

Seattle Ethics and Elections Commission Regular Meeting

October 1, 2014

The regularly scheduled meeting of the Seattle Ethics and Elections Commission convened on October 1, 2014 in Room 4080 of the Seattle Municipal Tower, 700 Fifth Avenue. Commission Chair Bill Sherman called the meeting to order at 4:02 p.m., Commissioners Bruce Carter, Brendan Donckers and Eileen Norton were in attendance. Commissioner Kendee Yamaguchi joined via telephone. Vice-Chair Rich Cohan and Commissioner Brad Axel were not present. Executive Director Wayne Barnett and staff members Anthony Adams, Kate Flack and Polly Grow were present. Assistant City Attorney Carlton Seu was also in attendance.

1) Public Comment

There was no public comment.

Action Item

2) Special meeting minutes for September 10, 2014

Commissioner Norton moved to approve the minutes from the September 10, 2014 special meeting, and Commissioner Donckers seconded. The minutes from the September 10, 2014 special meeting were unanimously approved.

3) Funding temporary position to help with the transition to district elections

The Executive Director reported that he had submitted a budget request to the Mayor's Office asking for additional funds in case the office needs to hire an additional staff member to help the office through the 2015 Election Cycle, when all nine Council seats are up for election. The Mayor did not include the Commission's request in his budget proposal. Instead, the City Budget Office encouraged the Commission to apply for funding in 2015 if the need arose. The

Director expressed his concern with that approach, since the supplemental process doesn't get underway until the campaign season is well underway.

The Chair asked how the Director anticipated running the hiring process, specifically how long he thought it would take. The Director said that he anticipated moving quickly if the need arose.

Commissioner Carter asked how many campaigns the office oversees in an average year. Ms. Grow said that the number is close to 20.

Commissioner Donckers asked how much money the Director anticipated needing. The Director said that he was seeking just more than \$110,000.

Commissioner Carter moved to approve the request for funding a temporary position to help with the transition to district elections. Commissioner Norton seconded. The Commission unanimously approved the motion authorizing the Director to seek funding for a temporary position to help with the transition to district elections.

Discussion Items

4) Advice to the Seattle Channel regarding programming (Continuation of discussion)

The Commission continued its discussion of programming on the Seattle Channel and how to ensure that it does not violate the bar on using City facilities to promote or oppose candidates or ballot measures.

John Giamberso, the Channel's General Manager, offered the station's perspective on the issues, saying that the station would like clarity on what the Commission considers to be promoting or opposing a ballot measure. He also said that the shows *Ask the Mayor* and *Council Conversations* had been taped for years, and so should be considered the normal and regular conduct of the station, and therefore exempt under the Elections Code. He also said that the

Channel was not interested in providing links on its website to election-related coverage in other media outlets, and so the portion of the Director's memorandum that dealt with that issue was no longer relevant.

Commissioner Norton said that she did not like an approach to the issue that focused on the number of minutes that a show devoted to a ballot measure. She said that would provide too much leeway for activity that could violate the law.

Commissioner Carter said that he did not believe the programming was exempt as normal and regular conduct.

Commissioner Donckers asked Mr. Giamberso how his colleagues at other cities around the country handle this issue. Mr. Giamberso said the Seattle Channel had not yet come across any solid guidance from other jurisdictions, but was continuing to search for good models. Commissioner Donckers thought it may be a good idea to see how other major cities such as Chicago, New York and San Francisco handled this issue.

The Director reported that Polly Grow was looking into how other jurisdictions handled election-related programming. He anticipated having more information to provide at the November commission meeting.

Mr. Giamberso asked the Commission to lift the Director's moratorium on the discussion of ballot measures for the October edition of *Ask the Mayor*. The Chair said that he did not think the Commission was prepared to authorize such discussions.

The Chair said he thought the Commission should continue the discussion at its November meeting.

5) Executive Director's report

The Executive Director said that he was starting to conduct outreach to the various bar associations to let them know about the important work the Commission does. He would like to see a larger applicant pool for Commission vacancies in the future.

The Director also shared the role that Commission staff had played in the revelations of excessive overtime spending in the Police Department, which was on the front page of the Seattle Times. Due to the potential for conflicts of interest at the Office of Professional Accountability OPA, the Commission had stepped into the OPA Director's shoes at the outset of the investigation.

Dismissals still subject to appeal

6) Case No. 14-2-0623-1 (Alleged misuse of City facilities)

For the benefit of the new commissioners, the Director explained that this item is on the agenda for informational purposes only. Since the dismissal is still subject to appeal, the Commission holds off on discussing the substance of the matter until the appeal period has run.

The Regular Commission meeting for October 1, 2014 adjourned at 4:59 p.m.