



Sally Bagshaw
Seattle City Councilmember

November 9, 2010

Robert Mahon, Chair
City of Seattle Ethics Commission
700 5th Avenue, Suite 4010
Seattle, WA 98104

Dear Mr. Mahon:

I am writing to request the Commission's consideration in amending SMC 4.16.075 Prohibited conduct after leaving City.

This rule appropriately regulates a City employee's conduct upon terminating employment with the City. In summary, it prohibits former City employees from working as lobbyists on city matters or advising and working on projects for another employer upon which the City employee has previously worked. This rule makes sense in most circumstances to avoid an appearance of fairness question.

There is an exception I would like the commission to consider, which is the purpose of the proposed attached amendment. In response to the current budget challenge, the City is laying off some well-qualified and capable employees for financial reasons alone. Some of these employees – with luck – could be hired in the private sector and many will bring exceptional experience and knowledge to their employer.

I would like to draw your attention to just a few of the important infrastructure projects in which the city is currently engaged: the Alaskan Way Viaduct Replacement Project, the adjoining Seawall, SR 520, East Mercer, the Combined Sewer Overflow System as examples. Some of these projects are underway, and many local firms are already engaged on these projects. I believe that some of our former City employees, or soon to be terminated employees, could find employment working on these projects and would greatly benefit the City if they did.

As SMC 4.16.075 is currently written and interpreted, former City officers and employees who have worked on the public works projects could not be hired by the private sector and continue to work on these major projects, because such action would constitute a perceived or real conflict of interest. Although the rule is appropriate to keep current City officers and employees from "jumping ship" to the private sector and giving one private firm a substantial advantage over another, I submit that individuals from Seattle Public Utilities and Seattle City Light among others departments who are targeted for lay-offs, could be a tremendous asset to the City by continuing to work on these very projects in the private sector.

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Accordingly, I am proposing that SMC 4.16.075 be amended to allow City employees whose employment is terminated for budget-related reductions alone, be granted a waiver from this rule. This would allow involuntarily terminated employees to seek employment in areas of their competence. Working with the City Attorney's office and with Wayne Barnett, I have proposed language that would clarify that these employees could work on the specific project once the competitive process is concluded, but may not participate in any competitive selection process on which they had previously worked.

Thank you for your consideration. I would be happy to meet with you and your commission members to discuss this further.

Best wishes,

Sally Bagshaw
Seattle City Councilmember
206 684 8801