

Respondent Names

Linda Lehman

Complainant Name

Dan Deckert

Complaint Description

Deckert reported via the portal (*Thu, 29 Apr 2021 at 7:03 PM*)

Below is the text from the document that was posted to the city web site! It didn't get there on it's own.

City Council Wants to Change our Form of Government - Council passed a Resolution last week to change the form of City government, which will be brought to a vote of the people at the August 3rd, 2021 Primary Election. Our town has had a Strong Mayor/Council Form of Government for over 75 years, beginning in July of 1945. In a Strong Mayor Form of Government, the Citizens elect the Mayor and he/she serves as the Executive Branch or CEO for the City, and the Council forms the Legislative Branch; the same as the President and Congress.

In a Council/Manager Form of Government, the Citizens do not elect a Mayor; they elect the Council Members. Council Members then hire a professional City Manager to perform all of the administrative duties previously performed by the Mayor in the Strong Mayor form. The Mayor is then selected by the Council from their ranks, and that selected Mayor would only perform the Mayor's ceremonial role. The current Mayor fulfills both roles, ceremonial and administrative.

Bottom line – the Citizens lose their right to choose the Mayor and will pay a great deal more for the services that had been performed by the Mayor. There are very few City Managers; therefore, they command a salary typically over \$100,000.00 per year, plus benefits. Your current Mayor's salary has been set at \$9,000.00 per year, with no benefits, since 2016. This change would also mean that I would no longer be your Mayor and must step down less than half-way through my second elected term.

I am always available for questions by phone at (612) 867-9725 or stop by City Hall on Monday or Friday mornings

Deckert replied (*Wed, 5 May 2021 at 10:12 AM*)

To: "PDC Support" pdcc@pdcc.wa.gov

I sent my notice of charges to the entire city council, city office staff, mayor and city law firm. By doing so, the page was apparently removed from the city web site. I can only surmise the cities law firm engaged the city upon receipt of my notice of violation. Therefore it's not surprising the link no longer works. The fact that the letter was loaded onto the city web site can be confirmed by calling the city and asking. I'd expect the city still has the original letter that was loaded onto the city web site.

I know for a fact at least one council member seen the letter on the city web site. A local news reporter seen the same letter on the city web site.

Only a city staff member would/could have placed the letter on the city web site and also removed the letter. Under whose direction the letter was loaded and removed from the web site is unknown at this moment.

I talked to city staff this morning and they stated you're welcome to call them should you have any questions pertaining to this issue. 509-588-3322

I'll file a FOI request for the original document and have it in hand should you require it. It may take a few days for this to occur.

We did find a list of 2021 Resolutions on Benton City's website, but the resolution you indicated passed the week of April 19-23 does not appear.

I'm unsure to what resolution you're referring to. I looked at what I sent you and am not seeing any reference to a resolution.

We also have a couple questions regarding the evidence:

Was the content (authored by Mayor Lehman) that previously appeared on Benton City's website identical to the information sheet that was sent to Benton City property owners?

If Mayor Lehman's post was separate/different from the information sheet, do you know where we might find a copy of her post in its entirety (e.g. social media)?

The content (authored by Lehman) was never mailed to the property owners. The cities law firm apparently 'discovered' and directed the letter be removed and not sent/mailed as written because it violated the RCW's even though it was posted on the website and subsequently removed. It's unknown what form the letter will take that's being delivered to the property owners.

There are no separate posts of her letter I'm aware of. I did a screen capture of the document and generated a screen capture of the properties of the document that's included in this response.

What I'm witnessing here:

(scenario) is akin to a person robbing a business (in any manner) and taking the proceeds back the following day and expecting no charges be filed even though the law was clearly broken/violated.

I honestly hope this incident by Lehman is not nor will not follow this type of scenario.

Feel free to call or write should you have any questions.

Dan Deckert
206 Alma
Benton City, WA 99320
509-588-8842/Home
509-460-8991/Cell

FIGHTING IGNORANCE SINCE 1973
(IT'S TAKING LONGER THAN WE THOUGHT)

The image below is a screenshot of the original page that was on the city website! It's the same image I emailed to the city council, staff, mayor and law firm.

