



**City of Seattle**  
**Mayor Jenny A. Durkan**

October 30, 2019

Wayne Barnett  
Executive Director  
City of Seattle Ethics and Elections Commission  
Seattle, WA 98124-4729

Dear Mr. Barnett:

Thank you for seeking input from city departments on the potential operational impacts related to the Seattle Ethics Elections Commission's ("Commission") proposed amendments to the Lobbyist Registration and Disclosure ordinance. Mayor Durkan shares the goals of the Commission, to promote public confidence and ensure robust transparency and accountability in city government. The people of Seattle deserve no less.

As you may know, the City Attorney's Office is separately evaluating constitutional and other legal implications of any new or revised laws. They have not completed their evaluation. Once they do provide this advice, it may be necessary to provide further feedback as well as a legal briefing.

Separately, we appreciate that the Commission wanted to understand how any proposed revision or new law may affect operations or implementation. Several departments have provided initial feedback on practical impacts to their departments. As we sought input, we asked departments that primarily handle rulemaking as a course of business to better understand how the expanded definitions of "lobbying" and "binding act" would impact their day-to-day operations.

We believe the Commission should continue to engage departments on provisions to ensure that the law is capturing the intended goals while still ensuring the right of community to have its voice heard and petition its government. We absolutely believe that these rights and transparency and accountability are stronger together. Some examples of areas where further engagement may be appropriate before finalizing any rule:

- Extending disclosure to department directors, deputies and their direct reports could provide more transparency and accountability. At the same time, government has an obligation to do outreach and engagement on a wide range of decisions and actions. The very purpose of outreach and engagement (including task forces and advisory groups) is to provide more transparency and accountability to the public. Occasionally, this outreach with stakeholders, non-profits, neighborhood groups, and community organizations is done directly by department directors, deputies and their direct reports. By definition the engagement is intended to influence the decisions of the departments and may include any range of individuals, non-profits and organizations, who have frequent contact with city officials and may be receiving compensation from their organizations. The reach of any new rule or revision should be carefully tailored to achieve its purpose without limiting the input of community.



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- Broader registration of paid lobbyists would provide more transparency. But fees could become an obstacle for some critical community input, especially communities of color and low-income communities. For individuals or organizations that lobby on behalf of low-wage workers, non-profits, small business owners, and community based and volunteer-led organizations, the \$500 per year fee could be a financial burden compared to large businesses and organizations. The Commission should look at a fee waiver or other ways to lessen this burden.
- To do their work, departments such as Seattle Department of Construction Inspections and Seattle Department of Transportation work with individuals as well as paid consultants (architects, designers, engineers, and/or lawyers) who routinely communicate with staff on administrative land use decisions and code interpretations for permitting as well as project implementation. The permitting process is iterative in nature and requires this back and forth communication and has not traditionally been considered lobbying.
- Separately, we think the Commission should evaluate some additional revisions to the law to provide greater transparency and accountability, including whether all of the exemptions that now exist in the law are appropriate. For example, we understand that comity is why we have not extended lobbying regulations to elected officials, officers, employees of any government agency acting within their scope of representation or employment. However, there seems to be some circumstances where at least registration would provide more transparency -- particularly where employees working for non-city government agencies and entities are seeking funding or other decisions by Council or the Executive. The Commission should evaluate if there should be any registration and disclosure requirements for individuals, contractors, organizations and/or vendors who may be lobbying or advocating to Council or the Executive to provide favorable funding or contract terms, including if they are using City dollars for their lobbying.

Again, this is our initial feedback based on an initial conversation with several departments from the perspective of operational and practical impacts. We look forward to participating in the process as the Commission continues its work on these important issues. Thank you for seeking our input and for working to constantly improve the confidence of the public in our government by ensuring transparency and accountability.

Very truly yours,

Michelle Chen  
Legal Counsel, Office of the Mayor  
City of Seattle