

Seattle Ethics and Elections Commission Regular Meeting

December 7, 2011

The regularly scheduled meeting of the Seattle Ethics and Elections Commission convened on December 7, 2011, in Room 4080 of the Seattle Municipal Tower, 700 Fifth Avenue. Commission Chair Robert Mahon called the meeting to order at 4:00 p.m. Vice-Chair Bill Sherman, and Commissioners Tarik Burney, Rich Cohan and David Mendoza were all present. Commissioners Lynne Iglitzin and Amit Ranade were absent. Executive Director Wayne Barnett and staff members Anthony Adams, Kate Flack, Polly Grow and Gary Keese were present. Seattle City Attorney Jeff Slayton was also in attendance.

1) Public Comment

There was no Public Comment.

Action Items

2) Approval of October 5, 2011 meeting minutes

The Vice-Chair made a motion to adopt the October 5, 2011 minutes as drafted, and the motion was seconded. The minutes from the October 5, 2011 Regular Meeting were unanimously adopted.

- 3) Settlement with City employee who participated in manner in which she had a financial interest (\$300)**
- 4) Settlement with City employee who participated in matter in which she had a financial interest (\$400)**
- 5) Settlement with City employee who participated in matters in which he had a financial interest (\$700)**
- 6) Settlement with City employee who misused her official position and participated in matters in which she had a financial interest (\$1,500)**

- 7) **Settlement with former City employee who misused his official position and participated in matters in which he had a financial interest (\$1,500)**
- *) **Settlement with former City employee who misused her official position and participated in matters in which she had a financial interest (\$2,000)**

The Executive Director recommended that the Commission consider these six agenda items together, and the Chair agreed. The Executive Director explained that each of these employees had worked on their own utility accounts, and some of them on their immediate families accounts as well. In setting a fine, the Director considered both the number of violations and whether or not the employee had obtained some benefit unavailable to other ratepayers. He recommended the highest penalties for those employees who had abused their position to get some benefit unavailable to the public, and the lowest penalties for those who had worked on their own account infrequently, and did not give themselves any breaks that were unavailable to others.

Commissioner Cohan made a motion to adopt the settlement, and the motion was seconded. The settlements were unanimously approved.

The Chair noted approvingly the new release language in the settlements.

8) Election of officers for 2012

Commissioner Burney nominated Vice-Chair Bill Sherman to serve as Chair, and Commissioner Cohan seconded. Vice-Chair Sherman nominated Commissioner Burney for the position of Vice-Chair, which Commissioner Cohan again seconded. The vote in favor of the Chair and Vice-Chair was unanimous.

9) Decision regarding merit leave for the Executive Director

Vice-Chair Sherman moved to award the Executive Director five days of merit leave for 2012, and Commissioner Mendoza seconded. The motion to award the Executive Director five days of merit leave for 2012 was unanimously approved.

Discussion Items

10) Changes to Whistleblower Protection Code

Kate Flack led the Commission through the review of the draft changes to the Code. The Commission then heard testimony from Jack Sheridan, who spoke on behalf of the Washington Employment Lawyers Association. Mr. Sheridan encouraged the Commission to propose a private right of action for whistleblowers, so that they could sue in court if they were retaliated against for blowing the whistle.

The Commission discussed Mr. Sheridan's proposal at length. The Vice-Chair said that this was not an issue that the Commission was going to be able to decide in one meeting. He said the Commission would need to hear from the City Attorney's office and from departments before making a recommendation on such an issue to the City Council.

The Chair suggested that the Commission flag the issue of a private right of action for the City Council. He asked whether or not his fellow commissioners were interested in seeing another draft from staff, or whether they wanted to take a vote on recommending the changes at that meeting.

The Vice Chair made a motion to recommend the draft changes to the City Council, subject to the staff reviewing the draft and cleaning up any typographical errors, and that the

draft be sent over with a message to the City Council that the Commission took no position on whether or not the City should create a private right of action. Commissioner Cohan seconded the motion, and the vote in favor of the motion was unanimous.

11) Dismissal of Case No. 11-2-0628-1 (Alleged misuse of City publications for campaign purposes)

The Executive Director dismissed this complaint, and the complainant did not appeal. The Executive Director explained that he found the publications to be more informational than promotional.

12) Dismissal of Case No. 11-2-1006-1 (Alleged misuse of City funds for campaign purposes)

The Executive Director dismissed this complaint, and there was no appeal. He explained that there were valid invoices underlying all of the payments to the Cascade Bicycle Club, that the City had been a member of the Transportation Choices Coalition for many years, and that the Transportation Choices Coalition takes in enough each year to credibly claim that public funds are not used by the organization for advocacy.

13) Executive Director's report

The Executive Director reported that he was leaving the meeting and going to the School Board meeting to discuss the District's Ethics Policy. He also reported that he had scheduled a meeting in January with the Kirkland City Council to discuss that City's Ethics Code.

The December 7, 2011 Seattle Ethics and Elections Commission Regular Meeting was adjourned at 5:38 P.M.