What's Happening at City Hall

April 2021

By Mayor Linda Lehman

April has been an amazing month in terms of accomplishments for the City. As reported earlier, we are in a huge development crunch and employees and volunteers alike have risen to the challenges. My appreciation goes out to every one of them, and especially to staff, who have been forced to work short-handed. Please be patient with us if things aren't accomplished as quickly as normal. Currently, we are down to one maintenance worker (one out on Paternity Leave and another related to Covid), with a normal complement of five. Unfortunately, we have not been allowed to hire anyone for three months. Please urge City Council to allow us to fill our vacancies so that services can be provided safely and timely.

Accomplishments – Bridge painting has been completed and the boat launch cleanup has begun. Kudos to the Benton City Revitalization (BCR) for taking the lead on those projects. The Bridge Project was completely funded by the BCR, eliminating the need for the City to pay for any of it. BCR hired the following contractors to paint and manage traffic: Eagle Eye Construction and Stripe Rite. Paint was donated by Lowe's in Kennewick along with generous donation of funds from BCR members and citizens of Benton City. The boat launch cleanup is similarly funded by over 200 volunteers who provided equipment and labor to clear out the dead wood and brush. Former Legislator, Shirley Hankins, sent her congratulations on completion of the Uranus Project and other BCR Projects. The Ribbon Cutting Ceremony and Grand Opening of the Uranus Monument was held on April 26th by the Benton City Chamber of Commerce.



May 1st will mark the day our own Benton City Farmer's Market will open at 511 9th Street (the old Pack's Auction Building). Business owner, Jeff Von Schmauder, purchased the building and will also open a Real Estate office at that location. The Farmer's Market will feature music from our local community as well as vendors. Please come down and enjoy the day.

We will soon have a new Internet Coffee Shop with a drive-thru feature next to the in-town Conoco, as you may have noticed that the old building is no longer an eye sore. The local owner has installed new siding and updated the interior. Additionally, Raphael and Araceli Zapeta expect to open their new Event Center located at the old onion packing warehouse. You may have noticed that the old brick façade has had a facelift. It is expected that the roughly 7,000 sq. ft. Event Center will open in the August time frame. The building has an additional 7,000 sq. ft. that could be utilized as retail space, which is a big plus for the City. All of these endeavors will be a huge boon to the City's economy.

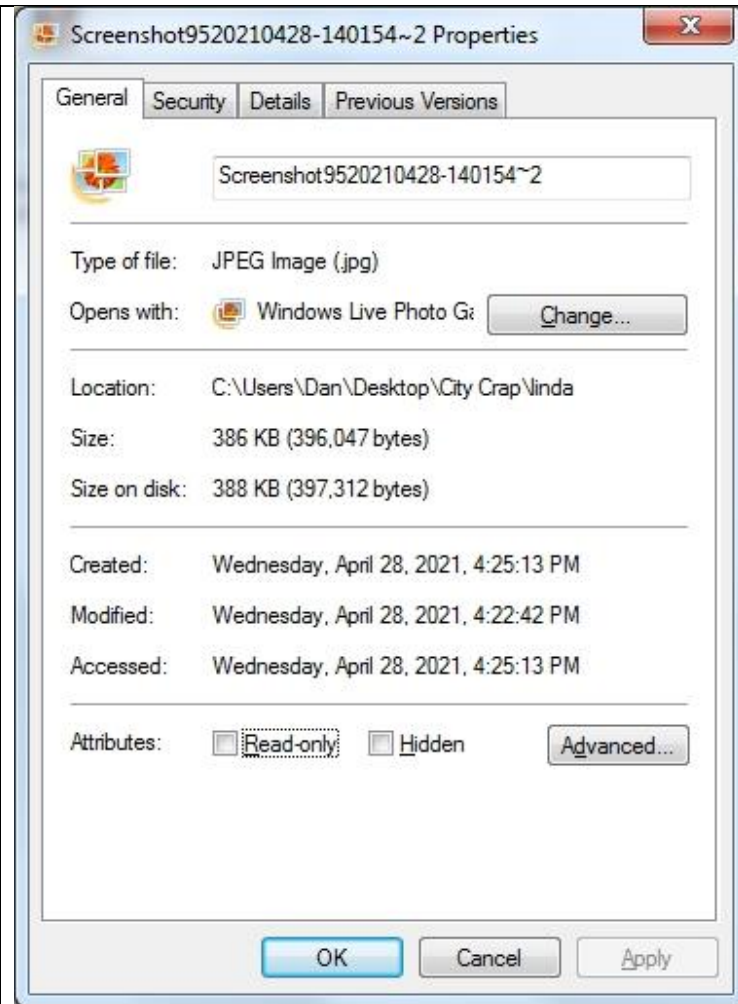
City Council Wants to Change our Form of Government - Council passed a Resolution last week to change the form of City government, which will be brought to a vote of the people at the August 3rd, 2021 Primary Election. Our town has had a **Strong Mayor/Council Form of Government** for over 75 years, beginning in July of 1945. In a Strong Mayor Form of Government, **the Citizens elect the Mayor** and he/she serves as the Executive Branch or CEO for the City, and the Council forms the Legislative Branch; the same as the President and Congress.

