

**CONSTITUENCY SPECIAL EXECUTIVE COMMITTEE MEETING
WEDNESDAY, JULY 7th, 6-8 PM**

- Vice Chair calls the meeting to order at 6:00
 - Roll Call: Haley Land (Vice Chair), Bruce Rutledge (Secretary), Mark Brady, Gordie McIntyre, Nick Setten, David Ghodoussi, Joan Paulson, Zack Gebrekidan
 - Skip Knox, Adora Lopez, Colleen Bowman, Devin McComb
Bob Messina

Haley asks if anyone has a problem adding public comment at the beginning of the meeting. It wasn't included on the agenda. He says good governance is about seeing that the health of the group is more important than any one individual. He says that in March, the membership voted for an online option in the election, but he also stressed that time limits on the online voting have not been decided. He says a lot of people have been trying to interpret Article 5 of the bylaws, with many different opinions.

Public Comment

Colleen mentions that there has been speculation that the recent leak in the Constituency office may have damaged some of the membership forms and asks if someone with knowledge of the situation could speak to that issue and assure us that all forms were secured, and the list is as accurate as possible.

Gordie replies that the membership registration cards were safely inside a file cabinet and not affected by the leak, and to his knowledge the membership list is up to date as of last Friday.

Devin thanks Haley for running the meeting and agrees with his opening comments. He hopes that we all act in the interest of the organization. He says these are important issues we are discussing.

Skip says he submitted \$5 toward his dues when renewing his membership but the current list shows him as paid up only through 2022.

Gordie replies that Skip is listed as a valid member until 2027.

Impact on the Constituency of Gov. Inslee's decision on public gatherings

Gordie says he and Mark reached out to Mary and Karin about whether we can hold the 7/20 GA meeting in person. They have not received an answer.

Haley says he's heard that there's an issue about how to have a public meeting with an online component.

Gordie says the impetus of tonight's meeting was to see if we can hold the GA meeting in person, and we may have to delay that decision.

Devin says that he thinks the issue is that there is no prohibition on gathering now, but the city and all the boards beneath the city are providing for remote attendance with their meetings. Do we have a mechanism that can allow a group of us in a conference room and others participating from a remote location. And do we have the hardware? We don't have an answer for FAM or the Council.

Colleen says she, Mary, and Karin have a long to-do list when it comes to reopening the Market. They are prioritizing getting businesses back on track. Ultimately it is Mary's decision. The city doesn't plan to get back to in-person meetings until September at the earliest. Patrice is checking with the county, and we are looking for good, safe models to make sure the PDA is not an outlier, she says.

Mark says Puyallup city council just opened to full in-person meetings, and he believes the first one was held yesterday. He says Tacoma is following suit and so is Snohomish. Requests that we have another executive meeting from 6 to 8pm on 7/14 to make a definitive decision on how to hold the GA meeting on 7/20.

Haley asks Mark if Puyallup is just doing in-person meetings without an online component.

Mark says that yes, that is what he has heard.

Colleen asks what we did last year when we weren't able to meet.

Mark says he was on the committee and they opened voting from 3 to 5 on Tuesday and 9 to 5 on Friday. He said that he, Gordie, Sabastian and Joe Read operated the tables and handled and counted the ballots.

Nick asks what the plan is if we don't have answers from the city in two days.

Mark says we should give it a week.

Nick asks what happens if there's no clear answer in a week.

Haley says if there is no clear statement, the safe ground would dictate that we have an online component to the election.

Mark says he wants to see two executive board members back him up on the call for a new meeting.

Joan moves to hold another Executive meeting on July 14. There is discussion about whether a motion is necessary. It is decided that three executives can call for a special meeting.

Joan and Gordie support Mark's call for a new meeting.

Final scheduling for Election Runner in the upcoming election

Haley says he thinks this topic should largely be decided by the Elections Committee.

Gordie agrees.

Report on the updated membership list

Bruce says he and Gordie worked on the membership list after the massive leak in the Constituency office. They pulled the membership registrations out of the file cabinet in the office and brought them to Bruce's office across the hall. They worked Saturday and Sunday inputting the information on new members – and there are quite a lot of new members.

Gordie says his last count shows about 670 total members, but then about 67 or 68 had expired, so current account is just above 600. About 100 of those members have no email.

