC staff person determine if Ms. Richard's complaint is indeed actionable under the Ethics Code. If Ms. Richard is dissatisfied with the staff's response, she can appeal the staff's determination to the full Commission.

Andrew Lee and Cheryl Paston are employees of Seattle Public Utilities, and spoke in regards to SMC.4.16.075, which deals with prohibited conduct after leaving the City of Seattle. Their hope is that the Commission would vote to make a change in the Ethics Code addressing the current provisions that restrict former City employees from obtaining future employment, even if they are laid off. The Chair asked the Executive Director for any remarks or thought

regarding this topic and Mr. Barnett was sympathetic to the employees' concerns. The Commission directed the Executive Director to submit a memo on this issue at the May meeting.

Action Items

2) Approval of minutes for January 6, 2009 regular meeting

Commissioner Miller moved to approve the minutes as prepared, which Commissioner Radosevich seconded. The minutes for March 3, 2010 were unanimously approved.

Discussion Items

3) Siting an Open Government Ombudsman in the SEEC

The State's Attorney General has established an ombudsman in his office to help citizens who are dealing with open government issues and who are encountering some resistance from the government. The City Council's Open Government Committee briefly explored whether the City should create such a position, and whether that position should be housed in the Commission. The Executive Director sought the Commission's permission to explore the idea.

The Chair believes that one of the potential issues from the City's perspective is that, although the ombudsman would not be able to order the City to release documents, there could be conflict between the City Attorney's office and the ombudsman. Commissioner Sherman agreed that there is that potential, but said that the City has a poor record on open government. The Commission authorized the Executive Director to explore the creation of an ombudsman position in the office, and encouraged him to meet with the City Attorney.

4) Social Media Update

The Executive Director asked the commissioners whether there were any days in May that the Commission could meet for a half-day meeting to discuss this issue. The Commission

was unable to find a date that worked for all the commissioners. The Chair suggested that this topic be placed on hold until early September 2010.

5) Closure of 09-WBI-1208-1 (No finding that City Light Director committed an improper governmental action)

The Commission received a complaint that a City Light director had entered into a payment plan with a developer, which it was alleged violated the Seattle Municipal Code and City Light policies. The complainant said that City Light does not turn on the power for a building until all bills have been paid in full.

Staff determined that City Light had the discretion to waive the policy, so there was no improper governmental action. Nevertheless, the staff report to City Light recommended that they formalize their policies, since this deal appeared to have been done on a handshake. The developer had not made any payments beyond the initial installment, and City Light was considering shutting off the power.

Commissioner Sherman asked if there was any evidence that the developer had received special treatment for any improper reasons. The Executive Director said that staff had looked into that issue, but found no evidence that the treatment was the result of any conflicts of interest, gifts, or other improper motives. City Light has become a much more customer-focused enterprise, and this was a example of a case where that customer-friendly focus backfired.

6) Late-filing penalty for McGinn for Mayor (\$300)

The treasurer told staff that the payment is en route. The Commission had no questions about the penalty.

7) Late-filing penalty for Friends of Bruce Harrell (\$100)

The Committee still has an opportunity to appeal this penalty, so the Executive Director recommended that the Commission not discuss the matter.

8) Executive Director's Report

The Executive Director reported that the Seattle City Council passed three pieces of technical legislation that the Commission had endorsed: 1) a bill reinstating a narrower definition of "immediate family" for the purposes of financial interest statement filing; 2) a bill correcting an error in the Elections Code; and 3) a bill barring elected officials from soliciting office fund contributions from City employees. Each bill is currently on the Mayor's desk awaiting signature.

Commissioner Ed Carr has taken a job in Texas, and has informed the Executive Director that he will need to resign his position with the Commission. Vice-Chair Burney asked if the process in finding a replacement will be similar to the one used to appoint Commissioner Carr two years ago, and the Executive Director said that was his intent. Commissioner Radosevich encouraged the Executive Director to inform past candidates that this position has re-opened and the Executive Director said that he would do so.

The April 7, 2010 Seattle Ethics and Elections regular meeting adjourned at 5:00 p.m.