

Respondent Name
Satpal Sidhu
Complainant Name
Dena Jensen
Complaint Description
<p><u><a href="#">Dena</a></u> reported via the portal (Mon, 25 Sep 2023 at 5:01 PM)</p> <p>At 00:37:45 during the Whatcom County Incarceration Prevention and Reduction Task Force Steering Committee Zoom Meeting ( <a href="https://youtu.be/YE_pDPmCUH4?si=MKcgjX_308PmrmP1&amp;t=2265">https://youtu.be/YE_pDPmCUH4?si=MKcgjX_308PmrmP1&amp;t=2265</a> ) for September 7, 2023, Whatcom County Executive Satpal Sidhu is shown on screen in the square next to Whatcom County Council Member Barry Buchanan when Buchanan made the following remarks related to a corresponding agenda item (<a href="https://www.whatcomcounty.us/DocumentCenter/View/78243/Agenda-Steering-Committee-September-7-2023">https://www.whatcomcounty.us/DocumentCenter/View/78243/Agenda-Steering-Committee-September-7-2023</a>):</p> <p>“So, you know, once the ordinance for the ballot measure for the new correctional facility was approved by the Council. We basically have now shifted into a - it’s in a campaign mode. Therefore, the governmental entities have to abide by certain rules that have been established that you cannot use public funds or public employees to promote or go against a ballot initiative, or a candidate, or anything in an electoral process.</p> <p>“So what we’re doing is just making sure that all the boards and commissions know that that’s not a discussion to have within your meetings as far as, you know, ‘go, go, jail’ or whatever. That’s just something that Legal is wanting us to stay away from. I’m not going to read it because it’s in your packet.</p> <p>“There’s a statement that will just go into agendas that just kind of basically - kind of like our land acknowledgment - it just is a statement about what we need to stay away from and that’s really all this agenda item is about, kind of just an FYI that - both from the Council level and now all the boards and commissions. They have to make sure that they’re not promoting nor opposing the ballot measure in their conversations in their meetings. So just wanted to lay that out.”</p> <p>Four days later, at around 00:02:10 in the Zoom meeting (<a href="https://youtu.be/lqOnji_h6g0?si=lgt-fOWWqb8vwwYL&amp;t=129">https://youtu.be/lqOnji_h6g0?si=lgt-fOWWqb8vwwYL&amp;t=129</a>) of the Whatcom County Incarceration Prevention and Reduction Task Force / Law and Justice Council on September 18, 2023 at which Whatcom County Executive Satpal Sidhu is shown in attendance in the meeting summary (<a href="https://www.whatcomcounty.us/DocumentCenter/View/78688/IPRTF-Meeting-Summary-for-9182023?bidId=">https://www.whatcomcounty.us/DocumentCenter/View/78688/IPRTF-Meeting-Summary-for-9182023?bidId=</a>), as well as during the Zoom video, Stephen Gockley, Co-chair for the IPRTF made the following statement:</p> <p>“I also want to state at the outset, at the request of County legal staff, per RCW 42.17A.555, the use of public facilities, including this, to support or oppose candidates or ballot issues, is prohibited. Members of the public and the legislative body are not allowed to speak in support of, or in opposition to, a ballot measure or individual candidacy during any public - open public meeting. Please refrain from raising campaign issues when addressing the Task Force.”</p> <p>At around 00:26:10 during the same Zoom meeting on September 18, 2023 (<a href="https://youtu.be/lqOnji_h6g0?si=VUwNDPy7k4aXPUj8&amp;t=1571">https://youtu.be/lqOnji_h6g0?si=VUwNDPy7k4aXPUj8&amp;t=1571</a> ), IPRTF Member Heather Flaherty asked a question:</p> <p>“And I guess I have a tangential question I’m curious about. Is the County committed to implementing that Justice Plan regardless of the ballot measure? - because so much in that Justice Plan actually wasn’t designed to be dependent on the ballot measure revenue, so I’m just - it would be great for us to understand that.”</p> <p>Kayla Schott-Bresler (Special Initiatives Manager for Whatcom County Executive Office) asked: “Yeah, Tyler, Satpal, do you want to answer that?”</p> <p>Whatcom County Executive Satpal Sidhu responded (as relevant to this complaint): “Let me say that, Heather, everybody else on this meeting, yes, we are very committed to go ahead with whatever is in our capacity if the ballot measure is not passed.</p> <p>“But I think we should not think in those terms. That’s negative thinking that if it doesn’t pass.</p> <p>“I just answered this question when I go out in the forums and things, and I said I have not put my mind to if it doesn’t pass because we want to make it pass. This is the best thing we can do.”</p>

