

DRAFT MINUTES

**Seattle Ethics and Elections Commission Regular Meeting
December 5, 2007**

The regularly scheduled meeting of the Seattle Ethics and Elections Commission convened on December 5, 2007 in Room 4080 of the Seattle Municipal Tower, 700 Fifth Avenue, Seattle, WA. Commission Chair Michele Radosevich called the meeting to order at 4:05 p.m. The Chair, Vice-Chair Mel Kang and Commissioners Tarik Burney, Lynne Iglitzin, Robert Mahon and Nancy Miller were all present. Executive Director Wayne Barnett and Commission staff members Harley Anders, Gwen Ford, Polly Grow and Mardie Holden were present, as was Assistant City Attorney Gary Keese.

1) Public Comment

There was no public comment.

2) Approval of meeting minutes for November 7, 2007 regular meeting.

The Chair called for approval of the November 7, 2007 meeting minutes. Commissioner Mahon requested that the minutes of the discussion of the voters' pamphlet rule barring candidates from discussing their opponents reflect that he "expressed strong opposition to the rule." Commissioner Miller made a motion to accept the amended minutes, which was seconded by Commissioner Kang. The motion passed unanimously.

3) Interviews of finalists for seventh Commission position, and selection of Commission appointee.

The Commissioners discussed proposed questions to be asked of the four finalists for the seventh Commissioner position. The first interview began at approximately 4:15 p.m.

Interviews of the candidates ended at 5:25 p.m. After discussion of the qualifications of the candidates, Commissioner Mahon made a motion to select Ed Carr as the Commission's

appointee. Commissioner Iglitzin seconded the motion, which passed unanimously. The Chair asked the Executive Director to call and thank the candidates for their willingness to serve. The Commission discussed the extraordinary qualifications of each of the candidates for the opening, and discussed what a difficult choice it had been.

4) Appeal of dismissal of Case No. 07-1-1012-2 (Allegation that Councilmember Godden misused City resources for campaign purposes)

David Coons, the complainant, disagrees with the Executive Director's dismissal. He reiterated his allegation that Councilmember Jean Godden violated the express provisions of SMC 2.04.300, which bars the use of City facilities for campaign purposes, and SMC 4.16.070.2.b., which states that "no city officer or employer may use or permit the use of any person, funds, or property under his or her official control, direction, or custody, or of any City funds or City property for a purpose, which is or to a reasonable would appear to be, for other than a City purpose." Mr. Coons asked what City purpose is served by detailing the whereabouts of key Godden campaign figures and the status of fundraising calls on the City calendar?

Mr. Coons further stated that by not finding this misappropriation of City resources illegal, the Commission will leave the door open to more and similar abuses for incumbents, and provide a green light for the use of City staff to assist Councilmembers' campaigns. It will set a precedent for using City resources to give incumbents advantages over their challengers. He suggested that Councilmember Godden be fined \$100.00 per incident as reimbursement to the City. Additionally, Mr. Coons suggested changes to the letter that is sent to all elected officials regarding campaign events on the City schedule, making clear that nothing beyond the date, place and time of a campaign event can appear on a City calendar.

Joe Szwaja spoke in favor of the appeal. Mr. Szwaja pointed out that it was quite clear and obvious that double booking was done on Feb. 7, 16, 28; April 9, 16 and May 4, 5. He stated that the Election Laws were passed for a good reason and we should hold the candidates accountable to them and public dollars should be used for public service.

David Ward spoke in opposition to the dismissal by stating the he was astonished that the case against Councilmember Godden was denied because it was quite obvious that the activities listed were benefiting her campaign. These are very clear and blatant violations, with no benefit to the City. Councilmember Godden is using her City staff for the benefit of her campaign. Mr. Ward continued to say that to deny an appeal is to give the people the right to go ahead and violate the law. There should be a stiff penalty for this type of violation. Staff members should be encouraged to do the right thing and there should not be even the perception of impropriety.

Elaine Packard spoke in opposition to the dismissal of the complaint and stated that she believes in public service and that Council member Jean Godden violated the Elections Rules. Ms. Packard stated that she read the Elections Code and the Ethics Code, and the principles are clear. She stated that the facts needed to be re-evaluated.

Commissioner Kang asked the Executive Director his reasoning behind the dismissal of the complaint against Councilmember Godden. The Executive Director said that he dismissed the case because, on its face, there was no evidence of activity that went beyond that allowed under the letter that he sends to every Council office, which permits campaign events to appear on an elected official's calendar.

Commissioner Mahon stated that on the face of the document there appear to be some technical violations. He asked whether there is any provision for dealing with *de minimis* violations of the Elections Code, and the Executive Director replied that the Commission has

always held that there is no exception for *de minimis* Elections Code violations. Commissioner Mahon also asked how staff educates Councilmembers regarding these rules. The Executive Director responded that the emphasis has always been on educating Council staff that they cannot schedule campaign events on City time. He didn't recall ever having any discussion about the level of detail that could be included in a calendar entry for a campaign event.

Commissioner Mahon made a motion to overturn the Executive Director's dismissal of this complaint and to reconsider the initial complaint, which was seconded by Commissioner Kang. The motion passed by a vote of 4-2, with the Chair and Commissioner Miller dissenting.

Commissioner Mahon suggested that the Commission adopt guidance for *de minimis* violations of the Elections Code.

5) Settlement with Friends of David Della 2007 Committee for failing to include sponsor identification on robocall (\$500)

The Executive Director said that approximately 9,700 households had received automated phone calls supporting David Della for Seattle City Council without identifying who paid for the broadcast advertisement. The Della campaign agreed to pay \$500 for failing to provide sponsor identification in its automated phone call of October 20, 2007.

6) Election of officers for 2008

Commissioner Miller made a motion to name Michele Radosevich as Chair, and Robert Mahon as Vice Chair. Commissioner Burney seconded, and the motion carried unanimously.

The Chair requested to have Discussion Items #7, 8, 9, 10 and 11 held over to the next meeting.

Meeting adjourned at 7:00 p.m.

Minutes respectfully submitted by Gwendolyn Ford, Administrative Staff Assistant.