

Seattle Ethics and Elections Commission Regular Meeting

August 7, 2013

The regularly scheduled meeting of the Seattle Ethics and Elections Commission convened on August 7, 2013 in Room 4080 of the Seattle Municipal Tower, 700 Fifth Avenue. Commission Vice-Chair Rich Cohan called the meeting to order at 4:02 p.m. Commissioners Bruce Carter, Lorena González and David Mendoza were present. Commissioner Brad Axel joined via telephone. Commission Chair Bill Sherman and Commissioner Kendee Yamaguchi were not in attendance. Executive Director Wayne Barnett and staff members Anthony Adams, Kate Flack and Gary Keese were present.

1) **Public Comment**

There was no public comment.

Action Item

2) **Approval of minutes of March 22, 2013 special meeting**

Commissioner Carter moved to adopt the minutes from the March 22, 2013 special meeting, Commissioner Mendoza seconded. The minutes from the March 22, 2013 special meeting were unanimously approved.

3) **Opinion Request from Councilmember Sally Bagshaw**

The Commission continued a discussion that it had begun at its July 19 meeting regarding how the Ethics Code applied to Councilmember Bagshaw's participation in waterfront-related matters.

In response to a request posed by the Commission at that July 19 meeting, Councilmember Bagshaw shared with the Commission an estimate of the City's downtown population, which by her estimates totaled 9.2 percent of the City's population.

Several commissioners asked whether individuals who work but do not live downtown should be included in the count. The Executive Director discouraged the Commission from taking into account the downtown working population. He said that property-owners and employees do not share similar financial interests in an assessment based on property value.

Commissioner Mendoza said that employers will benefit from any assessment and should be included in the count. Commissioner González also supported counting both residents and business owners.

The Executive Director asked Assistant City Attorney Smith if he had population estimates not only for the greater downtown area, but specifically for the area in which a Local Improvement District (LID) is contemplated. Mr. Smith said that the best estimate was approximately 25,300 individuals, or 4.2 percent of the population.

Commissioner Axel said that he believed the Commission's focus should be on the number of individuals who share a similar financial interest with Councilmember Bagshaw, which in his opinion should be limited to individuals whose property values would stand to increase as a result of any LID.

Commissioner Carter suggested that the Commission include the working population and the likely resident population in its count. Commissioner Axel reiterated his belief that employees and residents did not have sufficiently similar interests.

Commissioner González made a motion to count property owners as well as business owners leasing properties downtown in the count. Commissioner Carter seconded.

Commissioners González and Carter voted in favor of the motion. Vice-Chair Cohan and Commissioner Axel voted against the motion and Commissioner Mendoza abstained. The motion failed.

Vice-Chair Cohan asked the Commission to return to briefly return to first principles, and asked whether or not all of the Commissioners were satisfied that Councilmember Bagshaw had a financial interest in waterfront-related matters by virtue of her property ownership.

Commissioners Axel, Carter, González and Mendoza all agreed that the councilmember had a financial interest in the matters under discussion.

Commissioner Carter offered a motion that there were not sufficient facts or data to show that a substantial segment of the population shared Councilmember Bagshaw's financial interest, and therefore that the exception to the Ethics Code for financial interests shared with a substantial segment of the population did not apply. Commissioner Axel seconded. The Vice-Chair, Commissioners Axel, Carter and González voted in favor of the motion. Commissioner Mendoza abstained. The motion carried.

The Executive Director said that he would prepare a written opinion reflecting the Commission's decision for the Commission to consider at its September meeting.

Discussion Items

4) Executive Director's report

The Executive Director reported to the Commission on the status of the City Council's consideration of changes to the Whistleblower Protection Code.

The Regular Commission meeting for August 7, 2013 adjourned at 5:46 p.m.