

SEATTLE ETHICS AND ELECTIONS COMMISSION REGULAR MEETING

March 3, 2010

The regularly scheduled meeting of the Seattle Ethics and Elections Commission convened on March 3, 2010 in Room 4080 of the Seattle Municipal Tower, 700 Fifth Avenue. Commission Chair Robert Mahon called the meeting to order at 4:04 p.m. Commissioners Lynne Iglitzin, Nancy Miller, Michele Radosevich and Bill Sherman were present. Vice-Chair Tarik Burney and Commissioner Ed Carr were absent. Executive Director Wayne Barnett and staff members Anthony Adams, Kate Flack, Polly Grow and Mardie Holden were present, as was City Attorney Gary Keese.

1) Public Comment

There was no public comment.

Action Items

2) Approval of minutes for January 6, 2009 regular meeting

Commissioners Radosevich and Sherman moved and seconded the adoption of the minutes. The Commission unanimously approved the minutes for the January 6 meeting.

Senate Bill 6243

The Commission moved to a discussion of SB 6243, which was not on the agenda for the meeting.

In its original form, SB 6243 eliminated the state law requirement that campaign finance reports be filed with county auditors. But in the House, the bill was amended to eliminate all filings with localities that require the same information as the PDC. The amended bill passed out of the House committee on February 23, and was adopted by the full House on February 28.

According to the Executive Director, the bill calls into question the SEEC's ability to police reports for accuracy and to make sure they are timely filed. It also could make it difficult for the SEEC to continue to be a resource for people who want to find information on who is contributing to City races.

The Commission discussed a draft letter to the Senate that the Executive Director had prepared, asking them to reject the House amendment. Commissioner Sherman said he was willing to sign the letter prepared by the Executive Director. Commissioner Miller was concerned that the letter conceded some outcomes that the Commission might want to dispute in the future, and that the Commission shouldn't box itself in. Commissioner Radosevich suggested that the letter include some reference to Seattle's unique rules, such as the fact that the City's contribution limit is lower than the State's.

The Commission made changes to the letter in response to the issues raised by Commissioners Miller and Radosevich. Anthony Adams made the changes in the document and the Commissioners all signed the letter.

3) Request for Administrative Dismissal of Case No. 09-1-1105 (City employee discussed relocating season tickets with Mariners while on official City business)

The Executive Director said that this violation was minor but not inadvertent, and worthy of an administrative dismissal. Commissioner Iglitzin said that since the individual in question was transferred off of the project and directed to attend ethics training, she believed the dismissal was appropriate. Commissioner Miller moved that Case No. 09-1-1105 be administratively dismissed, and Commissioner Radosevich seconded the motion. The Commission unanimously approved the administrative dismissal.

4) Public hearing and vote on adoption of Rule establishing employees required to file Financial Interest Statement for 2009

Commissioner Radosevich moved the adoption of the rule establishing the list of employees required to file Financial Interest Statements for 2009, and Commissioner Miller seconded the motion. The Commission voted unanimously to adopt the rule.

5) Draft ordinance barring elected officials from soliciting office fund contributions from City employees

The City Council asked the Commission to make a recommendation on whether elected officials should be barred from soliciting office fund contributions from City employees. Last year, the City Council passed an ordinance barring candidates from soliciting campaign contributions from City employees, and this bill would extend that bar.

The Executive Director recommended a favorable vote on the bill. City employees are likely to feel no less pressured by a solicitation for an office fund contribution than they are to feel pressured by a solicitation for a campaign contribution.

Commissioner Radosevich moved to recommend this ordinance, and Commissioner Iglitzin seconded the motion. The Commission voted unanimously to recommend the adoption of this draft ordinance to the City Council.

Discussion Items

6) Status report: Application of the Ethics and Elections Codes to City use of social media

The Executive Director participated in a webinar conducted by Ramsey Rammerman. The focus was primarily on the public records implications of social media.

The Executive Director also reported that the U.S. Senate and House of Representatives have both taken up the application of their ethics codes to the use of social media by elected officials. The Senate negotiated an agreement with Facebook, which the Executive Director is

working to obtain. The Senate Rules Committee, the House Administration Committee and the House Ethics Committee have all endorsed the idea that no campaign activity or business promotion can occur on an official Facebook site. The Executive Director also was told by a counsel for the House Ethics Committee that they advise members that they are required to remove postings by third parties that are electioneering.

The Chair endorsed a half day meeting to deal with social media issues, and directed the Executive Director to try to get something scheduled.

7) Biennial Election Report

Commissioner Iglitzin said she liked the report, and the Chair remarked that the Election Report is a great resource for the public. Commissioner Miller asked why the report showed that John McCullough had contributed \$750 to Mayor McGinn's campaign. Polly Grow said that she was almost certain that the McGinn campaign had refunded the excess contribution.

8) Executive Director's Report

The Executive Director provided the Commission with a copy of the completed "Functional Priorities" exercise that the Budget Office requested in anticipation of the need for further cuts in the City budget. There was no discussion of the document.

The Executive Director also reported he spoke with a member of Councilmember Clark's staff about the need to have a hearing on the bill to change the definition of "immediate family" for financial interest reporting purposes before the end of the 2009 reporting cycle. The bill should get a hearing on March 24.

The Executive Director shared the new whistleblower brochure with the Commission, and told them that the brochure is getting great reviews.

The March 3, 2010 Seattle Ethics and Elections regular meeting was adjourned at 5:01 p.m.