

## **Seattle Ethics and Elections Commission Regular Meeting June 3, 2009**

The regularly scheduled meeting of the Seattle Ethics and Elections Commission convened on June 3, 2009 in Room 4080 of the Seattle Municipal Tower, 700 Fifth Avenue. Commission Chair Robert Mahon called the meeting to order at 4:05 p.m. Commissioners Tarik Burney, Ed Carr, Nancy Miller, and Bill Sherman were present. Commissioners Lynne Iglitzin and Michele Radosevich were absent. Executive Director Wayne Barnett and staff members Kate Flack, Polly Grow, and Mardie Holden were present, as was Assistant City Attorney Gary Keese.

### **1) Public Comment**

There was no public comment.

### **Action Items**

### **2) Advisory Opinion 09-02 (Post-employment restrictions)**

The Executive Director asked for the Commission's opinion on exactly when post-employment restrictions begin. The case in point involves an employee who left the office in January, not intending to return, but remained on the payroll for two more months on vacation leave, in order to continue receiving benefits. Pointing out that the phrase, "leaving City Office or employment," is ambiguous, the Executive Director asked for the Commission's interpretation. If the post-employment restrictions are intended to be a cooling-off period, the Executive Director recommends that they begin at the time the employee leaves the workplace with no expectation of returning as an employee, rather than the time the employee is officially removed from the payroll. After brief discussion, Commissioner Miller moved that Advisory Opinion 09-02 be approved. It was seconded and passed unanimously.

## **Discussion Items**

### **3) Status report: Ethics Code changes before the City Council**

The Executive Director reported on a meeting he and the Chair attended with the City Council's Planning, Land Use and Neighborhoods Committee (PLUNC), and referred to the May 26 letter he sent to the Committee in response to councilmembers' questions. The biggest issue seems to be the inclusion of contractors in the Ethics Code, and some concern that including contractors in the Code would overburden SEEC staff. Based on the experience of other jurisdictions, the Executive Director does not anticipate that this will be a problem. Another issue was whether or not expanding the list of family members would create new obligations for employees. Since, under the current law, the same relationships would raise appearance issues and also require recusal from official duties, the Executive Director does not believe that this expands the Commission's jurisdiction. We anticipate that the committee will vote next Wednesday, June 10, and the full Council will vote shortly after.

PLUNC also appears to support legislation that would bar City employees from relying on City funds to pay fines that are levied by the Commission. Also, legislation has been drafted to implement the Commission's recommendations regarding Councilmember Burgess's bill barring elected officials from soliciting campaign contributions from City employees. This legislation creates four exceptions to the rule, including one for solicitations at gatherings, one for solicitations of a significant segment the general public, one for solicitations made after an employee has already voluntarily contributed (after the effective date of the ordinance,) and one for employees who expressly ask to be added to a candidate's mailing lists. The ordinance also provides for the Commission to grant further exceptions consistent with the act. The amended bill also applies to candidates, in addition to elected officials, to further level the playing field,

and to eliminate the possibility of coercive solicitations. Commissioner Mahon pointed out that to meet the first exception, solicitations at gatherings must be broadly delivered, not individually directed to employees who are present, so as to remove the component of pressure.

**4) Status report: Budget**

The Executive Director reported that the Department of Finance asked the department to identify roughly \$40,000 in potential cuts from our budget, which is approximately 7% of the total, and less than several departments have been asked to cut. The bulk of our cuts will be from the Voters' Pamphlet, based on recent biennial needs. The Executive Director has asked the Department of Finance to look at our biennial need, which varies greatly and unpredictably depending on the number of candidates and ballot issues for each year. He suggests that we budget for the routine and usual need, and seek additional funding during unusual years.

**5) Executive Director's Report**

The Executive Director reported that we are beginning the production of the Voters' Pamphlet and Video Voters' Guide (VVG), which are the "voter education" piece of our mission. For the VVG, staff coordinates the scheduling of roughly 90 candidates into half-hour appointments. The complication this year is that the County has not yet committed to take part, even though taping is scheduled to begin in two weeks. We expect the County Council to vote on directing the Elections Director to cooperate with SEEC on production of the VVG.

The Chair called a brief Executive Session as provided by RCW 42.30.110(g), after which the Commission meeting adjourned at 4:29 p.m.

Minutes submitted by Mardie Holden.