



**SERS SNOHOMISH COUNTY
EMERGENCY RADIO SYSTEM**

Providing countywide public safety radio communications

14900 40th Ave NE #101
Marysville, WA 98271
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December 5th, 2018

VIA E-MAIL

Micaiah Titus Ragins
Compliance Coordinator
Washington Public Disclosure Commission
pdc@pdc.wa.gov

Re: PDC Case No. 42987 – Snohomish County Emergency Radio System

Dear Mr. Ragins:

This letter responds to the PDC complaint filed by Mr. Brian Ritchie against the Snohomish County Emergency Radio System (“SERS”). SERS recognizes and supports the importance of transparency and accountability in government. SERS therefore is committed to cooperating fully with the PDC in this matter.

The allegations in Mr. Ritchie’s complaint relate to a SERS mailer and webpage that contained information regarding Snohomish County Proposition 1, which appeared on the November 2018 ballot. SERS included information in those materials that it believed to be factual in order to help educate voters about a little understood system. In none of the materials did SERS urge or request voters vote “yes” or to support the measure. Accordingly, SERS believed it was acting in accord with the law including RCW 42.17A.555. SERS concedes, however, that some of its word choice could have been different. SERS therefore requests the PDC’s guidance on which words in its materials create issues so SERS can ensure it is in full compliance in any future mailers.

As an initial matter, it is important to understand the service SERS provides as it is not well-known or understood in general. When a person calls 911 in an emergency they do so over the phone. What most people do not know is that the emergency responders—firefighters, police officers, EMS personnel—communicate with each other and the 911 dispatcher who receives the call through a separate emergency radio system. Snohomish County and numerous local municipalities created SERS by interlocal agreement to provide the public safety



communications system used by emergency personnel in Snohomish County. Few people know that this system exists or understand how integral it is to emergency responses.

The Snohomish County Council placed Proposition 1 on the November 2018 ballot. Proposition 1 asked voters to approve a 1/10 of 1% increase in the local sales tax to fund replacement of the emergency radio system. This was done in response to equipment failures in the current emergency radio system, some of which dated from SERS's creation in 2001.

In light of the above, SERS decided to inform the public of the facts so people could better understand what was on the ballot and make an educated decision when voting on the measure. SERS created and distributed one jurisdiction-wide mailer with this information. Contrary to Mr. Ritchie's contention that sending the mailer in and of itself was improper, "the PDC has routinely advised and held that with respect to election-related publications, one jurisdiction-wide objective and fair presentation of the facts per ballot measure is appropriate." PDC Interpretation No. 04-02 at 4.

Mr. Ritchie takes issue with several statements in the materials. But those statements are mostly objective and fair statements of fact. The below responds to each of Mr. Ritchie's contentions in this regard:

- Statements such as "Ensure lifesaving 911 services" and "ensuring police & fire hear your call" are true. Without an operable emergency radio system those first responders cannot deliver 911 services or hear the call that dispatch makes to them. Mr. Ritchie reads into this that SERS is making a "guarantee." But that word does not appear in the mailer. Mr. Ritchie is correct that no radio system can be guaranteed to work 100% of the time. SERS was not trying to make such an assertion. SERS can see, however, that the word "ensure" could be read different ways and will refrain from using that word in any future mailers.
- It is a fact that the Snohomish County Council unanimously put Proposition 1 on the ballot. And the support of the municipalities that are part of the interlocal agreement that created SERS and emergency responders who rely on the emergency radio system also is completely factual. This is not a list of "endorsements," but a list of entities that requested the replacement of the emergency radio system. Again, SERS concedes that the words "so important" could be read as interpreting the Council's action rather than reporting on it factually and will refrain from similar language in the future.



- The claim that the mailer contains “emotionally-driven language” is not supported by citation to any specific words in the mailer. It is a fact that a system that allows firefighters, police officers, and emergency medical services to communicate in response to 911 calls, natural disasters, or acts of terrorism is “life-saving” and can prevent deaths. While the life-saving impact of other public services may be questioned, that of emergency responders being informed of a 911 call and providing the required aid cannot.
- It is a fact that other jurisdictions already had replaced their emergency radio systems. Mr. Ritchie again reads into this statement that it creates “peer pressure.” SERS did not intend any such conclusion.
- The question “How do I know my tax dollars will be used wisely?” is one that members of the public asked SERS and therefore SERS believed it would be helpful to include on the fact sheet. While it was SERS’s intent to provide information responsive to public questions in an effort to educate the public, SERS concedes that this particular phrasing of the question should not have been used and will refrain from doing so in the future.
- The question “How much is 1/10 of 1%” is another question that members of the public asked SERS and SERS believed it would be helpful to address. An average person does not know what 1/10 of 1% actually means. SERS’s example is entirely factual. SERS simply applied the proposed tax rate to a round number (\$100) to show how much the tax would be on such a purchase (10 cents). This is not that different from property tax rates that are permitted to be shown as applied to average home values. And it does differ from attempts to minimize costs, such as if SERS had said that for a \$100 purchase the cost is about the same as a piece of gum.
- The statement that the measure will not affect property tax bills is again in response to public questions and entirely factual. Proposition 1 was a sales tax, not a property tax.
- SERS is not aware of any legal requirement that the mailer must also discuss alternative sources of funding for a new emergency radio system, such as from existing funding sources. This contention has no basis in law.
- The website included pictures of technology from 2001 as a factual illustration of the age of the system. Technology advances so rapidly that few people can identify what was cutting edge five years ago, much less almost 20. The pictures were meant to help provide a frame of reference for the age of the system, not to influence votes. SERS would appreciate guidance on the use of such pictures for the future.



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- The pictures of people show emergency personnel using an emergency radio system to demonstrate how this system, of which most people are not aware, is part of the emergency response system.
- The statement “Please vote by November 6, 2018” is a request to vote, neither for nor against the measure. Importantly, the mailer and website do not urge voters to vote “yes” on Proposition 1.

SERS created its materials in a good faith effort to educate the public as to the emergency radio system and factually what Proposition 1 would fund. SERS does not believe its materials violate RCW 42.17A.555. But it sees how some of its word choices could be read this way. SERS apologizes for those word choices. If the PDC believes there is a violation, SERS requests that the PDC consider the relatively minor nature of any violation and that SERS has never had a PDC violation before. In addition, SERS would appreciate the PDC’s guidance and instruction on how to approach any future mailers.

Finally, SERS notes that it is merging soon with another entity: Snohomish County 911. As of January 1, 2019, SERS will not operate as an independent agency, but will be part of Snohomish County 911. Depending on the date, future communications on this matter will be with Snohomish County 911.

SERS appreciates your understanding and consideration in this matter.

Sincerely,

Brad Steiner
Executive Director
Snohomish County Emergency Radio System (SERS)