

Seattle Ethics and Elections Commission Special Meeting

December 13, 2017

The Special meeting of the Seattle Ethics and Elections Commission convened on December 13, 2017 in Room 4096 of the Seattle Municipal Tower, 700 Fifth Avenue. Chair Eileen Norton called the meeting to order at 4:07 P.M., Vice-Chair Brendan Donckers, Commissioner's Charlene Angeles, Bruce Carter, and Commissioner Hardeep Rekhi were in attendance. Commissioner Vickie Rawlins participated via telephone. Executive Director Wayne Barnett and staff members Polly Grow, Rene LeBeau, Marc Mayo, Jenna Smith and Annie Tran were present. Assistant City Attorneys Jeff Slayton and Gary Smith were also in attendance.

1) Public Comment

Devin Glaser spoke in favor of David Mendoza's request for legislation restricting the ability of campaign consultants and staff to lobby the City. Rory O'Sullivan also spoke in favor of David Mendoza's proposal.

Action Items

- 2) Regular meeting minutes for September 6, 2017**
- 3) Special meeting minutes for September 14, 2017**
- 4) Special meeting minutes for September 22, 2017**
- 5) Special meeting minutes for October 19, 2017**
- 6) Special meeting minutes for October 23, 2017**
- 7) Special meeting minutes for November 2, 2017**
- 8) Special meeting minutes for November 4, 2017**

The Chair asked for the September 6 minutes to be corrected to show she attended the meeting in person, and Commissioner Rawlins noted that the Vice Chair's attendance at the October 19 meeting was not properly reflected. Commissioner Rekhi moved to approve the

minutes for the seven meetings, as amended, and the Vice-Chair seconded. The minutes for the seven meetings were unanimously approved.

9) Settlement with Seattle Police Officers Guild (\$750)

The Director said that the Seattle Police Officers Guild took out a full-page ad in the Seattle Times on Sunday, October 29, but the ad did not list SPOG as having paid for the ad. He said that the \$750 penalty that the parties had agreed to was impacted by the fact that the ad prominently displayed SPOG's logo. SPOG President Kevin Stuckey told the Commission that he owned responsibility for the error, and acknowledged and apologized for the violation. The Chair made a motion to approve the settlement, and Commissioner Angeles seconded. The motion carried unanimously

10) Merit Leave determination for Executive Director

The Chair recommended that the Executive Director be awarded six merit leave days for his performance in 2017. Commissioner Carter congratulated the office on its successful rollout of the democracy voucher program, and the Vice-Chair echoed Commissioner Carter's remarks. The Chair moved to award the Director six days of merit leave, and the Vice-Chair seconded. The motion carried unanimously.

Discussion Items

12) October 23, 2017 letter regarding restricting the lobbying activities of some campaign personnel

Former Commissioner David Mendoza told the Commission that his primary motivation for raising this issue was to highlight a discrepancy in the Seattle Ethics and Elections Codes between how former City staff are restricted by the Codes, versus the lack of restrictions for current or former campaign staff or consultants. He believes those restrictions should be aligned, and cited laws in place in Alaska, California and Maryland.

He also suggested barring corporations that make independent expenditures in support of City candidates from lobbying the City. He said he could find no other jurisdictions with laws that did this.

The Vice-Chair asked Mr. Mendoza whether he felt that disclosure could cure the ills he had identified, rather than outright prohibitions. Mr. Mendoza replied that he did not think disclosure would be sufficient.

The Vice-Chair Donckers asked what length of time Mr. Mendoza would recommend for the prohibition. Mr. Mendoza replied that he thought the restrictions should mirror those in place for City staff, or be aligned with the candidate's term of office.

The Chair said she had serious doubts over the constitutionality of the proposal.

Commissioner Angeles said that Mr. Mendoza had brought a serious issue to the Commission. She was in favor of the Commission examining avenues for alleviating the problem.

Commissioner Rawlins asked Mr. Mendoza's opinion of only limiting a consultant's ability to lobby an officeholder they had worked to elect. Mr. Mendoza was receptive to Commissioner Rawlins's proposal.

Commissioner Carter suggested to Mr. Mendoza that he continue his research on this topic, especially the constitutionality of his proposals, and return to present his findings in the near future.

13) Late-filing penalty for People for Teresa (\$300)

Vice-Chair Donckers asked if the late-filing penalty was a result of a consultant issue. The Director said that it was his understanding that the campaign had made a simple but sizable error, prompting him to assess the \$300 penalty.

14) Dismissal of Case Nos. 17-2-1013-1 and 17-2-1105-1

Commissioners had no question about these two dismissals.

15) I-122 status report

The Director thanked the Democracy Voucher Program team for all their hard work and dedication in making sure the first run was as successful as possible. He said that staff had processed 72,205 vouchers through to redemption, and another 7,775 were invalid, many of them assigned to non-participating candidates. He also told the roughly \$1,140,000 was distributed through the program in the final count.

16) Executive Director's report

The Director told the Commission that the Commission met its budget for 2017. The position of Ethics Investigator/Advisor remains open, but he is contemplating hiring some additional technical support.

Commissioner Carter was reappointed by the City Council to a third 3-year term.

Finally, the Director told the Commission that he had been invited by the City of Austin, Texas to speak to a Charter Review Commission about Democracy Vouchers and the importance of an independent ethics commission.

11) Election of Officers for 2018

The Chair nominated Brendan Donckers to succeed her as Chair, and Vickie Rawlins to serve as Vice-Chair for 2018. Commissioner Carter moved that they be elected by acclamation. The motion was unanimously approved.

The December 13, 2017 Special meeting of the Seattle Ethics and Elections

Commission adjourned at 5:28 P.M.