



**SHORELINE
CITY COUNCIL**

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May 3, 2021

VIA Email to alice.fiman@pdc.wa.gov

Ms. Alice Fiman
Compliance Officer
PDC Compliance and Enforcement
Washington State Public Disclosure Commission
711 Capitol Way S., #206
PO Box 40908
Olympia, WA 98504-0908

RE: City of Shoreline – Case No. 89001

Dear Ms. Fiman:

This letter is in response to a Public Disclosure Commission (PDC) email of April 15, 2021, regarding a complaint filed by Roger Smith on April 13, 2021. This complaint alleges that the City of Shoreline may be in violation of Chapter 42.17A RCW. The complaint stems from a mailer pertaining to Proposition 1, a City-initiated bond measure for park improvements and land acquisition. In his complaint, Mr. Smith denotes:

Misappropriation of public funds. The City of Shoreline has mailed a publicly funded and produced piece of campaign literature in support of Shoreline Proposition #1 to voters.

The PDC's email notes that the complaint alleges a violation of RCW 42.17.555 – using public agency/office facilities to promote a ballot proposition. As the City explains more fully below, providing information related to the Proposition is not in violation of RCW 42.17A.555.

As you are aware, under the PDC's *Guidelines for Local Government Agencies in Election Campaigns*, RCW 42.17A.555 does not prevent a

public agency from making an objective and fair presentation of facts relevant to a ballot proposition if such action is part of the normal and regular conduct of the agency. The City of Shoreline commonly mails out such “fact sheets” when it has placed a ballot measure before the voters. Additionally, Basic Principle 7.a and 7.b expressly address the ability to do such a mailing:

7.a Historically, the PDC has routinely advised and held that with respect to election-related publications, one jurisdiction-wide objective and fair presentation of the facts per ballot measure is appropriate.

7.b The PDC will presume that every agency may distribute throughout its jurisdiction an objective and fair presentation of the facts for each ballot measure.

In the PDC’s January 12, 2015 analysis authored by Tony Perkins, then Acting Assistant Director of the PDC, it speaks to this type of document as typically being a jurisdiction-wide “fact sheet” mailing. The mailer of which Mr. Smith complains is just such a “fact sheet” accurately portraying information of the costs and other anticipated impacts of the ballot measures. It does not promote the measure. In fact, in comparing the City’s Mailer to the PDC’s January 12, 2015 analysis, the Mailer contains none of the language the PDC states cities should avoid using, nor does it contain language that the PDC found unacceptable in the examples it provided.

Rather, the Mailer simply presents an objective and fair presentation of the facts in a neutral, informative manner so that City residents could understand the issue, and was sent to all residential and commercial addresses in the City. The Mailer describes park improvements and park acquisition that could occur if Proposition 1 was approved by Shoreline voters, by providing an overview as well as identifying specific city parks and the improvements, amenities, and acquisitions that would be possible if funding was made available by approval of Proposition 1. These improvements, amenities, and acquisitions set out in the information sheet arose out of a multi-year transparent process the City conducted involving extensive citizen participation. The Mailer assists the voter in visualizing these improvements and amenities by providing conceptual pictures and a webpage link so that the voter can better understand and visualize the types of improvements. The Mailer informs voters on both the monthly and annual cost along with a comparison of that cost to the City’s expiring park bond. The Mailer does not advocate for a specific position on Proposition 1.

In conclusion, the Proposition 1 Mailer sent out by the City of Shoreline conformed with RCW 42.17A.555 and the PDC’s Guidelines and Analysis. The PDC should concur with this conclusion.

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Thank you for the opportunity to respond. If the City of Shoreline can be of any further assistance to you in regards to this matter, please do not hesitate to contact me.

Sincerely,

City of Shoreline

Margaret J. King

Margaret King
City Attorney

cc: Debbie Tarry, City Manager