

Seattle Ethics and Elections Commission Regular Meeting

February 2, 2011

The regularly scheduled meeting of the Seattle Ethics and Elections Commission convened on February 2, 2011 in Room 4080 of the Seattle Municipal Tower, 700 Fifth Avenue. Commission Chair Robert Mahon called the meeting to order at 4:03 p.m. Vice-Chair Bill Sherman and Commissioners Tarik Burney, Rich Cohan, Lynne Iglitzin, Michele Radosevich, Amit Ranade and Commissioner-designate David Mendoza were present. Executive Director Wayne Barnett and staff members Anthony Adams, Polly Grow, Kate Flack, and Mardie Holden, and Assistant City Attorney Jeff Slayton were also in attendance.

1) Public Comment

There was no public comment.

Action Items

2) Approval of minutes from the December 1, 2010 regular meeting.

Vice-Chair Burney motioned to approve the minutes from the January 5, 2011 regular meeting, and Commissioner Radosevich seconded. The minutes from the January 5, 2011 meeting were unanimously approved.

3) Consideration of settlement with City employee regarding misuse of City property (\$300)

The Executive Director explained that Mr. Benavides took a Seattle Police Department decal and placed it on his own personal vehicle. In the settlement before the Commission, Mr. Benavides acknowledged that doing so violated the Ethics Code, and agreed to pay a \$300 penalty.

Commissioner Sherman moved to approve the settlement, and Commissioner Cohan seconded. The motion to approve the settlement passed unanimously.

4) Public Hearing and vote on rule adopting list of Financial Interest Statement filers for Calendar Year 2010

There were no speakers present to comment during this public hearing. Commissioner Sherman motioned to adopt the rule listing employees required to file Financial Interest Statements for 2010, and Commissioner Ranade seconded. The rule was adopted by unanimous vote.

5) Public hearing and vote on rule amending the thresholds for filing Reports of Personal Financial Affairs under the Elections Code.

There were no speakers present to comment during this public hearing. Commissioner Ranade asked whether the Commission would need to revisit these rules every time the PDC revised its thresholds, and the Executive Director explained that the Commission would need to do so. Assistant City Attorney Slayton said that the Commission couldn't delegate its responsibilities to the PDC.

Commissioner Cohan motioned to approve the rule amending the thresholds for filing, and Commissioner Radosevich seconded. The rule amending the thresholds for filing Reports of Personal Financial Affairs under the Elections Code was unanimously approved.

Discussion of House Bill 1771

Current law states that candidates may only discuss themselves in their voters' pamphlet statements, which the City has interpreted by rule to bar a candidate from discussing his or her opponent. House Bill 1771 would replace the state law provision with one requiring a candidate to not make false or misleading statements about his or her opponent. This bill was filed after staff finalized the agenda, but the Executive Director didn't think the discussion could wait until the March meeting.

The Executive Director said that it is relatively easy to determine whether or not a candidate is discussing his or her opponent. If this bill passes, staff would have to decide whether or not comments were false or misleading, which the Executive Director said is a much more difficult determination to make. The Executive Director recommended the Seattle Ethics and Elections Commission oppose this bill.

Commissioners were unanimous in their opposition to the bill. They said that an agency like the SEEC should not be tasked with determining whether statements are false or misleading.

Commissioner Ranade motioned to recommend that the City oppose House Bill 1771, and Commissioner Radosевич seconded. The motion to recommend House Bill 1771 be rejected was unanimously approved.

6) Executive Director's Report

Commissioner-designate Mendoza's confirmation hearing is scheduled for February 9, 2011. The re-nomination of the Chair and Commissioner Ranade will also take place on that date.

For 2010, the Commission spent approximately 97% of its budgeted funds, and returned roughly \$20,000 to the general fund.

The Executive Director informed the Commission that he had filed charges against former Human Services Department employee Teri Woods. A hearing will be scheduled to coincide with the March Commission Regular Meeting.

The Chair inquired about the progress of the social media opinion, and the Executive Director indicated that he hoped to have a draft for the Commission's review at the March meeting.

The February 2, 2011 Seattle Ethics and Elections Commission Regular Meeting was adjourned at 4:23 P.M.