In a **Council/Manager Form of Government, the Citizens do not elect a Mayor; they elect the Council Members.** Council Members then hire a professional City Manager to perform all of the administrative duties previously performed by the Mayor in the Strong Mayor form. **The Mayor is then selected by the Council from their ranks,** and that selected Mayor would only perform the Mayor's ceremonial role. The current Mayor fulfills both roles, ceremonial and administrative.

Bottom line – the Citizens lose their right to choose the Mayor and will pay a great deal more for the services that had been performed by the Mayor. There are very few City Managers; therefore, they command a salary typically over \$100,000.00 per year, plus benefits. Your current Mayor's salary has been set at \$9,000.00 per year, with no benefits, since 2016. This change would also mean that I would no longer be your Mayor and must step down less than half-way through my second elected term.

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The image below is the properties of the image above from the city website. The writing content shows Screenshot 95 is dated as 2021, 04, 28.



Deckert replied (*Sat, 8 May 2021 at 10:38 AM*)

To: "PDC Support" pdcc@pdcc.wa.gov

Tabatha,

Hopefully this additional information will satisfy ANY and ALL questions you may have. I understand the necessity to have facts before you in order to be able to proceed. If the information below is not sufficient, I urge you to place a simple phone call to the staff at the Benton City Hall (509-588-3322) and talk to Diane or Paula. They advised me they can and are willing to answer ANY questions you may have relative to my statements of facts. No allegations, but FACTS!

Dan Deckert

Your complaint appears to be alleging that the Mayor's April 2021 post may violate [RCW 42.17A.555](#), which prohibits public office/agency officials and their employees from using or authorizing the use of public (e.g. Benton City) facilities, directly or indirectly, to assist an election campaign or promote or oppose a ballot proposition.

Tabatha,

I'm NOT ALLEGING anything. I'm stating a FACT! The images I included (and are in this letter below) were put on the city web site on the dates I included! I also informed you a simple phone call to Benton City Hall would VERIFY my statement. I've since found out the contact person(s) are Diane or Paula. One or the other can tell you the exact time/day when the illegal information was posted and when it was removed.

The illegal letter "was" going to be mailed to all property owners with their water bills but was cancelled because it was in violation of RCW 42.17A.555. When or why it was removed from the city website and amended so it could be included in the city water bills is something either Diane or Paula (Benton City Hall/509-588-3322) can and are willing to answer IF YOU CALL THEM! I STRONGLY urge you to do so!

It's a long standing practice the mayor has her letter to the cities property owners posted to the city web site and subsequently distributed to every property owner that receives a water/sewer bill.

I'm attaching a *.pdf Document that's the **Official Meeting Minutes from the council meeting of 4/20/2021.** On page 2 item H, #2 is the resolution for discussion of changing the cities form of government. Why It's not on the city website is something only city staff can answer.

The city is severely understaffed at this time due to several individuals voluntarily resigning due to a toxic administration. We've had 5 employees resign in just the past year. Three (3) of those employees were the city clerk/treasurer, one (1) was the Maintenance Superintendent and one (1) was a maintenance employee.