Incidentally, Executive Sidhu is listed as a permanent member of the Incarceration Prevention Task Force on their Membership page (<https://www.whatcomcounty.us/4095/Members>), even though the meeting summary for that date lists him as an "Additional Participant."

### **What impact does the alleged violation(s) have on the public?**

Without enforcement of RCW 42.17A.555 in this case, I am concerned that violations will continue, giving an unfair platform for government officials to advocate for a ballot measure during open public meetings without the ability for opponents to respond.

With ample notice of the content of RCW 42.17A.555 having been announced to meeting attendees during meetings where Whatcom County Executive Sidhu was present, including the meeting where I believe the violation of RCW 42.17A.555 occurred, he made remarks that seemed to indicate his clear advocacy for a November 2023 Whatcom County ballot measure for the collection of a local sales and use tax of two-tenths of one percent for the purpose of providing funds for costs associated with public health, safety, and justice facilities and services including a new jail, among other things.

Furthermore, during the open public meeting in question, government officials who were present did not point out the likely violation the County Executive made, which can create an appearance there there would be no consequence to any future violations by some of those in attendance.

Violations related to past ballot measure sales tax campaigns for new Whatcom County Jail facilities have been enforced by the PDC. So this seems to be an issue which is proving to require continued oversight and enforcement.

### **List of attached evidence or contact information where evidence may be found**

At around 00:37:45 [https://youtu.be/YE\\_pDPmCUH4?si=MKcgjX\\_308PmrmP1&t=2265](https://youtu.be/YE_pDPmCUH4?si=MKcgjX_308PmrmP1&t=2265)

<https://www.whatcomcounty.us/DocumentCenter/View/78243/Agenda-Steering-Committee-September-7-2023>):

At around 00:02:10 [https://youtu.be/lqOnji\\_h6g0?si=Igt-fOWWqb8vwwYL&t=129](https://youtu.be/lqOnji_h6g0?si=Igt-fOWWqb8vwwYL&t=129)

<https://www.whatcomcounty.us/DocumentCenter/View/78688/IPRTF-Meeting-Summary-for-9182023?bidId=>

At around 00:26:10 [https://youtu.be/lqOnji\\_h6g0?si=VUwNDPy7k4aXPUj8&t=1571](https://youtu.be/lqOnji_h6g0?si=VUwNDPy7k4aXPUj8&t=1571)

At around 00:26:35 [https://youtu.be/lqOnji\\_h6g0?si=7goa8WTdL\\_o4iJoK&t=1595](https://youtu.be/lqOnji_h6g0?si=7goa8WTdL_o4iJoK&t=1595)

### **List of potential witnesses**

Members of the Whatcom County Incarceration Prevention and Reduction Task Force:

Jill Nixon

[iprtaskforce@co.whatcom.wa.us](mailto:iprtaskforce@co.whatcom.wa.us)

Whatcom County Council Office

311 Grand Ave., Suite 105

Bellingham, WA 98225

IPRTF member and Whatcom County Council Chair Barry Buchanan:

bbuchanan@co.whatcom.wa.us

9/18/23 IPRTF meeting Attendee and Whatcom County Executive Special Initiatives Manager Kayla Schott-Bresler:

kschottb@co.whatcom.wa.us

**Certification (Complainant)**

I certify (or declare) under penalty of perjury under the laws of the State of Washington that information provided with this complaint is true and correct to the best of my knowledge and belief.