Nick says the last membership list he received for Election Runner had 570 members.

Zack asks about the members who don't have emails. Do they have phone numbers and addresses?

Gordie says all but one or two have addresses, and all but about 20 have phone numbers. Every member has at least a phone number, an address or an email listed. But he says about 20 or 30 member emails on the registration forms were illegible to both him and Bruce, so there will be a fair number of bouncebacks.

Bruce says the list he has shows 569 members. Not sure where the one discrepancy is coming from.

Colleen asks whether we are going to hold a mock election.

Nick says he can do it at any time. But we need to remember the snail mail component for the 100 or so with no email.

Discussion of rules for vote counting

Haley and Gordie agree this is the purview of the Elections Committee.

New business

Agenda for meeting on 7/14

Gordie says there should be a report from the Elections Committee and a report on Gov. Inslee's relaxation of rules for meetings and how it affects the Constituency.

Mark asks to add discussion of election counting and how it will be conducted.

Haley says he sees his role as Election Committee Chair as one of moving the election forward as smoothly and equitably as possible, and that doesn't mean he needs to be the one counting the votes or running every part of the operation.

Colleen says she has heard talk of whether we are having an online component before, and this issue was resolved when a motion approving an online component brought forth by Christine Vaughn, who couldn't be here today, was passed. Colleen says that if Christine were here, she would no doubt remind the members of Article v Section 2 of the Constituency bylaws, which states that "The Executive Committee and its individual members shall be in service to the Constituency, and none of their official acts shall conflict with prior resolutions of the membership. If Executive Committee members do not uphold this bylaw, they may be expelled from the Executive Committee by an action taken by the general membership." Colleen says she doesn't understand why there are so many if surrounding the online voting component. This was an action taken by the membership. We have to have a remote option, she says.

Nick asks someone to lay out the thought process behind the idea that we shouldn't honor this resolution.

Gordie says he thinks the resolution doesn't apply because the Governor has relaxed the restrictions on meetings, and that resolution becomes moot and illegal because it goes against the PDA Charter and two places in the rules and regulations that say we shall vote in person only.

Joan argues that the Election Runner component would violate the requirement for absolute secrecy of the vote required by the laws of Washington state should a recount occur. She reads from an email she sent to Constituency executives and others:

"The Washington State Governor's Proclamation 20-28 has been concluded on June 30, 2021. This legislation covered Open Public Meetings and Public Records Act. This legislation did not cover elections, which was exempt. With this action by the Governor, the rules that are in play, fall back to the same as stated in the June 21, 2021 email to Haley.

One first needs to understand the Charter of the Pike place Market Preservation and Development Authority, As amended 2003. Under Section 8. Hierarchy of the Governing Law, on page 21, it states: Generally, in the event of conflict, the following sources of authority shall prevail in descending order of supremacy: Federal law and regulation, State law and regulation, the City of Seattle ordinance and regulations, This Charter, PDA Council Rules and Regulations, Bylaws of the Constituency.

"Under the laws of the State of Washington, Protecting secrecy of the vote, RCW 29A.04.206(2) reinforces the Constitutional rights of Washington and requires, "The right of absolute secrecy of the vote." This law is dated June 26, 2013. The proposed Election Runner process would violate this right of absolute secrecy.

"The Issue of Uploading the Market Constituency Members List, to be used for the Election Runner and/or a third party, must also comply under the State Public Records Act (42.56.240(2)), which states that certain information is exempt to be transmitted, such as:

"42.56. 240 (2): Identity of witnesses, victims of crime, or persons who file complaints, if their timely request nondisclosure and disclosure would endanger their life, personal safety, or property.

"42.56.240 (3): The residential address, residential telephone numbers, personal wireless telephone numbers, personal electronic mail addresses, social security numbers, and emergency contact information of employees or volunteers or a public agency, and the names, dates of birth, residential addresses, residential telephone numbers, personal wireless telephone numbers, personal electric mail addresses, social security numbers, and emergency contact information of dependents or employees or volunteers of a public agency that are held by any public agency in personnel records, public employment related records, or volunteer roasters, or are included in any mailing list of employees or volunteers of any public agency.

