

**Seattle Ethics and Elections Commission Regular Meeting
May 7, 2014**

The regularly scheduled meeting of the Seattle Ethics and Elections Commission convened on May 7, 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. Vice-Chair Rich Cohan and Commissioners Brad Axel, Bruce Carter, Lorena González and Kendee Yamaguchi were in attendance. Commissioner David Mendoza joined via telephone. Executive Director Wayne Barnett and staff members Anthony Adams, Kate Flack and Gary Keese were present.

1) Public Comment

There was no public comment at the start of the meeting. (The Commission took public comment between agenda items 6 and 7.)

Action Item

2) Regular meeting minutes for February 5, 2014

Vice-Chair Cohan moved to approve the minutes, as amended to correct a typographical error. Commissioner Carter seconded the motion. The minutes for the February 5, 2014 meeting were unanimously approved as amended.

3) Special meeting minutes for March 17, 2014

Vice-Chair Cohan moved to approve the minutes as amended. Commissioner Axel seconded the motion. The minutes for the March 17, 2014 special meeting were unanimously approved as amended.

4) Hearing on F-1 modification requests (Judges Donohue, McKenna and Rosen).

The Director explained that three judges had requested modifications pursuant to Administrative Rule 6, which permits the Commission to accept modifications granted by the

Public Disclosure Commission (PDC). The PDC had granted the three judges waivers of the requirement that they disclose their home addresses on their F-1s.

Commissioner González moved to approve the modification requests, and Commissioner Yamaguchi seconded. The motion passed unanimously.

5) Scheduling a hearing in Case No. 13-1-0624-1 (Employee allegedly misused position for his personal benefit)

The Commission discussed the wisdom of scheduling a hearing to coincide with the Commission's regularly scheduled meeting. The Director reminded the commissioners that two regularly scheduled meetings had been preempted for the hearing in *In re Rios*, and he recommended against conducting hearings at regularly scheduled meetings. There was interest among the commissioners in scheduling a hearing to start an hour or two before the Commission's regularly scheduled meeting.

The Commission directed staff to e-mail commissioners to determine a time when a quorum of the commission could be present.

7) Training Plan

The Commission took up Item 7 on the agenda out of order.

Gary Keese unveiled the draft plan for rolling out the new Whistleblower Protection Code training. Mr. Keese explained that there will be a mix of live training and online training, with a focus on the following groups: (1) new employees, (2) new supervisors, and (3) current supervisors.

Mr. Keese told the Commission that the main challenge is recordkeeping. The Chair asked whether within six months it would be possible to easily identify those employees who had not yet received training. Mr. Keese responded that he did think that would be possible.

Commissioner Carter asked how this process is connected to the Ethics training staff provides. Mr. Keese said that all Ethics Code training now includes a whistleblower component.

Vice-Chair Cohan asked how field workers would be notified of the need to participate in training. The Director said that virtually all City employees now have e-mail accounts and the Commission would rely on e-mail to communicate with employees. For those employees who do not have access to e-mail, staff would coordinate with departmental human resources professionals to communicate with those employees.

Commissioner González asked how it would be documented that an employee had been trained. Mr. Keese said that e-mail would be used for record keeping until the City has put in place a learning management system.

Vice-Chair Cohan moved to approve the general plan and concepts discussed in the Training Plan. Commissioner Carter seconded. The Training Plan was unanimously approved.

Commissioner González left the meeting.

The Chair invited Chris Leman to give public comment.

1) Public Comment

Mr. Leman asked the Commission to develop an advisory opinion addressing the conduct of agencies engaged in ballot measure campaigns. He reminded the Commission that he had asked for such an opinion in 2012, and said he was disappointed that the Commission had not acted on his request. He told the Commission that ballot measures are becoming increasingly important in terms of funding and the temptation for agencies to use public resources to promote those measures is irresistible.

Mr. Leman asked that the Director's meetings with agencies about the conduct of the agency during a ballot measure campaign be recorded and made public. He also asked the

Commission to put his request for an advisory opinion on an upcoming agenda and give it serious consideration.

Action Items (continued)

6) Staffing for the 2015 election cycle

The Executive Director said that in light of the fact that all nine City Council seats will be on the ballot in 2015, he wanted to ask for funds so that he would have the capacity to hire a temporary staff member. If so many candidates run that staff is unable to provide the level of oversight the public expects, he would hire someone to help the office meet the demand. If the office doesn't see a spike in the number of candidates, the funds would go unspent.

Commissioner Yamaguchi asked whether the Director wanted to limit himself to only asking for funds to bring on one additional staffer. The Director said he couldn't imagine a scenario under which the auditing workload would more than double. Kate Flack added that there is not room in the office to seat two additional staffers, so the Commission would need new office space as well if it took on more than one additional employee.

Vice-Chair Cohan moved to authorize the Executive Director to submit a Budget Issue Paper to the City's Budget Office seeking additional funding. Commissioner Yamaguchi seconded. The motion carried unanimously.

Discussion Items

8) Housekeeping changes to Elections Code

The Executive Director shared with the Commission a memorandum laying out changes to the Elections Code to bring it into sync with State law and to make other housekeeping changes. He gave as an example the fact that the State Elections Code has been recodified as Chapter 42.17A, and the City's Code still contains references to Chapter 42.17.

The Chair noted that this was a discussion item and not an action item, and the Director said that staff would return to get the Commission's endorsement once the changes had been worked up into draft legislation.

9) Legislation to clarify the threshold for when a political committee has a filing obligation with the City

The Director explained that this bill had been sent to the City Council in 2010 along with a bill to increase the contribution limit from \$700 to \$750. The contribution limit change was controversial, and regrettably both bills died together.

In response to a question from the Chair, the Director said his plan was to get this legislation and the housekeeping legislation together for an endorsement by the Commission and would submit those two pieces together to the City Council.

10) FIS Status Report

Anthony Adams reported that currently 96 percent of the forms from officers and employees had been collected, and 82 percent of the forms due from board and commission members had been collected. Mr. Adams said he expected to have the process completed in the very near future.

11) Executive Director's report

The Director reported that the Mayor's Office was working diligently to replace Commissioner Mendoza.

He also reported that public financing was back on the radar screen. He told the Commission that he had participated that morning in a briefing before the Education and Governance Committee. The key question the committee had for him was whether a program could be implemented by January 1, 2015 if voters approved public financing at the November

election. He told the committee that it would be extremely challenging but that he anticipated that staff could meet that challenge provided it was provided with the resources necessary.

Commissioner Axel asked the Director to explain what kind of program the City Council was considering. The Director said that the Committee discussed what modifications would be necessary to adapt a program designed for City-wide elections to the new District elections. Councilmember O'Brien's proposal would leave the structure of the program unchanged, but would require fewer qualifying contributions – between 200 and 400 – of District candidates wishing to participate in the program, as opposed to 600 for candidates running City-wide. The Committee also discussed whether those qualifying contributions would have to come from District residents or City residents. The spending cap for a District race would also likely be lower.

The Regular Commission meeting for May 7, 2014 adjourned at 5:12 p.m.