



**State of Washington
PUBLIC DISCLOSURE COMMISSION**

711 Capitol Way Rm. 206, PO Box 40908 • Olympia, Washington 98504-0908

(360) 753-1111 • FAX (360) 753-1112

Toll Free 1-877-601-2828 • E-mail: pdc@pdc.wa.gov • Website: www.pdc.wa.gov

June 3, 2019

Delivered electronically to dalvarez@co.clallam.wa.us

Subject: Complaint return, PDC Case 25221

Dear David Alvarez, Chief Civil Deputy Prosecuting Attorney, Clallam County

Enclosed is a copy of an electronic letter sent to Gerald Steel concerning a complaint filed with the Public Disclosure Commission (PDC) against officials of Clallam County Health and Human Services.

As noted in the letter to, the PDC has dismissed this matter in accordance with RCW 42.17A.755(1) and will not be conducting a more formal investigation into these allegations or taking further enforcement action in this matter.

If you have questions, you may contact Alice Fiman at 1-360-586-4746 or toll-free at 1-877-601-2828, or by e-mail pdc@pdc.wa.gov.

Sincerely,

/s _____

Alice Fiman
Compliance Officer

Endorsed by,

/s _____

Barbara Sandahl
Deputy Director
For Peter Lavallee
Executive Director



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June 3, 2019

Delivered electronically to geraldsteel@yahoo.com

Subject: Complaint regarding Clallam County Health and Human Services, PDC Case 25221

Dear Gerald Steel:

The Public Disclosure Commission (PDC) has completed its review of the complaint you filed September 17, 2017. Your complaint alleged Clallam County Health and Human Services may have violated RCW 42.17A.555 for misuse of public facilities to support a fluoridation ballot proposition in Port Angeles.

PDC staff reviewed your allegations; the statutes, rules and reporting requirements, and the response to the complaint provided by David Alvarez, Chief Civil Deputy Prosecuting Attorney, Clallam County.

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

- In its May 2, 2017 meeting, the Port Angeles City Council approved a resolution to put an advisory ballot on the November 2017 General Election Ballot regarding fluoridation of the city's water supply.
- In his response on behalf of Clallam County Health and Human Services (CCHHS), David Alvarez stated the brochure produced by The Arcora Foundation and co-branded with CCHHS was purely informational and solely intended to "inform the public as to the causes, nature and prevention of disease and disability and the preservation, promotion and improvement of health within his or her jurisdiction, a mandated duty of the Local Health Officer and CCHHS. See RCW 70.05.070(4)."
- RCW 42.17A.555 prohibits public agencies from using or authorizing the use of public facilities, directly or indirectly, for the purpose of promoting or opposing any ballot measure. This prohibition does not apply to activities that are part of the normal and regular conduct of the public agency, as defined in WAC 390-05-273.

- Alvarez provided numerous brochures produced, co-branded and/or distributed by CCHHS that provide information to the public, demonstrating the brochure was normal and regular conduct for CCHHS. Staff did not find evidence that the brochure was timed to promote or oppose the advisory ballot measure.
- In the November 7, 2017 advisory vote, the citizens voted against continuing with fluoridation of the municipal water supply. On December 5, 2017, the Port Angeles City Council voted to accept the advisory vote and remove the city's fluoridation equipment.

Based on these findings, staff has determined that, in this instance, the activities of officials of Clallam County Health and Human Services do not appear to be an actual 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 Alice Fiman at 1-360-586-4746 or toll-free at 1-877-601-2828, or by e-mail pdcc@pdcc.wa.gov.

Sincerely,

/s _____

Alice Fiman
Compliance Officer

Endorsed by,

/s _____

Barbara Sandahl
Deputy Director
For Peter Lavalley
Executive Director