

Rosen, Mike

Replied (Thu, 13 Mar 2025 at 11:05 AM)

To:"PDC Support" <pdcc@pdcc.wa.gov>

Cc:todd.tatum@edmondswa.gov

External Email

Hello Ms. Townsend,

Please find attached the City of Edmonds response to PDC Case Number 167685, along with the attachment mentioned in the response.

If you have any questions, or need further assistance, please contact City of Edmonds Community, Culture, Economic Development Director Todd Tatum at Todd.Tatum@edmondswa.gov, or 425.758.1908.

Best,

Mike



Mike Rosen | Mayor

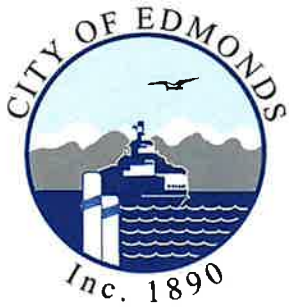
121 5th Avenue N | Edmonds WA 98020

425.771.0246 (office) | 425.771.0252 (Fax)

Mike.rosen@edmondswa.gov

www.edmondswa.gov

NOTICE: All emails, and attachments, sent to and from the City of Edmonds are public records and may be subject to disclosure pursuant to the Public Records Act (RCW 42.56)



CITY OF EDMONDS

CITY HALL • THIRD FLOOR

121 5TH AVENUE NORTH • EDMONDS, WA 98020 • 425.771-0247 • fax 425.771.0252

www.edmondswa.gov

OFFICE OF THE MAYOR

MIKE ROSEN

MAYOR

March 13, 2025

Ms. Tabitha Townsend
Compliance Officer
Public Disclosure Commission
711 Capitol Way S. #206
Olympia, WA 98504

VIA EMAIL

RE: PDC Case Number 167685 – April 22, 2025, ballot measure

Dear Ms. Townsend:

We are in receipt of the PDC's February 28, 2025, email regarding the complaint filed by Theresa Hutchinson. Contrary to Ms. Hutchinson's allegations, the City has not used public funds to advocate for City of Edmonds Proposition 1, which asks voters whether the City should be annexed into the South County Fire RFA. The City's funds have only been used to provide fair and objective information about Proposition 1 in hopes of educating the electorate so that the residents of Edmonds can learn more about the proposal. As the PDC's own guidance states, "it is not only the right, but the responsibility of local government to inform the general public of the ... issues facing local agencies."

Toward that end, the City engaged Liz Loomis Public Affairs (LLPA) to help it communicate fair and objective information about Proposition 1. As you know, PDC staff once reviewed draft agency publications on ballot propositions upon request and provided individualized written comments and recommendations to local governments to facilitate compliance with RCW 42.17A.555. Because current PDC staffing levels no longer allow that level of service, some local governments retain a consultant with specialized knowledge of the PDC guidelines to ensure that they are fulfilling their responsibility to inform the public while complying with RCW 42.17A.555. LLPA performs that service for the City of Edmonds.

For 22 years, Ms. Loomis has worked with many local governments to assist them in educating communities about proposed ballot measures. The City contracts with experts in their field to ensure compliance with state law, and the PDC guidance requires similar expertise to achieve compliance. Ms. Loomis' work is not advocacy. The materials she develops provide substantiated, fact-based information to educate residents. To underscore this point, Ms. Loomis developed the attached handout for all city employees about complying with PDC law for a ballot measure.

Complaints to the PDC can be intended to influence the outcome of an election. We welcome the opportunity to respond to the points outlined in Ms. Hutchinson's complaint and ask that the PDC rule on this issue as soon as possible so voters can make a decision that is not biased by a pending complaint.

All communication materials developed by LLPA and paid for with City funds provide facts associated with the ballot measure using communication channels that the city has used previously. A direct mail piece is expressly contemplated by the PDC's own guidance: "[t]he PDC will presume that every agency may distribute throughout its jurisdiction an objective and fair presentation of the facts for each ballot measure," typically a jurisdiction-wide "fact sheet" mailing. Hence, the mere use of a jurisdiction-wide factual mail piece does not constitute a PDC violation. The complaint does not object to the truthfulness of any particular language in the mail piece.

Instead of taking issue with the City's actual communications to the electorate (the product of the public funds), the overall tenor of the complaint appears to derive from contract documents and communications to/from Ms. Loomis that were not intended as public-fronting educational materials. As such, the PDC guidelines don't apply to these communications. Accordingly, one need not parse the substance of these communications in the same way that one would with communications to the public that are paid for with public funds.

The public communications, which are subject to PDC guidelines, should be judged on their face, without attempting to ascribe intent. Contrary to the complaint, the slides for the ECR event were merely updated to provide accurate financial data about the cost to property owners for Fire/EMS under annexation. These numbers were vetted by the City and South County Fire's financial departments for factual accuracy. We note that Ms. Hutchinson never mentions that the slides are inaccurate. As long as the slides are fairly and objectively presenting facts about the ballot proposition, the City has met its duty to educate the public. The City – or any local government – places a measure on the ballot because elected policy makers have determined by majority that such measure is in the best interest of the community. The City isn't, and shouldn't be, asked to determine how people will perceive the intent of the information we provide. The same is true for the text suggestions for the direct mail piece.

All content from the City involving the annexation ballot measure is based on facts. The City cannot share content from Ms. Hutchinson's group, because it is subjective and factually inaccurate regarding the maintaining of service levels and the actual costs for property owners.

The PDC has laws that define the difference between advocacy and education and the City believes that it is in compliance. The City has a duty to provide factual information even if that information upsets opponents of the ballot measure.

Sincerely,



Mike Rosen
Mayor

The #1 Rule

WHEN MEASURES ARE ON THE BALLOT



No public funds may be used to advocate for or against passage of measure

ALLOWED



Speak at community groups to present factual information.



Respond to questions and provide factual information.



Use agency funds to distribute objective information of facts through normal agency communication channels.



Engage in campaign activities on your own time and using your own resources.

RESTRICTED



Engage in campaign activities when acting on behalf of your official role.



Use any public resources to campaign/advocate. This includes any agency equipment (phone, email), vehicles or facilities.



Appear in uniform or city-paid apparel to support or oppose a ballot measure.

ADVOCACY VS. EDUCATION

Advocacy is not allowed:

"Vote yes for annexation."

"Voters should approve the ballot measure to improve city services."

Education is allowed:

"City leadership will need to identify \$9.8 million in initial cuts."

"The City is committed to addressing the fiscal emergency and listening to residents throughout this process."