Relative to resolution 2021-20, and the related RCW violation therein,(RCW 42.17A.555) here's the text from the meeting minutes of April 20, 2021. The text is located in the attached PDF on pages 12~14 in the document. (It shows as pages 8, 9 & 10 on the bottom of the printed pages)

2. RESOLUTION 2021-20- CHANGE IN FORM OF GOVERNMENT (E. FERGUSON)

- I noticed that the Resolution states the Change in Form of Government vote would be held by Special Election on August 3, 2021. (Mr. Mokler) questioned whether holding the vote during the regular election period on November 3, 2021 would save the City money and provide ample preparation time. (C. Mokler)
- It became clear that the vote would not be limited to the General Election, that it could occur during one of the Special Elections. (E. Ferguson)
- In Washington State, there are two elections, the Primary and the General Election. August 3, 2021 was the earliest date to meet the filing deadline. (E. Ferguson)
- Resolution would have to be presented to the County Auditor by May 16, 2021 to meet the August 3, 2021 election. (E. Ferguson)
- Back in 2016, an Advisory Vote was held. (E. Ferguson)
- In terms of money, it does not matter; the amount of money that can be required from the County Auditor for one of the elections. (E. Ferguson)

- Based on prior experience and conversations with the County Auditor in 2016, major expenses occur in the February and April elections because there may not be anything on the ballot; therefore, those are Special Elections. (E. Ferguson)
- Technically, if the City wants to be on the August 3, 2021 ballot, it is a Primary Election date. If any Council positions up for election in November are contested by more than two individuals, a Primary Election would be required, which could become an issue. (E. Ferguson)
- We (Attorneys) went with the assumption that Council wanted to move forward sooner rather than later with this item. (E. Ferguson)
- Presumably, based on past history, there have been a good quantity of names placed on the ballot (for Council positions) which means that the City would have to pay to participate in the Primary Election anyway. (E. Ferguson)
- There are quite a few assumptions, but we (Attorneys) thought this was their "marching orders" from Council. (E. Ferguson)
- To participate in the November 2021 General Election, the filing deadline is August 2021. To participate in the August 2021 Primary Election, the filing deadline is May 16, 2021. (E. Ferguson)
- I request that another Council Member move to approve this Resolution (C. Mokler)

COUNCIL DISCUSSION

- This question was asked at the previous meeting, but I did not receive a great answer outside of the cost for Attorney fees. What will be the cost to place this item on the ballot? (C. Gordon)
- That is the million-dollar question. This question arose the last "go-around" and it is tough to get a straight answer. His understanding, based on whether the City has other items on the ballot; the General Election seems to be the cheapest because the City will already be paying for it anyway, so it does not add a whole lot, just printing and paper cost that goes with adding another item. (E. Ferguson)
- The most information that Attorneys have been able to glean from this, back in 2016 on a completely unrelated item, and the City did not have anything else going on. I seem to recall the cost was somewhere between \$5,000 and \$10,000 when nothing else was placed on the ballot. I am completely going from memory, and asked whether anyone else recalled the cost. I cannot say for certain what the cost would be and quite frankly, will not get much more of an answer from the County Auditor, or at least we (the Attorney's) did not last time. (E. Ferguson)
- I do not mean to say the County Auditor is not trying to be forthcoming; the County Auditor just does not know. (E. Ferguson)
- Based on what else is filed for that particular election, the more items placed on the ballot, the cheaper it is. (E. Ferguson)
- Second question, will Council get any firmer answers for the cost of a City Manager? Mr. Sandretto did a quick research, but I'm curious as to how much a City Manager will cost per year. (C. Gordon)
- That is one of the things that will be totally up to Council. You (City) can have as much or as little of that as you want, in a sense that you (City) could have a part-time City Manager and define that role. (E. Ferguson)
- Some of the roles are defined orally. Once the City moves to that form of government, some of those things would have to be handled by that particular

position, but, there will not be a minimum that has to be paid or compensated in other ways or certain amount of time that will be required. (E. Ferguson)

