

**Seattle Ethics and Elections Commission Regular Meeting  
July 2, 2014**

The regularly scheduled meeting of the Seattle Ethics and Elections Commission convened on July 2, 2014 in Room 4080 of the Seattle Municipal Tower, 700 Fifth Avenue. Commission Vice-Chair Rich Cohan called the meeting to order at 4:02 p.m. Commissioner's Brad Axel, Bruce Carter and Kendee Yamaguchi were in attendance. Chair Bill Sherman and Commissioner David Mendoza were not present. Executive Director Wayne Barnett and staff members Anthony Adams and Gary Keese were present. Seattle City Attorney Jeff Slayton was also in attendance.

**1) Public Comment**

There was no public comment.

**Action Item**

**2) Special meeting minutes for June 3, 2014**

Commissioner Carter moved to approve the minutes, as amended to correct a typographical error. Commissioner Axel seconded the motion. The minutes for the June 3, 2014 meeting were unanimously approved as amended.

**3) Request for advisory opinion**

The Commission took up Chris Leman's request for an advisory opinion. Mr. Leman asked that staff speak to his proposal first, and that he be provided an opportunity to reply.

The Director said that he believed the most valuable Commission opinions were those rooted in fact-specific questions. He was unsure of the value of an opinion providing general guidance.

The Director then told the Commission that he archives his e-mails monthly, so there is a record of the written advice he provides to agencies. He did not support the idea of recording

telephone and face-to-face communications. He said that in order to provide the best advice, the agency needs people to ask for help, and he feared that recording communications would make agency personnel reluctant to ask questions.

Commissioner Axel said that he was skeptical of the idea that staff should record communications. He was concerned with the burden this may place on staff, as well as potentially exposing staff to legal liability if they failed to advise someone that they were recording the call.

The Vice-Chair invited Mr. Leman to speak to the two issues he had raised.

Mr. Leman questioned whether the Executive Director could both assist agencies in complying with the law and zealously investigate complaints against those same agencies. The Executive Director said that the Commission is a small agency and lacks the capacity to establish firewalls between its advisory and enforcement functions.

Commissioner Carter said that it is not uncommon in administrative law for one organization to have multiple functions. Many Commissions both decide whether to initiate an investigation, and then review evidence and adjudicate matters.

Commissioner Yamaguchi thanked Mr. Leman for his input and his commitment to transparency.

Commissioner Carter made a motion to deny Mr. Leman's request for staff to record conversations with agencies. Commissioner Axel seconded. The motion to deny the request was unanimously approved.

Following further discussions of Mr. Leman's request for an advisory opinion, Commissioner Axel moved to deny the request. Commissioner Carter seconded. The motion to deny the request for an advisory opinion carried unanimously.

## **Discussion Items**

### **4) Case No. 14-2-0312-1 (Various allegations)**

The Executive Director noted that this dismissal had not been appealed. He said that he had dismissed the complaint because at the time of the conduct complained of, the minimum wage was a legislative matter, not a ballot measure, and therefore Councilmember Sawant was acting as a legislator when advocating for an increase in the minimum wage, not as part of an election campaign or as a lobbyist.

### **5) Executive Director's report**

The Executive Director updated the Commission on the status of the efforts to identify a replacement for Commissioner González.

He also informed the Commission that the public financing bill that had been under discussion at the time of the June meeting appeared to lack enough votes on the City Council to secure a spot on this November's ballot.

**The Regular Commission meeting for July 2, 2014 adjourned at 4:59 p.m.**