

Seattle Ethics and Elections Commission Regular Meeting

December 1, 2010

The regularly scheduled meeting of the Seattle Ethics and Elections Commission convened on December 1, 2010 in Room 4080 of the Seattle Municipal Tower, 700 Fifth Avenue. Commission Chair Robert Mahon called the meeting to order at 4:04 p.m. Vice-Chair Tarik Burney and Commissioners Rich Cohan, Michele Radosevich and Amit Ranade were present. Commissioners Lynne Iglitzin and Bill Sherman were absent. Executive Director Wayne Barnett, staff members Anthony Adams, Kate Flack, Polly Grow and Mardie Holden, and Assistant City Attorney Gary Keese were also present.

1) Public Comment

Councilmember Sally Bagshaw, and City employees Doug Hutchinson and Michelle Koehler were present to make comments. The Chair held their comments until the Commission took up Action Item #3, Amendment to the Ethics Code's post-employment restrictions.

Action Items

2) Approval of minutes from the November 3, 2010 regular meeting.

The incorrect date was included in the last paragraph of the November 3, 2010 minutes. Commissioner Radosevich moved to approve the minutes as amended, Vice-Chair Burney seconded, and the November 3, 2010 minutes were unanimously approved as amended.

3) Amendment to the Ethics Code's post-employment restrictions

Councilmember Sally Bagshaw presented her draft ordinance to change the post-employment restrictions to permit former employees who are affected by budget cuts to work for City contractors on projects on which they worked while with the City. Ms Koehler and Mr.

Hutchinson both spoke in favor of the proposal, and recommended that the bill broaden the class of employees who would be affected by the change to include not only employees who are laid off, but also employees who are at risk of layoff.

Commissioners discussed how to craft the exemption, and there was a consensus that a bright-line test was preferable to one that gave discretion to departments. The Executive Director said that he would work with the Law Department and with Councilmember Bagshaw on a revised draft.

Commissioner Radosevich moved that the Commission endorse the changes to the Ethics Code, and Vice-Chair Burney seconded. The Commission voted unanimously to endorse making changes to the post-employment restrictions in line with those discussed at the meeting.

4) Contribution limit for the 2011 elections

Under the Elections Code, the Executive Director is to examine the cost of campaigning and make recommendations to the Seattle City Council on the appropriate contribution limit. The Executive Director concluded that the current economic climate had dampened growth in campaign spending, and therefore he recommended that to the Commission that the contribution limit remain unchanged.

Commissioners were concerned with the growth in independent expenditures, with the disparity between the City's contribution limit and the State's, and with the erosion of the contribution limit from four years of inflation. Commissioner Radosevich moved that the Commission recommend raising the contribution limit from \$700 to \$750. The Commission unanimously approved the recommendation.

5) Election of officers for 2011

Vice-Chair Burney nominated Bob Mahon to remain Chair for 2011, and nominated Commissioner Sherman to serve as Vice-Chair. Commissioner Radosevich seconded, and the nominations were unanimously approved.

6) Executive Director's merit leave determination

The Chair recommended awarding the Executive Director five days of merit leave. Vice-Chair Burney moved the recommendation, and Commissioner Ranade seconded. The Executive Director was unanimously awarded five merit leave days for 2011.

Discussion Items

7) Amending the Elections Code to exclude some political action committees that file with the State.

The goal of this legislation is to eliminate the City's filing requirement for PACs that do not play an active role in Seattle campaigns. There are approximately 40 PACs that currently file with the City, and not all of them are engaged in City campaigns to an extent that warrants filing with the Commission. Commissioners agreed that this was a good idea, and applauded the staff for taking the initiative on proposing this bill.

Commissioner Cohan made a motion to recommend the draft ordinance to the City Council, and Commissioner Radosevich seconded. The Commission voted unanimously to recommend the legislation to the City Council.

8) Whistleblower Code review

This Discussion Item was continued from the October 6, 2010 Regular Commission Meeting. Ms. Flack said in October that guaranteeing confidentiality to whistleblowers would

require some legislative work in Olympia. After conducting additional research, Ms. Flack believed that a person requesting anonymity under our ordinance could be guaranteed protection under the Public Disclosure Act. The Chair asked staff to be ready to continue the discussion at either the January or February Commission meetings.

9) Executive Director's report

The Executive Director reported that the 2011 budget for the Commission was adopted without any last minute changes.

Staff continues to provide advice to approximately 75 persons per month.

Mr. Keese informed the Commission he would handle the amicus brief discussed at the November 3, 2010 Regular Commission Meeting. He is working with Nancy Krier of the PDC.

The December 1, 2010 Seattle Ethics and Elections Commission Meeting adjourned at 5:19 P.M.