

**Seattle Ethics and Elections Commission Regular Meeting
September 7, 2011**

The regularly scheduled meeting of the Seattle Ethics and Elections Commission convened on September 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, Commissioners Tarik Burney, Lynne Iglitzin, David Mendoza and Amit Ranade were all present. Commissioner Rich Cohan was absent. Executive Director Wayne Barnett and staff members Anthony Adams, Kate Flack, Polly Grow and prospective staff member Gary Keese were present. Seattle City Attorney Sumeer Singla was also in attendance.

1) Public Comment

There was no Public Comment.

Action Items

2) Approval of July 6, 2011 meeting minutes

Commissioner Ranade made a motion to adopt the minutes, which Commissioner Iglitzin seconded. The minutes from the July 6, 2011 Regular Meeting were unanimously adopted.

3) Approval of August 15, 2011 special meeting minutes

Commissioner Iglitzin recommended a change to the minutes. Vice-Chair Sherman made a motion to adopt the minutes as amended, which Commissioner Iglitzin seconded. The minutes from the August 15, 2011 Special Meeting were unanimously adopted as amended.

4) Settlements

a) Settlement relating to improper use of City car (\$365)

The Executive Director recommended that the Commission approve a settlement with a Human Services Department employee who acknowledged using a City vehicle for a non-City purpose when she drove to a casino and agreed to pay a \$365 penalty.

Commissioner Ranade said that he thought the penalty was too low. The Director said that in 2008 the Commission approved a \$250 penalty for a City employee who admitted driving a City car to her second job. He said that while he believed that the admission to speeding, coupled with the additional mileage in this case, warranted a somewhat higher penalty in this case, he did not believe a substantially higher fine would be consistent with that past decision.

The Chair said that while the drive to the casino certainly captured the public's attention, it is the employee's use of a City vehicle for non-City purposes that violates the Ethics Code, and in that sense the two violations were similar.

Vice-Chair Sherman made a motion to approve the settlement, which Commissioner Mendoza seconded. The motion was adopted unanimously.

b) Settlement relating to conflict of interest in contracting matter (\$750)

The Executive Director recommended that the Commission approve a settlement with a Seattle Public Utilities employee who acknowledged participating in a contracting matter involving a consultant for whom he was doing work, and agreed to pay a \$750 penalty.

Vice-Chair Sherman asked several questions to determine whether the employee had any financial interest in the award of the SPU contract. After the Executive Director replied that there was no evidence that the employee had a financial stake in the outcome of the contracting matter, the Vice-Chair made a motion to approve the settlement. Commissioner Burney seconded, and the Commission voted unanimously to approved the settlement.

5) Confirmation of Gary Keese as the Commission's new trainer

The Executive Director Commissioner told the Commission that luring Mr. Keese away from the Law Department was a real coup for the Commission, and several Commissioners spoke favorably of Mr. Keese's tenure as the Commission's attorney.

Commissioner Ranade moved to confirm Gary Keese as the Commission's new trainer, which Commission Iglitzin seconded. The Commission voted unanimously to confirm the Executive Director's hiring of Mr. Keese.

Discussion Items

6) Printing the full text of measures in the voters' pamphlet

The Executive Director recommended that the Commission propose the elimination of the state law requirement that jurisdictions print the full text of ballot measures in the voters' pamphlet. Doing so costs the City money, and has environmental costs as well, and with so many Seattleites on line, the Director believes that most people who wish to read the full text can do so online, and the City can make the full text available to others by mail, and at libraries, community centers and other places where people gather.

Several of the Commissioners spoke in favor of the proposal. Vice-Chair Sherman said that he had searched for information about how many people read the full text of ballot measures, and the implications of that choice, but had come up empty handed.

Commissioner Ranade moved to recommend that the City eliminate the City code requirement that the full text of ballot measures appear in the voters' pamphlet, and lobby the state to eliminate a comparable provision in State law lobby, and Commissioner Burney seconded the motion. Five commissioners voted in favor of the motion, and Vice-Chair Sherman abstained, citing his desire for data on the effect of the change.

7) Dismissal of Case No. 11-2-0727-1

Commissioner Sherman asked the Executive Director to explain the decision not to investigate the allegation that Protect Seattle Now failed to report spending on focus groups. Staff explained that the campaign manager had denied having access to data from focus groups,

and that lacking any evidence to the contradict the campaign manager's statement, staff did not pursue the matter further.

8) Executive Director's report

The Executive Director told the Commission that the City of Kirkland has proposed contracting with the Commission for ethics advice and investigations, and that the Kirkland City Attorney is working on the first draft of a contract modeled on the contract between the Commission and Seattle Public Schools.

The Executive Director also shared that he would be discussing the Seattle Public Schools' ethics policy with them at an Executive Committee meeting on September 14. In response to a question from the Chair, the Executive Director said that the funds provided to the Commission under the contract with the school district have been sufficient to date, but that with the training function about to begin, there will have to be a reduction sometime next year in the amount of investigating the Commission provides. If there is not, the contract will likely need to be renegotiated.

9) Late-filing penalty for Classen for Seattle Committee (\$50) and Kate Whiting (\$150)

The Classen committee paid its fine, and the Ms. Whiting still has an opportunity to appeal her penalty.

10) Late-filing penalty for The People for Forch (\$50)

The Forch campaign paid their fine of \$50.00.

The September 7, 2011 Seattle Ethics and Elections Commission Regular Meeting was adjourned at 4:47 P.M.