



**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

January 2, 2019

Sent electronically to James McNamara at James.mcnamara@ci.longview.wa.us

Subject: Complaint against the City of Longview, PDC Case 41629

Mr. McNamara:

Below is a copy of a letter sent to Michael O'Neill regarding a complaint he filed with the Public Disclosure Commission (PDC) on October 5, 2018. The complaint alleged that the City of Longview may have violated RCW 42.17A.555 by using city facilities in opposition to Initiative 1631, a statewide ballot proposition concerning the assessing of fees for certain entities releasing carbon emissions and greenhouse gases.

As noted in the letter to Mr. O'Neill, the PDC will not be conducting a more formal investigation into these allegations or taking enforcement action in this matter.

Accordingly, the PDC has dismissed this complaint in accordance with RCW 42.17A.755(1)(a).

If you have questions, you may contact me at (360) 586-2869, toll-free at 1-877-601-2828, or by e-mail at erick.agina@pdc.wa.gov.

Sincerely,

Endorsed by:

Erick Agina

BG Sandahl, Deputy Director for

PDC Compliance Officer

Peter Lavalley, Executive Director



Public Disclosure Commission
Shining Light on Washington Politics Since 1972



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January 2, 2019

Sent electronically to Michael O'Neill at Mloneill418@gmail.com

Subject: Complaint against the City of Longview, PDC Case 41629

Dear Mr. O'Neill:

The Public Disclosure Commission (PDC) has completed its review of the complaint you filed on October 5, 2018. The complaint alleged that the City of Longview City Council may have violated RCW 42.17A.555 by using public facilities in opposition to Initiative 1631, a statewide ballot proposition concerning the assessing of fees for certain entities releasing carbon emissions and greenhouse gases.

PDC staff reviewed the allegations listed in the complaint to determine whether a formal investigation or enforcement action is warranted. Staff reviewed all attachments submitted with the complaint, the statute, rules, and PDC Interpretation 04-02 "Guidelines for Local Government Agencies in Election Campaigns", and the October 17, 2018, response from James McNamara, City Attorney for the City of Longview.

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

- On October 8, 2018, the City of Longview's city clerk, Kaylee Cody, published the final notice of the October 11, 2018 Longview City Council meeting agenda, and distributed that information to the public through multiple mediums such as the City of Longview's official website, local media by email, display at the Post Office, Longview Public Library and at City Hall.

- One of the agenda items published on October 8, 2018, was related to Initiative 1631 (I-1631), that was filed on March 13, 2018, to be discussed at the upcoming council meeting
- RCW 42.17A.555 prohibits the use of public office or agency facilities in campaigns except for action(s) taken at an open public meeting by members of an elected legislative body or an elected board, council or commission to support or oppose a ballot proposition so long as (a) any required notice to the meeting includes the title and number of the ballot proposition, and (b) members of the board, council or commission of the special purpose district, or members of the public are afforded an approximately equal opportunity for expression of an opposing view.
- Staff's review found that the City of Longview gave proper notice concerning the listing of I-1631 as an agenda item on the October 11, 2018 meeting agenda, and that it was provided to the public in multiple mediums in the normal and regular manner.
- Staff also found that members of the City Council and the public were afforded an approximately equal opportunity for the expression of supporting and opposing views of I-1631 during the October 11, 2018 City Council meeting. The record indicated that both proponents and opponents of I-1631 were allowed three minutes apiece to provide their testimony at the City Council meeting in accordance with PDC laws and rules.
- Mr. McNamara contacted PDC staff prior to the October 11, 2018 Longview City Council meeting seeking guidance to ensure the City's meeting, based on this specific agenda item, would not run afoul of the PDC laws and rules. PDC staff provided Mr. McNamara with PDC Interpretation 04-02, which discusses the permissible uses of public facilities, and the prohibited uses. Staff believes Mr. McNamara made a good faith outreach effort by contacting PDC staff in order to assist the city in complying with PDC laws and rules.

PDC staff's review found that the Longview City Council did not use the facilities to oppose Initiative 1631, when it listed the initiative on the meeting agenda and allowed the public to provide testimony, since the agenda was properly posted, and the City Council allowed for both supporting and opposing views to be aired at the meeting.

PDC staff found no evidence of a material violation that would require conducting a more formal investigation into your complaint or pursuing enforcement action in this instance.

Based on this information, the PDC has dismissed your complaint in accordance with RCW 42.17A.755(1)(a).

If you have questions, you may contact me at (360) 586-2869, toll-free at 1-877-601-2828, or by e-mail at erick.agina@pdc.wa.gov.

Sincerely,

Endorsed by:

Erick Agina
PDC Compliance Officer

BG Sandahl, Deputy Director for
Peter Lavalley, Executive Director

cc: James McNamara, City of Longview Attorney

