



**State of Washington
PUBLIC DISCLOSURE COMMISSION**

711 Capitol Way Rm. 206, PO Box 40908 • Olympia, Washington 98504-0908
(360) 753-1111 • FAX (360) 753-1112

Toll Free 1-877-601-2828 • E-mail: pdcc@pdcc.wa.gov • Website: www.pdca.wa.gov

October 6, 2022

Delivered electronically to City of Normandy Park at "aarrington@normandyparkwa.gov"

Subject: Complaint filed by David Miller, PDC Case 110946

Dear Amy Arrington:

Below is a copy of an electronic letter sent to David Miller concerning a complaint filed with the Public Disclosure Commission (PDC).

As noted in the letter to Mr. Miller, the PDC has dismissed this matter in accordance with RCW 42.17A.755(1) and will not conduct a more formal investigation into these allegations or take further enforcement action in this matter.

However, pursuant to WAC 390-37-060(1)(d), this serves as a formal written warning concerning your use of public facilities noted in the enclosed letter sent to Mr. Miller. Staff expects you to closely review the written and verbal content of materials and communication regarding bonds or levies in the future to ensure that they are fact-based in accordance with RCW 42.17A.555 and *PDC Interpretation No. 04-02*. The Commission will consider the formal written warning in deciding on further Commission action if there are future violations of PDC laws or rules.

If you have questions, you may contact Jennifer Hansen at 1-360-586-4560 toll-free at 1-877-601-2828, or by e-mail at pdcc@pdcc.wa.gov.

Sincerely,

Electronically signed

Jennifer Hansen
Compliance Officer

Endorsed by,

Electronically signed

Peter Frey Lavalley
Executive Director



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October 6, 2022

Delivered electronically to David Miller at “justaskdave@yahoo.com”

Subject: Complaint regarding City of Normandy Park Officials, PDC Case 110946

Dear David Miller:

The Public Disclosure Commission (PDC) has completed its review of the complaint you filed on July 14, 2022. The complaint alleged that the officials of the City of Normandy Park (the City), may have violated RCW 42.17A.555 for use of public resources to support the passage of Proposition No. 1 (Prop. 1), a Civic Center Capital Improvements General Obligation Bond appearing on the August 2, 2022 Primary Election.

PDC staff reviewed the allegations; the applicable statutes and rules; *PDC Interpretation No. 04-02*; and the response provided by City Manager Amy Arrington, to determine whether the record supports a finding of one or more violations.

Based on staff’s review, we found the following:

- The City of Normandy Park is located in King County. The City is represented by a seven member council, Mayor/Councilmember Sue-Ann Hohimer and City Manager Amy Arrington.
- The complaint included a link to the City’s newsletter, *City Scene*, and alleged that the official city publication was used to support the passage of Prop. 1 which would authorize the construction of a new civic center to include indoor and outdoor recreation spaces, an early childhood education program, city and police administrative offices, council chambers, meeting and event rooms, and parking.
- Prop. 1 was rejected by 56.17% of voters on the August 2, 2022 election ballot.
- *PDC Interpretation No. 04-02 Guidelines for Local Government* describes permissible and prohibited activities of a publicly funded entity including the prohibition of the use of public facilities, staff, publications and newsletters, or other public resources to support or oppose ballot propositions.
- In her response, Ms. Arrington stated that she did not believe the article referenced in the complaint violated RCW 42.17A.555, that it is part of the City’s “normal and regular” communication and that it was an objective and fair presentation of the facts concerning the ballot measure.
- Ms. Arrington explained that the article was part of the 2022 Summer Edition of the City Scene magazine and was a one-time, jurisdiction-wide objective informational article regarding Proposition No. 1. She further state that since 2012, the City has published the City Scene magazine quarterly to provide the public with information about important City topics and that in the 2022 summer edition, the City included a variety of different articles on topics such as the Fourth of July Celebration, the Music in the Park series,

preschool enrollment, stormwater education, and many more informational articles. Ms. Arrington stated that this publication goes to every household in Normandy Park.

- During the review of the written material provided as evidence in the complaint, staff found no language directly advocating for the support of the August 2, 2022, ballot proposition or encouragement for a vote to approve the bond.
- However, staff did find several phrases within a separate City communication that included an explicit solicitation of support for approving the bond on the August 2, 2022. During the June 14, 2022 Council Meeting Wrap Up posted on June 23, 2022 to the City's YouTube channel, City Manager Arrington stated that the final item of business was a resolution of support for Prop. 1, with the council encouraging voters to "vote approved" when it comes to that vote.
- Mayor Hohimer followed Ms. Arrington's comments stating that the ballots would be coming in the mail sometime in mid-July and that "we would love it if you would open those up and mark approved". The Council Meeting Wrap Up should be limited to recapping or highlighting City business only and should not be used to encourage support of or opposition to candidates or ballot measures.

It appears that the written materials provided by the City regarding Prop. 1 were limited to factual information. However, the inclusion of a direct message for voters to approve the passage of Prop. 1 on the August 2, 2022 Primary Election ballot during the City's "Wrap Up" constituted direct advocacy for a ballot measure.

Based on our findings staff has determined that, in this instance, inclusion of non-factual language encouraging voters to approve the August 2, 2022 bond does not amount to a finding of a violation that warrants further investigation.

Pursuant to WAC 390-37-060(1)(d), however, City of Normandy Park Officials will receive a formal written warning concerning the inclusion of non-factual language encouraging voters to approve a bond. The formal written warning will include staff's expectation that the City closely review the written and verbal content of materials and communication regarding bonds or levies to ensure that they are fact-based in accordance with RCW 42.17A.555 and *PDC Interpretation No. 04-02*. The Commission will consider the formal written warning in deciding on further Commission action if there are future violations of PDC laws or rules.

Based on this information, the PDC finds that no further action is warranted and has dismissed this matter in accordance with RCW 42.17A.755(1).

If you have questions, you may contact Jennifer Hansen at 1-360-586-4560 toll-free at 1-877-601-2828, or by e-mail at pdcc@pdcc.wa.gov.

Sincerely,

Electronically signed

Jennifer Hansen
Compliance Officer

Endorsed by,

Electronically signed

Peter Frey Lavallee
Executive Director

cc: City of Normandy Park Officials