

**SEATTLE ETHICS AND ELECTIONS COMMISSION
JUNE 4, 2008**

The regularly scheduled meeting of the Seattle Ethics and Elections Commission convened on June 4, 2008 in Room 4080 of the Seattle Municipal Tower, 700 Fifth Avenue, Seattle, Wa. Commission Chair Michele Radosevich called the meeting to order at 4:02 p.m. Vice-Chair Robert Mahon and Commissioners Tarik Burney, Ed Carr and Mel Kang were present. Commissioners Lynne Iglitzin and Nancy Miller were absent. Executive Director Wayne Barnett and Commission staff Bob DeWeese, Gwen Ford, Kate Flack, Polly Grow and Mardie Holden were present, as were Assistant City Attorneys Gary Keese and Jeff Slayton.

1) Public comment

There was no public comment.

The Chair elected to take Item #4 out of order since there were individuals present to talk about scheduling the hearing for Councilmember Richard McIver.

4) Scheduling hearing for Councilmember Richard McIver

Assistant City Attorney Slayton, speaking as the attorney for the Executive Director, said that the hearing is to be set by the Executive Director, but that under the rules the Executive Director has to set the time for the hearing within 30 days of the charging document and he has to set it no more than 30 days from when its scheduled. If there are good reasons, then the Commission may give the Executive Director 60 days from the charging documents to schedule the hearing. It still has to be no more than 30 days from when he schedules it.

After consulting with Assistant City Attorney Bill McGillin, who is representing Councilmember McIver, they felt it would be wise to schedule two days even though the hearing may only take a day. The Chair asked if the Commission could not find a ready date within the next 30 days, would the parties be ready to stipulate to good cause? Assistant City Attorney

McGillin said he initially thought that June 16th would be good, but now understands from talking with Mr. Slayton that two Commissioners will be unavailable on that date, and that a preference would be an extension. He had no objection to that, but would have to check with his client to confirm his availability if we move beyond the 30 day time period. Commissioner Mahon asked what the good cause is. Assistant City Attorney Slayton stated that currently there are no stipulations between the parties, and he does not anticipate any. He stated that Harley Anders, the Commission staff investigator on the case, left the City's employment as of April 29th. The new investigator will be confirmed today, and there is going to be a little more time needed to put together a hearing, and that is good cause being offered.

Commissioner Kang stated that he planned to recuse himself from this hearing because Councilmember McIver was on the other end of a Land Use decision that he was involved in as a community member, and he has been critical of Councilmember McIver in public meetings. Mr. McGillin said that he appreciates what Commissioner Kang has said, and he would prefer that he recuse himself from the hearing, which he understands may cause some scheduling difficulties. Some discussion was had on the subject of a quorum since Commissioner Kang has recused himself. The Executive Director said he spoke with Commissioner Iglitzin earlier, but has not received a call back regarding her availability. The Chair suggested that the Commission set a tentative date, which is dependent upon Commissioner Iglitzin being able to participate, and pick a backup date as well. She said she hoped that both parties would agree to stipulate sending the hearing date beyond July 7th because of the various issues articulated at the meeting. The first preference of dates are July 1st and 2nd and the alternative dates are July 15th and 16th.

2) Approval of minutes for May 7, 2008 meeting

Commissioner Mahon suggested amendments to the second paragraph on page 4, which begins “Commissioner Mahon asked for clarification....” He recommended that the sentence be amended to read “Commissioner Mahon asked for clarification that Councilmember Godden was accused of a single violation of the Ethics Code in authorizing her staff to calendar campaign events and not 33 violations as suggested in public comment.” Commissioner Mahon also suggested changes to the second paragraph on page 5, second paragraph, which begins “Commissioner Mahon asked whether....” He recommended that the sentence be amended to read “Commissioner Mahon asked whether or not the manner in which the Commission handles settlements exposes the settling party to liability or unfair criticism if the Commission does not approve the settlement.” Commissioner Mahon made a motion to accept the amended minutes, which was seconded by Commissioner Burney. There were four votes in favor of the motion, with Commissioner Kang abstaining because he did not attend the May meeting.

3) Confirmation of new staff member, Kate Flack

The Executive Director announced that we had received over 100 applications for the position of investigator, with some incredibly qualified candidates. Kate Flack rose to the top of the heap, and the Commission was fortunate that she had accepted the offer. She is an attorney, although not currently licensed to practice, and she brings a wealth of experience from the King County Prosecutor’s office. The Executive Director said that under the enabling ordinance when he hires staff it is subject to the confirmation of the full Commission and therefore asks the Commission to confirm his selection of Kate Flack. Commissioner Mahon made a motion to accept the confirmation of Kate Flack, which was seconded by Commissioner Burney. The motion passed unanimously.

5) Approval of letter to elected officials regarding campaign events on City schedules

The Executive Director outlined a draft letter that he proposed be sent to the Mayor, Councilmembers, and the City Attorney's office regarding campaign-related scheduling. He had heard from several offices asking what they need to do now, in light of the settlement with Councilmember Godden. The letter essentially recaps the advice given two or three years ago, and adds a single paragraph that says the information must be essential to locating you in case of an emergency. Details such as how you will be transported to the event, the format of the event, and other event attendees may not appear on the public calendar. The Executive Director said he believed the letter was an accurate reflection of what the Commission decided.

6) Financial Interest Statement

The Executive Director said that approximately 86% of those employees that are required to file Financial Interest Statements for 2007 have filed, but noted that staff had been tied up with public financing and had yet to do any follow-up with departments on outstanding statements. He said he expected the compliance rate to improve once staff started making calls.

7) Executive Director's Report

The Executive Director deferred to the Chair for a discussion of the work of the Campaign Public Financing Advisory Committee. The Chair (who also serves as Chair of the advisory committee) provided the Commission with an overview of the meetings. She stated that they have been holding weekly and even twice-weekly meetings to prepare two different public financing programs. The two alternatives are a matching system and a full funding system. The matching plan is essentially a 3:1 match of your own private fund-raising with public funding. The full funding program is a system whereby a candidate would have to raise

\$10,000 from a thousand people. She stated that in the full funding model there is no matching aside from the initial \$10,000.

Commissioner Kang asked whether there has been any discussion on how the City is going to pay for this. The Chair said these are expensive programs, and no one knows of any easy way to pay for this. Funding is definitely a concern.

Commissioner Kang asked about the enforcement and reporting requirements, and wanted to know how the City keeps track of the money it gives to candidates that is being actually spent on the election and if there are no conflict of interest in the way that it is spent? The Chair said that kind of information currently available on our website.

The Chair said she welcomed input from the other Commissioners. They can come and testify, talk to her, Commissioner Mahon or the Executive Director because the deadline is fast approaching. The Advisory Committee will make its recommendations to the City Council on June 12.

Meeting adjourned at 4:56 p.m.

Minutes respectively submitted by Gwendolyn Ford, Administrative Staff Analyst.