

Gretl reported via email  
(Fri, 27 Sep 2024 at 10:03 AM)  
To: "PDC Support" [pdc@pdc.wa.gov](mailto:pdc@pdc.wa.gov)

External Email

To Whom it may concern,

In response to the PDC complaint from Donald Britain, I was responding to the speaker's comments on a scheduled topic at our City of Kennewick Workshop meeting on August 13. The presentation was the first presentation of the evening, from Rick Dunn, Head of Kennewick's Energy Services Provider for Benton PUD. The Topic was the following: Update: Benton Public Utility District (PUD) .

The ballot initiative that Mr Britain is referring to was not advertised, it was not ever named by me, but I did mention it in the context of the presentation that had just been presented by Rick Dunn. It was relevant to the topic of conversation we were having, as well as affordable housing issues, and as stated in the NOTES of this RCW, "the public benefits from open and inclusive discussion".

Rick had pointed out that we have energy constraints in our area, and that we had a recent time this past winter and the prior summer, when our current resources could not keep up with demand. We have energy issues in our city and Region and the initiative placed on the ballot will have an effect on that. I am also involved in Residential and Commercial Building and Development in my private life. Energy (and Natural Gas) and how it is used in both homes and commercial businesses. The outcome of having limited and intermittent energy alternatives will have lasting effects, as was discussed throughout that presentation, if this additional energy source is taken away is a topic that needs more discussion.

Again, I never mentioned the exact initiative. I urged people to "educate themselves" and "hopefully vote to not ban Natural Gas". Mayor Pro Tem Torelli said he was concerned that I was crossing a line, he said "we can educate, not lobby". I immediately said "Ok, educate yourself", and we moved on to the next presentation.

Donald Britain is filing this complaint based on RCW.42.17A.555 that follows here:

**Use of public office or agency facilities in campaigns—Prohibition—Exceptions. (Effective until January 1, 2026. Recodified as RCW 29B.45.010.)**

No elective official nor any employee of his or her office nor any person appointed to or employed by any public office or agency may use or authorize the use of any of the facilities of a public office or agency, directly or indirectly, for the purpose of assisting a campaign for election of any person to any office or for the promotion of or opposition to any ballot proposition. Facilities of a public office or agency include, but are not limited to, use of stationery, postage, machines, and equipment, use of employees of the office or agency during working hours, vehicles, office space, publications of the office or agency, and clientele lists of persons served by the office or agency. However, this does not apply to the following activities:

(1) Action taken at an open public meeting by members of an elected legislative body or by an elected board, council, or commission of a special purpose district including, but not limited to, fire districts, public hospital districts, library districts, park districts, port districts, public utility districts, school districts, sewer districts, and water districts, to express a collective decision, or to actually vote upon a motion, proposal, resolution, order, or ordinance, or to support or oppose a ballot proposition so long as (a) any required notice of the meeting includes the title and number of the ballot proposition, and (b) members of the legislative body, members of the board, council, or commission of the special purpose district, or members of the public are afforded an approximately equal opportunity for the expression of an opposing view;

(2) A statement by an elected official in support of or in opposition to any ballot proposition at an open press conference or in response to a specific inquiry;

(3) Activities which are part of the normal and regular conduct of the office or agency.

(4) This section does not apply to any person who is a state officer or state employee as defined in RCW 42.52.010.

He is alleging that I told viewers to "vote yes" regarding State Initiative 2066. I never said that. I never stated the Initiative specifically by name and I never told people to "vote yes". I understand now that

I may have gotten close to that, but this RCW and its Notes, are not entirely clear on what that means and provides ambiguity in my mind.

There was no prior intent to "lobby" for an initiative, it was only because of the context of the information that had just been presented. I have more background information than most, to offer for discussion and study, and the public needs to have forums (workshops) where they can listen to all sides of the conversation.

I do not think that this RCW above directly supports his complaint, and the NOTES on the RCW below, cause some confusion. It specifically references the "public benefitting" from an open and inclusive discussion of proposed ballot measures by local elected leaders" and that for 25 years, these discussions have included elected boards, councils....in order to express their support of, or opposition to, ballot propositions affecting their jurisdictions." Is that not what we can do?

Informed public discussion is what I was commenting on for listeners, and I ended with "educate yourself", not "Vote Yes on State Initiative 2066" as alleged.

#### **NOTES:**

**Finding—Intent—2006 c 215:** "(1) The legislature finds that the public benefits from an open and inclusive discussion of proposed ballot measures by local elected leaders, and that for twenty-five years these discussions have included the opportunity for elected boards, councils, and commissions of special purpose districts to vote in open public meetings in order to express their support of, or opposition to, ballot propositions affecting their jurisdictions.

(2) The legislature intends to affirm and clarify the state's long-standing policy of promoting informed public discussion and understanding of ballot propositions by allowing elected boards, councils, and commissions of special purpose districts to adopt resolutions supporting or opposing ballot propositions." [ [2006 c 215 s 1.](#)]

**Disposition of violations before January 1, 1995:** "Any violations occurring prior to January 1, 1995, of any of the following laws shall be disposed of as if chapter 154, Laws of 1994 were not enacted and such laws continued in full force and effect: \*RCW [42.17.130](#), chapter [42.18](#) RCW, chapter [42.21](#) RCW, and chapter [42.22](#) RCW." [ [1994 c 154 s 226.](#)]

**\*Reviser's note:** RCW [42.17.130](#) was recodified as RCW [42.17A.555](#) pursuant to 2010 c 204 s 1102, effective January 1, 2012.

In closing, I may have made a statement that I should not have, but I did not intentionally do what Donald Britain is alleging and should not be found in violation. My comments were germane to the presentation that we had just had and not a violation, especially when paired with the NOTES of the RCW that encourage public discussion on ballot measures.

Mr Britain lost to me in the last election and I see this as a frivolous complaint that is unfounded, however, I will be more thoughtful in the future how I phrase my comments.

This is my response and I thank you for taking the time to review this.

Respectfully,

Gretl Crawford

Mayor City of Kennewick

General Contractor in both Residential and Commercial Building

Private Citizen of Kennewick Washington