April 17, 2025

Delivered electronically to mike.rosen@edmondswa.gov and todd.tatum@edmondswa.gov

Subject: PDC Case 167685 regarding City of Edmonds Officials

City of Edmonds Officials:

The Public Disclosure Commission (PDC) completed its review of the complaints filed by Theresa Campa Hutchison on February 24, 2025 and March 27, 2025. The complaints alleged violations of RCW 42.17A.555 for use of public facilities to support or oppose a candidate or ballot measure.

Applicable Laws and Rules

RCW 42.17A.555

Background and Findings

- The Respondents contracted with a consulting firm to produce and disseminate information to the public about the ballot measure regarding the Regional Fire Authority (RFA) Annexation on the ballot for public vote on April 22, 2025.
- The Respondents are allowed to contract with a consultant to produce and disseminate information in a fact-based manner within their normal and regular practices.
- Communications with the public on public time and at agency funded events need to be devoid of advocacy or opposition.
- The Respondents did send emails and texts through their official emails and phones in support of the ballot measure regarding the RFA Annexation to the consultant as documented in the complaint, referenced by Public Records Request Archive numbers from the City of Edmonds website accessible system.
- The Respondents posted on the official City of Edmonds social media on January 15, 2025 with supportive language such as "seeking approval" and "Annexation protects the current level and quality of emergency response", showing support instead of fact-based information regarding the RFA Annexation ballot measure.

Summary and Resolution

It appears that the emails and texts sent and received by officials at their government email addresses and phones regarding the supportive wording being used in public facing communications was in violation of RCW 42.17A.555, as they were in support of the ballot measure and were communicating on how to best persuade voters to vote in support of the ballot measure regarding the RFA Annexation.

Based on our findings, staff has determined that, in this instance, any violation that may have occurred was minor and has been cured. After consideration of the circumstances, further proceedings would not serve the purpose of this chapter. Under WAC 390-37- 060, the executive director, at any time prior to consideration by the commission, may dismiss a complaint which on its face, or as shown by investigation, provides reason to believe that a violation has occurred, but also shows that the respondent is in substantial compliance with the relevant statutes or rules, or shows that formal enforcement action is not warranted. The use of public facilities in support of a candidate or ballot proposition does not amount to a violation that warrants further investigation.

Pursuant to WAC 390-37-060(1)(d), however, you are receiving a formal written warning concerning the use of public facilities to support or oppose a candidate or ballot measure. The formal written warning will include staff's expectation that you do not use public facilities to support or oppose a candidate or ballot measure going forward. 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 has dismissed this matter in accordance with RCW 42.17A.755(1).

If you have questions, you may contact Tabitha Townsend at 1-360-753-1111, toll-free at 1-877-601-2828 or by e-mail at pdc@pdc.wa.gov.

Sincerely,   Endorsed by,

Electronically signed by Tabitha Townsend   *Electronically signed by Peter Frey Lavallee*
Tabitha Townsend   Peter Frey Lavallee
Compliance Officer   Executive Director

cc: Theresa Campa Hutchison