



State of Washington

**PUBLIC DISCLOSURE COMMISSION**

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December 9, 2019

Sent electronically to Glen Morgan at [glen@wethegoverned.com](mailto:glen@wethegoverned.com)

Subject: Complaint regarding City of Camas officials, PDC Case 58473

Dear Mr. Morgan:

The Public Disclosure Commission (PDC) has completed its review of the complaint you filed on October 7, 2019 against City of Camas officials. The complaint alleged that the City of Camas officials may have violated RCW 42.17A.555 by using the City of Camas facilities to support a Bond Ballot Proposition.

PDC staff reviewed the allegations, including all attachments to the complaint; the applicable statute and rules; PDC Interpretation 04-02 “Guidelines for Local Government Agencies in Election Campaigns;” and the October 24, 2019 response to the complaint provided by Lee Marchisio, an attorney with Foster Pepper, PLLC, on behalf of the City of Camas (City), to determine whether the record supports a finding of one or more violations.

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

- The City, under Ordinance No. 19-007, proposed a City Community Aquatics Center Plan (Plan) to be financed by general obligation bonds if approved by voters at the November 5, 2019 general election.
- The City retained/hired a consultant, WSP USA Inc. (Consultant) to assist the City by soliciting public input concerning the Plan, and informing the public about the ballot proposition that would finance the Plan. The contract between the City and the Consultant was formally approved at the City Council’s July 15, 2019 meeting, even though the consultant’s work began on or about June 18, 2019, when the consultant organized and managed an open house to present information about the Plan and solicit feedback from the community.
- The complaint alleged improper use of City resources arising from the engagement of a Consultant to provide, among other services, community engagement services regarding the City’s Community Aquatics Center Plan.
- In its response to this complaint, the City, by way of its counsel, Lee Marchisio, stated, “Consistent with the PDC Interpretation 04-02, the City’s consultant was hired to assist the City in informing the public and soliciting input regarding the Community Aquatics Center Plan. Consistent with PDC Interpretation 04-02, information on the website is limited to specific facts regarding the Plan, including: project description and cost breakdown, location

information and traffic impacts, estimated levy rates and cost per typically valued household, and similar factual information regarding the Plan.”

- Mr. Marchisio further stated, “The website created by the Consultant does not directly solicit public support or convey a tone or tenor in support of the Bond Proposition. It does not make general statements regarding the City’s prudent fiscal management with respect to the proposed Aquatics Center or the City’s general fund budget. It does not speculate about the potential secondary benefits, like economic development and community safety benefits, or about favorable interest rates in the current municipal bond market. And it does not use emotionally laden language to promote the Bond Proposition.”
- Staff’s review found the materials produced by the City and its consultant to be informational and congruent with PDC Interpretation 04-02. Hiring a consultant and using the City’s resources to assist the City in informing and soliciting feedback from the public/City residents is not a violation of the law.
- Staff also found the hiring of a Consultant by the City to be normal and regular conduct of the City as it has hired consultants in the past. For example, the City regularly hires consultants to assist in its community engagement activities, even when voter approval is not required for a particular City initiative. Mr. Marchisio said, “The City hired consultants to assist with its 2014 comprehensive plan update. There, the City hired Cogan Owens Cogan LLC to provide, among other services, public outreach and engagement, including a public annual Chamber of Commerce sponsored community celebration, online questionnaires and other community engagement activities regarding the City’s comprehensive plan update. A public vote was not required.” Mr. Marchisio provided five other recent examples of occasions when the City hired community engagement consultants for City projects.

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](mailto:pdcc@pdcc.wa.gov)

Sincerely,

Endorsed by,

s/ \_\_\_\_\_  
Erick Agina, Compliance Officer

s/ \_\_\_\_\_  
BG Sandahl, Deputy Director for  
Peter Lavalley, Executive Director

cc: Lee Marchisio, Attorney

