



City of Seattle
Department of Information Technology

MEMORANDUM

TO: Seattle Ethics and Elections Commission

FROM: John Giamberso, Seattle Channel General Manager

SUBJECT: Comments on the Executive Director's Comments on Seattle Channel Advisory Opinion

DATE: September 30, 2014

This Memorandum relates to the Seattle Ethics and Election Commission's consideration of a potential advisory opinion regarding Seattle Channel's programming, and particularly the ideas discussed in Executive Director Wayne Barnett's September 5, 2014 memorandum and during the Commission's September 10, 2014 monthly meeting. The Seattle Channel welcomes clarity and guidance from the Commission, and seeks to provide input on the practical impacts and feasibility that the ideas discussed will have on Seattle Channel's ability to effectively provide programming for the community.

As noted in Executive Director Barnett's memorandum, the Seattle Channel fills a unique role in providing in-depth content focused on City government. The Seattle Channel is a leader nationally among government television stations, an award winning local TV station that reflects, informs and inspires the community it serves. The Seattle Channel presents programs on cable television (channel 21 on Comcast and Wave) and via the Internet to help citizens connect with their city. Several programs have won Emmy's for their journalistic balance, content and reporting on major issues in the City. As a member of the National Association of Telecommunications Officers and Advisors (NATOA), the Seattle Channel has won numerous broadcasting awards over the years for various programs, interviews, website design and the prestigious Overall Excellence Award in municipal television five times.

The Seattle Channel is a Government Access Channel granted to the City of Seattle per Federal law for the purpose of cablecasting government television programs. It is administered by the Seattle Channel unit of the City of Seattle's Department of Information Technology. Programming decisions are based solely on content, and are made independent of the Mayor and the City Council. Our programming includes series and special features highlighting the diverse civic and cultural landscape of the Pacific Northwest's premier city. The Seattle Channel web site (www.seattlechannel.org) offers streaming video worldwide, and includes an archive featuring video on demand of all programs. The programs viewers see on the Seattle Channel can't be

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found elsewhere in Seattle. Network stations don't take, or have the time, to do in-depth programming on specific issues on a regular basis that is found every day on the Seattle Channel.

The Executive Director's Memorandum proposed a number of ideas for an advisory opinion, and the Channel would like to respond to each in turn.

1. The Seattle Channel may produce election-related content so long as both proponents and opponents of ballot measures, and candidates opposing each other for election, are provided an equal opportunity to present their viewpoint

The Channel believes Executive Director's first suggestion is clear, in keeping with Seattle Channel's mission, and highly practical. Implementation of this suggestion will be fairly seamless.

2. Neither *Ask the Mayor, Council Conversations*, nor *City Inside/Out: Council Edition* are designed to promote the candidacies of the elected officials who are interviewed on those programs.

This suggestion is fairly straightforward. Because the Executive Director noted that there could be a review in the case of a Seattle Channel guest advocating for a guest's reelection or criticism of a guest's political opponent, Seattle Channel believes that guidance on whether and under what circumstances Seattle Channel and/or its management would themselves be vulnerable to citation under the Ethics Code for such action by a guest. Further clarity on that point would better equip the Seattle Channel to steer its programming away from potential areas of concern.

3. Neither *Ask the Mayor* nor *Council Conversations* are appropriate forums for the host to ask questions about ballot measures.

Ask the Mayor and *Council Conversations* are programs that provide insight and in-depth discussion of critical issues of the day. *Ask the Mayor* occurs quarterly (in prior years it occurred as frequently as monthly), while *Council Conversations* occurs monthly, generally nine months of the year, with one council member appearing. Seattle Channel notes that, under Seattle Municipal Code 2.04.300(C), elected officials are permitted to engage in "[a]ctivities that are part of the normal and regular conduct of the office or agency." The "regular conduct" of officials is a specific exemption to the prohibition of the use of public office facilities in campaigns. In light of this exemption, and given the regularity of both the Mayor's presence on *Ask the Mayor* (a quarterly program) and Council Members' inclusion in *Council Conversations* (a monthly program), the Commission should evaluate whether any restriction of discussions of ballot initiatives on those programs is appropriate, in light of the "regular conduct" exemption.

Should the Commission determine that further guidance is appropriate, Seattle Channel requests that it consider the number of issues central to governance in Washington that end up on the ballot through city, county, or state ballot measures, as well as the Seattle

Channel's mission of informing the public of significant issues. As you know, Seattle Municipal Code 2.04.300 bars elected officials from using a public agency to "for the promotion of or opposition to any ballot proposition." The Executive Director's memorandum notes that it "is possible" for an exchange on a ballot initiative to "provide objective information about a measure without promoting or opposing it. This is an inherently risky proposition, though, and exchanges about ballot measures would be reviewed on a case-by-case basis to determine whether or not they promoted or opposed a measure." Seattle Channel suggests that the Commission offer guidance as to what constitutes promotion or opposition of a ballot measure in the context of a news program.

Finally, in his memorandum, the Executive Director noted that Seattle Channel personnel must not give any preferential treatment to a member of the public seeking to ask a question about a ballot member, and the Channel agrees. We have drafted guidelines to clarify and document the Channel's rules regarding how it takes questions for *Ask the Mayor*; those draft guidelines are attached to this Memorandum and will be finalized and circulated to Seattle Channel staff in the upcoming weeks. Similar guidelines will be prepared for *Council Conversations* in the near future.

4. Discussions of ballot measures on *City Inside/Out: Council Edition* are appropriate in limited circumstances.

The Channel believes Executive Director's fourth suggestion is clear, in keeping with Seattle Channel's mission, and highly practical. Implementation of this suggestion will be fairly seamless.

5. The Seattle Channel may have links on its website to stories generated by other media outlets related to ballot measures, so long as it uniformly applies objective criteria to decide what stories will be linked.

The Seattle Channel is currently in the process of redesigning its website. While it finds the suggestions provided by the Executive Director to be straightforward, it suggests that a simpler approach may be to decline to provide links to discussions of candidates and/or ballot initiatives.