

Memo

To: Commissioners
From: Wayne Barnett
Date: August 24, 2004
Re: Staggering

Recommendation

To bring the Commission's appointment process into compliance with the staggering requirements of SMC 3.70.030, the staff recommends that the Commission urge the City Council to set a four-year term for one of the City Council appointments to be made at the end of this year, and a two-year term for one of the Mayoral appointments to be made at the end of 2005. Doing so would achieve compliance with the staggering requirement in 2006.

The ordinance

SMC 3.70.030 reads as follows:

Members of the Commission shall serve for a term of three (3) years ending on December 31st of the third year of such term and until their successors are appointed and qualify. Members are eligible for reappointment.

Terms shall be staggered so that the terms of one (1) member selected by the Mayor and one (1) member selected by the City Council expire each year. The term of the seventh member shall commence on January 1, 1992.

Incumbent members of the Fair Campaign Practices Commission/Board of Ethics shall complete their current terms as members of the Ethics and Elections Commission.

The issue

Since the inception of the SEEC in the early 1990's, the above mandated staggering of terms has not been observed. Among current Commissioners, two Council appointees (Brucker and Mahon) have terms expiring at the end of 2004. Two Mayoral appointees (Kang and Radosevich) have terms expiring at the end of 2005.

As noted, the origins of this are historical. When the SEEC was created in December of 1991 the incumbents in place from the FCPC/Board of Ethics already had “non-staggered” terms. Two original Council appointees, Burgess and Mack, had carry-over terms expiring on December 31, 1992, and two Mayoral appointees, Brim-Donahoe and Rowe, had carry-over terms expiring on December 31, 1993. The enabling ordinance did not provide a procedure for reconciling its conflicting requirements that: 1) one Mayoral and one Council appointee retire each year, and 2) Incumbent members of the FCPC/Board of Ethics shall finish their existing terms.

If the Commission would like to address this issue there are two solutions available. First, the Commission could recommend to the City Council that it resolve the issue by eliminating the staggering requirement from SMC 3.70.030. In the alternative, the Commission could recommend that when the terms of Commissioner Brucker and Mahon end this December the new appointments should be for a three-year term and a four-year term. The Mayoral appointments to be made at the end of 2005 could be then be set for a two-year term and a three-year term. If the Council were to adopt this second plan, the terms of one mayoral appointee and one council appointee would expire each year, in accordance with SMC 3.70.030, in 2006. While the one-time two and four-year terms would themselves contravene SMC 3.70.030, there is no other way, short of stripping the staggering requirement from the code, to achieve full compliance with SMC 3.70.030.