

Seattle Ethics and Elections Commission Regular Meeting July 2, 2008

The regularly scheduled meeting of the Seattle Ethics and Elections Commission convened on July 2, 2008 in Room 4080 of the Seattle Municipal Tower, 700 Fifth Avenue, Seattle, Wa. Commission Chair Michele Radosevich called the meeting to order at 4:04 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 members Bob DeWeese, Gwen Ford, Polly Grow, Mardie Holden and Kate Flack were present, as was Assistant City Attorney Gary Keese.

1) Public Comment

There was no public comment.

2) Approval of June 4, 2008 Minutes

Commissioner Mahon suggested an amendment to Agenda Item 3 on page 3, which reads “Commissioner Mahon made a motion to accept the confirmation of.....” He suggested that the sentence be amended to read “Commissioner Mahon made a motion confirming the hiring of...” Commissioner Mahon made a motion to accept the amended minutes, which Commissioner Carr seconded. The motion carried unanimously.

3) Lobbyist reporting rules and draft filing program

The Executive Director stated that he wanted to give the Commissioner’s a preview of the draft lobbyist reporting rules and draft filing program. The law is set to go into effect in September. There will be a public hearing at the August meeting. The Executive Director briefly went over each of the Rules on the preliminary draft:

Rule 1 Filing Reports: This Rule provides for how to file a report. It is a simple and straightforward electronic filing requirement. There will also be something added to make it

explicit that reports that fall due on Saturday, Sunday or holiday will be due the next business day.

Rule 2 Reports by Lobbyists' Employers: This rule provides several ways for employers to report to the Commission. The goal is to make it as simple as possible for the employer. There is also an option under the law for an employer to file their own annual report in lieu of simply signing off on the lobbyists' annual report. Such a report would not be due until February 28, 2009, so staff will be preparing that form in the Fall.

Rule 3 Exceeding the Casual Lobbying Threshold: This rule attempts to reconcile two provisions of the ordinance. The first says you have to register before you lobby, and the second says that if you do not lobby more than four days and part thereof, you don't have to register. The draft rule is based on a state rule.

Rule 4 Enforcement Discretion: The purpose here is to provide some guidance on how the Executive Director will exercise his enforcement discretion. If someone has earned less than \$100 from lobbying, and the Commission receives a complaint, and the person files within five days of being asked to do so, then the Executive Director will not initiate an enforcement action. Commissioners Kang and Mahon voiced concerns about creating a loophole for individuals who claimed that they were not compensated more than \$100 for lobbying. Gary Keese stated that he and the Executive Director would work on tightening up the Rule.

The Executive Director stated that he has sent this draft document to 23 people who had asked to be kept informed of the progress.

The Executive Director stated that staff member Bob DeWeese has done an excellent job preparing an electronic filing system, and directed the Commissioners to the screen shots in their

packets. Bob DeWeese stated that there was also a question raised about the reporting of expenses. The Executive Director said that he would solicit input on that question.

Commissioner Kang asked how the public would be able to use this information. Bob DeWeese stated that the reports would be available on line, and that summary tables and aggregates and a search function would be available, much like the Commission's campaign finance web site. Staff pointed out that the law requires only that lobbyists report how much they earn from their employers. Earnings don't have to be broken down on a bill-by-bill basis.

4) Public Financing Advisory Report

The Chair stated that little had changed between the update she gave to the Commission in June and the final report. The Executive Director stated he had included the report in the packet for the Commission's information. The Chair said the staff had been very helpful and did an excellent job on the Public Financing Advisory Committee.

Commissioner Mahon stated that the Advisory Committee briefed the City Council in June. Some councilmembers raised concerns about the advisory committee not having a diversity of viewpoints. Councilmember Clark reminded her colleagues that the Council put the committee together. Commissioner Mahon stated that the price tag on the proposal is causing some sticker shock for the Council, and that the question probably won't be put to the voters until 2009. Commissioner Kang asked whether the Supreme Court's recent decision ruling unconstitutional the Millionaire's provision of McCain-Fengold would impact fair fight funds. It was the Chair's opinion that it would not.

5) Executive Director's Report

The Executive Director said that 93% of the 2007 Financial Interest Statements had been submitted. We are missing approximately 115 forms, 90% of which are from two departments.

The Executive Director announced that staff member Bob DeWeese is taking a two-month sabbatical. The Executive Director also announced that he had received an e-mail from Commissioner Nancy Miller that she expects to be back for the August meeting. He announced that staff member Mardie Holden is back in business as well, and we are happy to have back in the office. In closing, he reminded Commissioners that the hearing for Councilmember Richard McIver has been scheduled for July 15th & 16th at 10:00 a.m.

Commissioner Mahon updated the Commission on the status of the Commission's request to reclassify the Executive Director's position. The panel that does the initial evaluation is recommending that the position be elevated to an Executive 2, which would provide the Commission with more flexibility in the compensation range and would more accurately reflect the Executive Director's responsibilities.

Meeting adjourned at 4:50 p.m.

Minutes respectfully submitted by Gwendolyn Ford, Administrative Staff Analyst.