

Brian Snure (Mon, 9 Dec 2019 at 3:25 PM)

to: pdc@pdc.wa.gov

cc: sbabich@rentonrfa.org +1

Ms. Townsend,

This firm serves as general counsel to Renton Regional Fire Authority. My client has requested that I submit the attached initial response to the above referenced complaint together with the supporting Declaration of Samantha Babich.

If there are any questions or a need for any follow up information, please advise.

Thank you.

--

Sincerely,

Brian Snure

Snure Law Office, PSC

612 S. 227th St.

Des Moines, WA 98198

Phone: 206-824-5630

Toll Free: 800-486-9484

Email: Brian@snurelaw.com

THE INFORMATION CONTAINED IN THIS EMAIL MAY BE PRIVILEGED, CONFIDENTIAL AND INTENDED ONLY FOR THE USE OF THE INDIVIDUAL IDENTIFIED ABOVE. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY, DO NOT COPY OR SEND THE MESSAGE TO ANYONE ELSE AND DELETE THE ORIGINAL TRANSMITTAL. THANK YOU!

Response of Renton Regional Fire Authority to PDC Complaint No. 60381

Renton Regional Fire Authority denies the allegation in the Complaint. The publication of its first annual newsletter (Exhibit A to Declaration of Samantha Babich) and the inclusion on page 3 of the newsletter of a general statement of the Renton Regional Fire Authority Governance Board Chairperson as one of ten articles, does not violate RCW 42.17A.555 or the PDC regulations as the publication of the newsletter did not support or oppose a candidate for public office.

Background.

The Renton Regional Fire Authority (herein referred to as “RFA”) is a municipal corporation that is separate and independent from the City of Renton.

The RFA newsletter that is the subject of the complaint is intended to be a regular annual publication of the RFA (Declaration of Samantha Babich). The RFA was formed by the voters in 2016 and the RFA included funding for a newsletter in its annual budget each year (Declaration of Samantha Babich). Due to the challenges of getting a new entity up and running, the RFA did not have available staff time to prepare a newsletter in 2016, 2017 or 2018. (Declaration of Samantha Babich). The decision to publish the 2019 newsletter was made in March of 2019 and the initial goal was to have the newsletter mailed in September. (Declaration of Samantha Babich). Due to delays in the production of content and the printers scheduling, the mailing date was pushed out to October 25, 2019 (Declaration of Samantha Babich).

The purpose of the newsletter is to provide an effective means of educating the citizens about the services provided by the RFA. (Declaration of Samantha Babich). The Fall timing of the publication was an intentional decision to begin the process of having a normal and regular publication that falls in the regular election cycle as this will allow the RFA to educate and inform the voters when the RFA has ballot measures on future ballots (Declaration of Samantha Babich). However, as the RFA had no ballot measures on the ballot for the 2019 general election, the newsletter did not mention or refer to the 2019 general election or to any candidate races.

The RFA normally and regularly includes a statement of the Board Chair in its annual reports regardless of the identity of the Board Chair (<https://rentonrfa.com/annual-reports/>). Staff determined that given the available space in the newsletter it also made sense to include a Board Chair message in the newsletter (Declaration of Samantha Babich). This decision was unrelated to the fact that the Board chair was a candidate for public office (Declaration of Samantha Babich). The article was a simple and neutral statement of thanks and appreciation to the citizens of the RFA. The inclusion of a Board chair statement in a newsletter is a common practice. *See. e.g.* Puget Sound Fire Emergency Responder (<https://pugetsoundfire.org/resources/emergency-responder/>)

Legal Analysis.

The Renton Regional Fire Authority is legally responsible to keep the public informed of its activities and operations. The newsletter and article that is the subject of the complaint reflects

the first newsletter of a recently formed governmental entity and was developed and published to educate it's citizens without reference to, or consideration of, the 2019 general election.

RCW 42.17A.555 specifically prohibits the use of public resources "...directly or indirectly, for the purpose of assisting a campaign for election of any person to any office...." In interpreting this restriction, as it relates to agency publications, the PDC prohibits agencies from publishing materials "...supporting or opposing a candidate... (PDC Guidelines May 2013 version, p. 22).

As noted above, the RFA's newsletter consisted of four pages and 10 separate articles, none of which referenced the general election or any campaign for office. The inclusion of a general Board Chair statement was unrelated to the fact that the Board chair happened to be running for office and the statement made no reference to the Mayor's race or the election. In fact, the Board chair statement from Mr. Pavone was substantially identical to his statement in the RFA's 2018 annual report. This further undermines any claim that the content or inclusion of the Article was somehow designed to support a campaign for office.

The timing of the publication of the newsletter was unrelated to the 2019 general election. The content of the newsletter, including the Board Chair article, made no references to the 2019 general election or the Mayor's race. The newsletter was published for educational purposes and neither the newsletter nor the Board Chair article violates RCW 42.27A.555.

We respectfully request that the complaint be dismissed.

Submitted: 12-9-19
Brian K. Snure, Legal Counsel for Renton Regional Fire Authority
Snure Law Office, PSC
612 S. 227th St.
Des Moines, WA 98198
Brian@snurelaw.com
206-824-5630
WSBA 23275



RENTON REGIONAL FIRE AUTHORITY

WORKING TO MAKE OUR COMMUNITY SAFER, HEALTHIER, AND STRONGER

Declaration of Samantha Babich

In Support of Renton Regional Fire Authority Response to PDC Complaint No. 60381

I, Samantha Babich, declare under penalty of perjury of the laws of the State of Washington that the following statements are true and correct.

1. I am the Chief Administrative Officer for Renton Regional Fire Authority, and part of my duties include supervising the production of the RFA newsletter.
2. The newsletter attached as Exhibit A is a full and complete copy of the newsletter that is the subject of the complaint.
3. The RFA newsletter is intended to be a regular annual publication of the RFA.
4. The RFA was formed by the voters in 2016 and the RFA has included funding for a newsletter in its annual budget each year.
5. Due to the challenges of getting a new entity up and running the RFA did not have the necessary staff time to prepare a newsletter in 2016, 2017 or 2018.
6. The decision to publish the 2019 newsletter was made in March of 2019 and the initial goal was to have the newsletter mailed in September.
7. Due to delays in the production of content and the printer's scheduling, the mailing date was pushed out to October 25, 2019.
8. The purpose of the newsletter is to provide an effective means of educating the citizens about the services provided by the RFA.
9. The Fall timing of the publication was an intentional decision to begin the process of having a normal and regular publication that falls in the regular election cycle as this will allow the RFA to educate and inform the voters when the RFA has ballot measures on future ballots.
10. Staff determined that given the available space in the newsletter it also made sense to include a Board Chair message in the newsletter. This decision was unrelated to the fact that the Board chair was a candidate for public office.

Dated: 12/09/2019

Samantha Babich
Samantha Babich