



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](mailto:pdc@pdc.wa.gov) • Website: [www.pdc.wa.gov](http://www.pdc.wa.gov)

November 3, 2016

The Honorable Robert Ferguson  
Attorney General  
1125 Washington St SE  
PO Box 40100  
Olympia, WA 98504-0100

RE: Public Disclosure Commission Recommendation Concerning Citizen Action  
Complaint against Councilmembers of the City of Olympia, PDC Case 8341

Dear Attorney General Ferguson:

This letter concerns the matter that your office referred to the Public Disclosure Commission (PDC) for review and possible investigation in response to a 45-day Citizen Action Complaint filed with the Attorney General's office on September 8, 2016 by Knoll Lowney on behalf of Opportunity for Olympia (OFO), a registered political committee formed to support a local ballot measure for "income tax for funding college tuition."

The Citizen Action Complaint alleged that the Councilmembers of the City of Olympia violated RCW 42.17A.555 by using or authorizing the use of City facilities/funds to oppose OFO's proposed local ballot measure by seeking judicial review of the measure rather than placing it on the November 8, 2016 general election ballot.

PDC staff reviewed the complaint and prepared a Memorandum dated October 21, 2016 that included an analysis and recommendation to Commission members concerning the alleged violations. The Commission considered the results of staff's review and analysis at their regular meeting held October 27, 2016. At that meeting, Lead Political and Finance Investigator William A. Lemp III presented a chronology of relevant actions, and Executive Director Evelyn Fielding Lopez summarized staff's analysis and recommendation. I am enclosing a copy of staff's October 21, 2016 Memorandum and its Exhibits.

**Staff Conclusion and Recommendation**

As noted in the enclosed Memorandum, staff concluded that:

- OFO's proposed ordinance was a ballot proposition, and it was appropriate for Olympia City Councilmembers to authorize a lawsuit to determine if OFO's proposed local ballot measure was beyond the scope of the City's initiative power, and if it was beyond the scope, to seek an order enjoining the proposed tax initiative from appearing on the November 8, 2016 ballot.
- The City's action to challenge the ballot measure was reasonable and lawful, and was therefore part of the City's normal and regular conduct that is allowed under RCW 42.17A.555.
- The City's actions were different from those of the Port of Tacoma in a recent case concerning similar actions, in that the Port of Tacoma is not responsible for managing the ordinances of the City of Tacoma, nor is it responsible for Tacoma's water system or election activities. The City of Olympia is responsible for managing the ordinances of the City and for the City's election activities.
- Olympia City Council members did not violate RCW 42.17A.555 when they authorized expenditures for legal services to seek judicial review of Opportunity for Olympia's proposed ballot measure to determine if the measure was within the scope of the City's initiative power.

Staff recommended that the Commission recommend to the Attorney General that that office take no further action with respect to the allegations in the complaint.

#### **Commission Recommendation**

Having received and reviewed staff's October 21, 2016 Memorandum, the Commission unanimously adopted a motion to return this matter to the Attorney General with a recommendation that the Attorney General not file an action concerning the allegations set out in the complaint by Opportunity for Olympia.

If you have questions, please contact me at 360-664-2735.

Sincerely,

  
Evelyn Fielding Lopez  
Executive Director

cc: Commissioners  
Linda A. Dalton, Sr. Assistant Attorney General  
Mark E. Barber, Counsel for Councilmembers of the City of Olympia  
Knoll Lowney, Counsel for Opportunity for Olympia