- In looking through a lot of this stuff, in preparing for this, there is a provision that allows under certain conditions, a City Manager can hold positions in more than one location, which seemed pretty odd. I cannot imagine a scenario like that, but, it implies there are certainly no requirements based on that. It is going to be determined by how much and what kind of candidate, if you (City) moves to that form of government that you (Council) would want to attract. (E. Ferguson)
- To recap, Council really does not know how much this is going to cost outside of Attorney billing. I question whether I am tracking right. (C. Gordon)
- We (Attorneys) do not know the total cost of switching to that form of government other than our (Attorney) hourly rate to draft changes in Code. (E. Ferguson)
- I agreed that C. Gordon's statement is true; it is kind of an open-ended matter, but, I would also say within Council's control, I do not think there's but a few Statutory requirements that will need to be met. It will not be a minimum amount that you (City) will have to essentially put aside to bring in a City Manager. (E. Ferguson)
- This (answer) may not be precise enough, but that is accurate. (E. Ferguson)
- (Scrambled wording) moving forward without having a conversation around those variables, but I would like to hear from other Council Members. (C. Gordon)
- As to cost, we (Council) could play the game all day and say it is a million dollars, (or) it's \$50.00, but based on previous elections, the General Election was roughly around \$6,000 to \$7,000 bill. (C. Sandretto)
- The search that (C. Sandretto) did, and what we (Council) would be looking for is an intern or entry level City Administrator, the type of people who cut their teeth in a town like Benton City. (C. Sandretto)
- We (City) would get the best, brightest ideas coming out. Some may say it is untried and untrue. I say we (City) can't afford not to at this point in time. The best choice for Benton City is to move forward in this direction and that is my statement. (C. Sandretto)
- In looking at the April statement from the Attorney's, my thoughts would be, if we (City) had a City Manager that it could be less emotional, more neutral, looking at employees, etc. In noticing the dollar amounts for investigations and ethics it is \$2,000, and that is just for a single month. (C. Stade)
- For me, it seems compelling to have a change to where our (City) monthly costs would be reduced by having a management form that was for overseeing employees and having it be more neutral and less emotional, and a fresh start as well. (C. Stade)
- I thank Mr. Sandretto and Ms. Stade for their opinions, but I want to have a conversation about this; it is a big decision, but I do not want it based on emotions other than, can we (City) afford this; is it the best thing moving forward. (C. Gordon)

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- I recognize there are issues in City Hall that need to be addressed, and I do not want to invalidate Mr. Mokler's feelings on some of the issues he brought up, but, I want to make sure we (Council) are having these conversations. In five or ten years, when someone looks back over these Minutes and see that we (Council) made the decision fairly and with our (City) financials in mind. (C. Gordon)
- I appreciate C. Gordon's concern about spending tax dollars; that is where my heart

is, to make sure we (Council) wisely spend the money. (C. Lettau)

- However, every four years we (City) have an election for a Mayor. Sometimes the Mayor has a couple of terms, and each Mayor has their own style, so City employees have to deal with new styles, new rules, new everything, and this last four years has been a bit hard for employees. (C. Lettau)

- Obviously, we (City) have lost quite a few, and in losing those employees, we (City) have lost tribal knowledge of years for this town, some great employees who could give answers at a moment's notice, and we (City) have lost that. Now, we (City) start over trying to train again. How much money does that cost? We (City) can't even put a dollar amount on that, to find a new employee, to train them. (C. Lettau)

- Obviously, (the City) is now on the third City Clerk-Treasurer, and she is leaving. We (City) can't continue with the turmoil that this is causing (City) employees, so my thoughts, my emotion is not in this, but we (City) have to have a place that employees can thrive and do their job. (C. Lettau)

- If we (City) have manager-style government, then that tide is not going to change every four years with a different Mayor. It is going to stay the same. That's my twocents worth. (C. Lettau)

COUNCIL MEMBER LETTAU: Madam Mayor, I move to approve Resolution 2020-21, A Resolution of the City Council of the City of Benton City, Washington, Providing for the Submission to the Voters of the City, at a Special Election to be Held on August 3, 2021, of a Proposition of Whether the City Should Adopt the Council/Manager Form of Government and Abandon the Mayor/Council Form of Government, and Requesting the Benton County Auditor to

Conduct that Special Election on August 3, 2021 .

COUNCIL MEMBER SANDRETTO: Second.

MOTION #7 - C. Lettau moved and C. Sandretto seconded to approve Resolution 2020-21, A Resolution of the City Council of the City of Benton City, Washington, Providing for the Submission to the Voters of the City, at a Special Election to be Held on August 3, 2021, of a Proposition of Whether the City Should Adopt the Council/Manager Form of Government and Abandon the Mayor/Council Form of Government, and Requesting the Benton County Auditor to Conduct that Special Election on August 3, 2021.

ROLL CALL #7 - C. M. Lettau, C. Sandretto, C. L. Stade, C. K. Gordon, C. J. Mokler

ALL YEAS. Motion carries.