"The Market Constituency has not taken the steps to notify its Membership to determine, if its members are involved in any confidential programs (domestic violence programs, confidential programs, witness protection programs, etc.), as per the Public Records Act. This is one reason why the effort to use the Constituency Members List for the Election runner, should NOT happen.

"The Charter of the **Pike** Place Market Preservation and Development Authority, as amended in 2003 covers the Constituency in Article VIII, Pages 17-18, addresses Composition, Constituency concurrence Required and Constituency Concurrence Defined. On page 19, Section 2 Open public Meetings, the last sentence states: Voting shall be in-person only.

"The Rules and Regulations of The Pike Place Market Preservation and Development Authority, rived October, 2013 states: Page 11, Article OV, Section 8. No Voting by Proxy or Mail. No member of the Constituency or the Constituency by proxy or mail. The proposed Election Runner process would violate this section of the Rules and Regulations.

"Bylaws of the Constituency, dated 2003, states under, Page 2, Article IV, Officers, section 5. The officers shall perform prescribed by these Bylaws, by the membership and by the parliamentary authority. This means that the officers needto follow the rules of the Bylaws, by the membership and by the parliamentary authority. IF there was vote to have an online election for the month of July, 2021 for the Market Constituency, THEN under the parliamentary authority, this motion for an online election, would be considered void.

“After calling the King County Elections, there are NO restriction for public meetings or elections, given the satisfaction for the Governor's Proclamation 20-05.

“Here is the summary, for the meeting, concerning the action to have an on-line Election Runner process, which would be in conflict with the State of Washington Constitutional right of absolute secrecy, the State Public Records Act (42.56.240 (2) & (3), the Charter for the PDA, the Bylaws of the Constituency, the parliamentary authority and the ending of the Governor's Proclamation 20-05, which allows open meetings and never precluded in-person voting.

“The Motion is: Given the summary of State & County laws, PDA Charter, Bylaws of the Constituency, Robert's Rules authority and the ending of the Governors Proclamation 20-05, having an on-line election process for the Market Constituency, is illegal and cannot move forward.”

Colleen replies that she doesn't find any of that relevant and that we had the legal counsel of the PDA and the Constituency confirm that a remote option is legal, and pandemic or no pandemic, if we want to have a remote option to increase participation in our election in any year at any time, she believes we have the legal right to do it. She argues that this is a misinterpretation of laws that are not relevant in this situation.

Bruce reads back agenda for 7/14 meeting at Mark's request.

Skip asks if there has been anything sent out to membership about the mock election and the election process?

Gordie says we would have sent this out in the next newsletter, but much remains unresolved.

Skip raises the issue of editorial miscues and misunderstandings. He says he doesn't want to disparage anyone, but he thinks it would be prudent to make sure the information in the newsletter is correct and factual.

Mark says the newsletter draft is sent to officers before it is sent out.

Nick says that suggested changes don't always get honored in his experience.

Gordie says he doesn't believe the issue of editorializing in the newsletter has ever been raised. He says people have commented on editorializing on the website, and we are waiting for the minutes from that meeting to come out so they can be passed to the webmaster.

Skip disagrees with Gordie, saying the issue about editorializing in the newsletter has been raised in past meetings.

Mark says we should send out the newsletter on 7/16 to make sure we have the latest information about the election.

Nick asks if four days is enough for the mail to get delivered.

Skip says 90% of the time, the paper newsletter doesn't arrive before the meeting.

Mark suggests moving the Executive meeting to Monday the 12th and send out the newsletter on the 13th. He asks for two officers to join him in asking to move the meeting to 7/12.

Gordie agrees.

Joan agrees.

The meeting is moved to July 12 at 6pm.

Devin thanks Haley for running the meeting. He reminds everyone that there was a resolution that we would publish the guidelines for the in-person and online voting at the same time.

Skip says the push to get the newsletter out by the 13th seems a little "squishy" and may not be possible.

Haley says he will check in with the newsletter editor and confirm dates.

There is some discussion about who has the final say on the newsletter. Haley stresses that all that is needed in the newsletter is information. It should be easy to avoid editorializing.

Haley says he is pleased that the meetings have been conducted with civility despite the firm disagreements among some members. He says he hopes we can carry this through the election.

Meeting is adjourned at 7:35.