



State of Washington
PUBLIC DISCLOSURE COMMISSION
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October 22, 2019

Sent electronically to James Lazar at jim@jimlazar.com

Subject: Complaint regarding the City of Olympia, PDC Case 55901

Dear Mr. Lazar:

The Public Disclosure Commission (PDC) has completed its review of the complaint you filed on October 5, 2018. Your complaint alleged that the City of Olympia may have violated RCW 42.17A.555 and .575 by using City of Olympia facilities to support Mayor Cheryl Shelby's 2019 re-election campaign by featuring her in a video on the City of Olympia's website during the election year; and (2) RCW 42.17A.575 by featuring Mayor Shelby in a Public Service Announcement (PSA) when she was up for re-election in 2019.

PDC staff reviewed the allegations listed in the complaint to determine whether a formal investigation or enforcement action is warranted. Staff reviewed all attachments submitted with the complaint, the statute, rules, and PDC Interpretation 04-02 "Guidelines for Local Government Agencies in Election Campaigns," and the September 20, 2019, response from Mark Barber, City Attorney for the City of Olympia.

Based on staff's review, we found the following:

- In July 2019, the City of Olympia's Administrative Services Division, produced and posted several videos on the City of Olympia's website concerning the budget process and the city's 2020 budget. One of the 2020 budget related videos posted on the website was entitled "An invitation from the Mayor," that featured Cheryl Shelby, the incumbent Mayor for the City of Olympia and a candidate seeking re-election to that office in 2019.
- The "An invitation from the Mayor," video featured Mayor Shelby in a local coffee shop discussing it was time to start thinking about the city's 2020 budget and stating that an important part of the budget process is obtaining feedback from citizens concerning their priorities for the budget. Mayor Shelby stated she wanted citizens to be a part of the budget

conversation, encouraging them to visit the “Engage Olympia” webpage entitled “2020 Budget: Your Priorities,” and requesting they take a budget survey telling the city “which priorities you think are highest.”

- Mr. Barber stated the other videos were all related to the budget process and included one video from 2018, and the main budget video produced in 2019 prominently featured two current City of Olympia employees, with the narrator being a former city employee who has since accepted a new position with a different employer.
- None of the other employees featured in the videos were City of Olympia elected officials up for election in 2019 and were only providing citizens with information about the budget and encouraging their participation in the annual budget process, which is part of the normal and regular conduct of the City of Olympia. In addition, the City of Olympia proactively pulled down the “An invitation from the Mayor,” video featuring Mayor Shelby from its website on August 1, 2019, the same day you filed the complaint.
- While the video featured Mayor Shelby during an election year, there was no mention about her being a candidate for re-election to that office in 2019. Staff’s review of the content determined that the video was not a Public Service Announcement (PSA) in accordance with RCW 42.17A.575 and WAC 390-05-525.

However, the PDC staff is reminding the City of Olympia about the prohibitions of using city employees and facilities to support or oppose any candidate or ballot proposition, and encouraged the city to not feature any elected officials in city business related videos or any other communications concerning the budget or other relevant city issues when that official is up for election or re-election.

Based on these findings, staff has determined that in this instance, no evidence supports a finding of a violation warranting further investigation.

Based on this information, the PDC finds that no further action is warranted and has dismissed this matter in accordance with RCW 42.17A.755(1).

If you have questions, you may contact Erick Agina at (360) 586-2869, toll-free at 1-877-601-2828, or by e-mail at pdcc@pdcc.wa.gov

Sincerely,

Endorsed by:

s/_____
Erick Agina
PDC Compliance Officer

s/_____
BG Sandahl, Deputy Director for
Peter Lavalley, Executive Director

cc: Mark Barber, City of Olympia Attorney