Under Section 6, I am unwilling to sign this agreement, and therefore; the proponent, Mayor Pro

Tem, Mr. Mokler, will be signing the agreement. I feel this is not in the best interest of the City,

and it is an extreme expense that Council is asking for based on things that are not true, first of

all. (Mayor Lehman)

Thank you for your honesty, Linda, and City Staff can contact me when they are ready, and I will

be happy to make that signature. (C. Mokler)

I hope and pray this matter can be expedited. Benton City is in dire straits, with respect to the administration, and is in danger of further degradation and/or collapse because of more employees resigning if some resolution isn't forthcoming. The voters deserve better.

I look forward to hearing from you and your office as soon as possible.

Dan Deckert
206 Alma
Benton City, WA 99320
509-588-8842/Home
509-460-8991/Cell

FIGHTING IGNORANCE SINCE 1973
(IT'S TAKING LONGER THAN WE THOUGHT)

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

Sending false information to every property owner in Benton City in an attempt to sway an upcoming vote by the public. Nothing in this info sheet has EVER been submitted to the voters for approval!

In direct violation of:

RCW 42.17A.550

Use of public funds for political purposes.

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

<https://www.ci.benton-city.wa.us/files/documents/AprilCityHallNewsnews112121649042821-012343PMa.pdf>

List of potential witnesses with contact information to reach them

Anyone with an internet connection to view the *.pdf files from the link above.

City staff that loaded the file onto the web site.

Certification (Complainant)

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.



April 20, 2021

A G E N D A

Benton City Hall
1009 Dale Ave, Suite B
7PM

Public Telephonic Access (253) 215-8782

Meeting ID: 882 8454 4365

Password: 541922

Public Hearing and Public Comment Request Form ([Click Here](#))

Join Zoom Meeting Here: ([Click Here](#))

TURN OFF ALL CELL PHONES & PAGERS-EMERGENCY PERSONNEL USE SILENT ALERT

A. CALL TO ORDER

B. ROLL CALL

1. Pledge of Allegiance

C. CONSENT AGENDA *All items listed under the Consent Agenda are considered to be routine by the City Council and will be enacted by roll call vote as one motion (in the form listed below). There will be no separate discussion of the items. If further discussion is desired by Council members or the public, the item may be removed from the Consent Agenda and considered separately.*

1. **Regular Meeting Minutes April 6, 2021 and Special Meeting Minutes April 2, 2021**

To approve the regular meeting minutes of the Benton City Council Meeting held on April 6, 2021 and special meeting minutes of the Benton City Council Meeting held April 2, 2021

2. **Bills and Communications**

To approve claim check numbers 31099 thru 31121 with EFTs as listed in the amount of \$94,187.98

And;

To approve Payroll check number 31098 with EFTs as listed in the amount of \$77,439.95 in the total amount of \$171,627.93

MOTION: I move to approve the Consent Agenda as read. (Roll Call)

D. PROCLAMATIONS AND ACKNOWLEDGMENTS

1. Approval of Agenda (Only/essential changes not requiring preparation, review, public notice, or action may be added)

E. VISITOR COMMENTS- *for non-agenda items. (Limited to 3 minutes)*

Council will not take action on an item not already on agenda without time to research, read, and receive staff report. Items may be added on future agenda, but not current agenda. Please do not speak or make remarks unless recognized by the Chair, then if you are called, come forward to microphone, give name and address for minutes recorder.

F. REGULAR REPORTS:

1. Sheriff's Report
2. Attorney Report
3. Staff Reports
 - a.) Business License Report
 - b.) Treasurer's Report
 - c.) Code Report
 - d.) Maintenance Report
4. Council Committee Reports

G. PUBLIC HEARINGS:

1. Conditional Use Permit- 411 Sanlyn Court, Covey in-home salon/home occupation

H. ORDINANCES NOT RELATING TO PUBLIC HEARINGS AND RESOLUTIONS:

1. **Ordinance 1019**- First Reading of Ordinance 1019- Creating a new chapter 14.10 Street and Utilities Assessment Reimbursement Agreements
2. **Resolution 2021-20**- Change in Form of Government
3. **Resolution 2021-21**- Interlocal Agreement for Grant Writing Services
4. **Approval**- Business Proposal (Linda Cahan)
5. **Employee Confirmation**- Marco A Lopez

I. UNFINISHED BUSINESS:

1. Fish and Wildlife Parks
2. Bridge Painting

J. NEW BUSINESS:

1. Executive Session- RCW 42.30.110 (1)(b)

K. MISCELLANEOUS COUNCIL DISCUSSION:

ADJOURNMENT