

PDC - Tacoma City Council: Alleged Violation of RCW 42.17A.555 for use of public facilities to support a political candidate. (JAN 18)

[Lantz, Martha \(Legal\)](#) reported (Fri, 26 Jan at 5:59 PM) via Email

To: pdc@pdc.wa.gov

Cc: elizabeth.pauli@cityoftacoma.org, bill.fosbre@ci.tacoma.wa.us

Dear Mr. Ragins,

I am a Deputy City Attorney for the City of Tacoma and have been asked by City Manager Elizabeth Pauli and by City Attorney Bill Fosbre to respond to your below e-mail of January 19, 2018 to the City Manager in which you requested a response to the attached complaint filed by Joe Kunzler. The complaint alleges the City of Tacoma violated RCW 42.17A.555 by allowing Alex Tsimerman to use public facilities or resources to promote a political campaign during the Council's public comment period on January 2, 2018. We have reviewed the complaint and no violation is established.

The complaint includes a link to a dramatized u-tube video (apparently posted to the internet by Mr. Kunzler) of Mr. Tsimerman's public comment at the Tacoma City Council meeting on January 2, 2018. The meeting was also recorded by the City and is available at this

link. http://cityoftacoma.granicus.com/MediaPlayer.php?view_id=3&clip_id=2896.

Although it is somewhat difficult to ascertain in either video of the meeting, Mr. Tsimerman appears to introduce himself with a statement referencing something about the US Senate in 2018 noting it is his "eighth election." (The closed captioning on the City recording of the meeting does not capture any reference to the Senate or to an election.) The sign that he carried, while not visible in the video, purportedly listed a website address, though there is no way of determining the sign's actual contents. A search of the PDC website does not reveal Mr. Tsimerman to be currently registered as a candidate for Senate or as a candidate for any other public office.

Other than his possible opening reference to a non-existent Senate campaign, Mr. Tsimerman made no discernable references to campaigns for public office (his or anyone else's) or to any matter that could be reasonably interpreted as directly or indirectly related to a specific campaign for election of any person to office or for the promotion to or opposition to any ballot proposition.

The remainder of the video shows Mr. Tsimerman speaking, apparently, to the concept of term limits and other points in response to the agenda item appointing

Councilmember Anders Ibsen to the position of Deputy Mayor for one year. Additionally, as the complaint notes, and as the video shows, the Mayor and other council members cautioned Mr. Tsimerman to stay on topic and to restrict his remarks to an actual agenda item.

The Tacoma City Council has clear rules and procedures over public comment including a prohibition in Council Rule of Procedure 9D against the use of public comment “for the purpose of assisting a campaign for election of any person to any office or for the promotion of or opposition to any ballot proposition.” A copy of the Council’s rules are attached here.

Nothing in the complaint, in the supporting evidence submitted with the complaint, or in the official video of the Council meeting establishes that the City of Tacoma violated RCW 42.17A.555 by allowing Mr. Tsimerman to participate in the public comment period. No further action of the PDC is necessary.

Please contact me if you have questions. I can be reached at 253 591 5633 or by email at mlantz@cityoftacoma.org.

Martha Lantz
Deputy City Attorney City of Tacoma