

## Complaint Description

[Glen Morgan](#) (Mon, 7 Oct 2019 at 9:15 AM)

To whom it may concern,

It has recently come to my attention that the City of Camas, including it's city council, mayor, city administrator and parks and recreation manager has seriously violated Washington State's campaign finance laws (**RCW 42.17A**). The details are as follows:

### **1) Misuse of public funds to support a political campaign (RCW 42.17A.555, WAC 390-05-271, WAC 39-05-273)**

It appears unambiguous that the City of Camas has violated Washington State's campaign finance laws by using public resources to support a \$78 million general obligation bond , which is on the November ballot in about a month (The ordinance which approved this \$78 million bond, states (from the city of camas website):

*"The bond levy would fund the construction of a new \$78,000 square foot community aquatics center with recreational swimming pool, competitive swimming pool, gym, and community rooms. The bond levy would also fund the renovation of three existing City-owned sports fields with synthetic turf, lights, and other improvements..."*

See attached signed **ordinance #19-007 (James Bond?)**, and also see attached screen capture from the front of the Camas City website, captured 10/4/2019.

While there is nothing illegal about a government entity providing information to the public about proposed ordinances, taxes, or bonds, the City of Camas is not allowed to spend taxpayer dollars advocating for tax ballot measures, yet that appears to be exactly what the City of Camas has done (with the approval of the council, the mayor, the city administrator, and the parks and recreation director)

For example, the city has hired, for the express purpose of running a specialized marketing campaign to support and promote this bond measure an outside marketing company called "WSP" (see \$69,490 contract attached – most specifically see the scope of work attached, the description of the activities of this contractor, and the timeframe of the contract). This contractor has been hired only during the course of the election campaign – timeframe indicates they were hired in May, 2019 (a few weeks before the ordinance was approved by the city council and signed by the Mayor on July 15, 2019). However, the contract itself was approved at the same July 15, 2019 City council meeting. The contract activity largely expires after the election in November. This outside contractor is managing the social media campaign, a pro-tax website, press releases, and other information to endorse, promote and encourage voters to support this tax proposal.

The PDC has stated on its own website when discussing the enforcement of **RCW 42.17A.555**:

**“Agencies need to be aware, however, that in no case will the PDC view a marketing or sales effort related to a campaign or election as normal and regular conduct.”**

**WAC 390-05-273** clearly states:

*“Normal and regular conduct of a public office or agency, as that term is used in the proviso to RCW [42.17A.555](#), means conduct which is (1) lawful, i.e., specifically authorized, either expressly or by necessary implication, in an appropriate enactment, and (2) usual, i.e., not effected or authorized in or by some extraordinary means or manner. No local office or agency may authorize a use of public facilities for the purpose of assisting a candidate's campaign or promoting or opposing a ballot proposition, in the absence of a constitutional, charter, or statutory provision separately authorizing such use.”*

The City of Camas has exclusively directed \$69,490 to an outside, independent contractor to promote, support and run a formal campaign to support this tax increase. This is clearly a “marketing and sales effort related to a campaign” and it is clearly not “normal and regular conduct” by the City of Camas. This fact is particularly evident in the terms of the contract as to duties of the contractor (“press releases,” “social media,” etc), and it is also explicitly indicated by the length of time of this same marketing contract date – May 2019 – November 2019 (after the election is over).

One unique element of this contract is the fact that this contractor built a special website for the promotion and marketing of this campaign:

<https://camascommunityaquaticscenter.com/>

The vendor set up this website, per the terms of this unusual contract on June 3, 2019 (see “Whois” information attached), which is a little odd because the term of contract is May 2019, but it wasn’t actually approved until July 15, 2019 – at the same county council meeting when the ordinance for the tax was created.

The City of Chelan does not employ a contractor to run “marketing” or “information” campaigns as part of it’s “normal and regular” conduct. This is an unusual expenditure of public resources to run a marketing campaign to promote the tax proposal codified in **Camas Ordinance #19-007** (like James Bond?), and the marketing campaign ends after the election. This is clearly a violation of **RCW 42.17A.555**, and almost a textbook example of what government agencies should not do if they want to avoid violating the law.

As the PDC has stated about alleged violations like this, **“...in no case will the PDC view a marketing or sales effort related to a campaign or election as normal and regular conduct.”** There is nothing normal and regular about the conduct of the City of Camas.

**Clarification of Named Violators**

One question raised in the effort to investigate this violation is who is actually responsible for the violation of the statute. Historically, the PDC has indicated that a "city" or "agency" can't be in violation – the violation needs to attach to a person. In this case, there appear to be several violators of the statute involved. They are as follows:

1. The City Council. The City Council approved the ordinance and voted to approve the vendor contract referenced above. The Council members are Greg Anderson, Ellen Burton, Bonnie Carter, Don Chaney, Steve Hogan, Deanna Rusch, and Melissa Smith.
2. The Mayor Shannon Turk is also responsible in a Mayor-Council form of government.
3. The Camas City Administrator Pete Capell who appears to have negotiated the contract in question
4. The Camas Parks and Recreation Manager Jerry Acheson appears to have also been involved.

It is important that the PDC enforce **RCW 42.17A.555** to ensure that local agencies do not destroy the appearance of fairness in local elections by allowing cities like the City of Camas to misuse public resources to promote major tax increases like this. It is important that, regardless of the purpose for the local tax, the election must be conducted in fairness and with a level playing field.

Feel free to contact me if you need additional information on this one.

Best Regards,

Glen Morgan

**What impact does the alleged violation(s) have on the public?**

Agencies should not use taxpayer dollars to subsidize marketing campaigns used to promote major tax increases during an election period, even if attempting to claim they are "information campaigns." This is particularly true when the expenditure of hiring outside marketing companies to do this promotion is exceptional and far outside the normal parameters of "information" the agency would normally be providing during this time.

**List of attached evidence or contact information where evidence may be found.**

See attached.

**List of potential witnesses with contact information to reach them.**

All the elected officials referenced in the complaint, the city administrator, the parks and recreation director, and the outside consultant

**Complaint Certification:**

I certify (or declare) under penalty of perjury under the laws of the State of Washington that information provided with this complaint is true and correct to the best of my knowledge and belief.