



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

February 16, 2016

Ronald Wastewater District
Attn: Mark E. Gregg, General Manager
PO Box 33490
Shoreline WA 98133-0490

Subject: Complaint filed against Ronald Wastewater District by Julie Thuy Underwood,
PDC Case No. 15-73

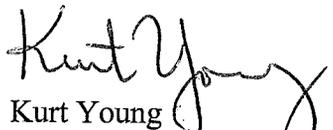
Dear Mr. Gregg:

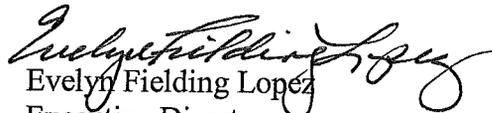
With the concurrence of the Chair of the Public Disclosure Commission, the Executive Director has dismissed the complaint filed by Julie Thuy Underwood, former Shoreline City Manager, against Ronald Wastewater District (RWD) on October 23, 2012. Enclosed is a copy of the dismissal letter sent to Debbie Tarry, current Shoreline City Manager.

If you have questions, please contact Kurt Young, Compliance Officer, at (360) 664-8854 or toll-free at 1-877-601-2828 or by e-mail at kurt.young@pdc.wa.gov.

Sincerely,

Endorsed by:


Kurt Young
PDC Compliance Officer


Evelyn Fielding Lopez
Executive Director

Enclosure





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February 16, 2016

Sent electronically to Debbie Tarry, City Manager for the City of Shoreline “

Subject: Complaint filed against Ronald Wastewater District, PDC Case No. 15-73

Dear Ms. Tarry:

On September 21, 2015, Public Disclosure Commission (PDC) staff informed you that a formal investigation had been opened concerning a complaint filed by Julie Thuy Underwood, former Shoreline City Manager on October 23, 2012, against Ronald Wastewater District (RWD). The complaint alleged that officials of RWD violated RCW 42.17A.555 by using the public facilities of the district to oppose Proposition 1, a City of Shoreline ballot proposition placed on the November 6, 2012 general election ballot. Proposition 1 if approved, would transfer the current water utility operations from of Seattle Public Utility to the City of Shoreline.

Specifically, the complaint alleged that RWD officials scheduled an October 22, 2012, “town meeting” for the purpose of having a forum/debate that opposed Proposition 1; and produced and distributed a RWD newsletter that was mailed out in October of 2012, instead of in September of 2012 when normally distributed, and that the content opposed Proposition No. 1. The complaint was considered in light of the following statutes:

RCW 42.17A.555 states, in part: “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...The foregoing provisions of this section shall not apply to the following activities: (3) Activities which are part of the normal and regular conduct of the office or agency.”

PDC staff reviewed Ms. Underwood’s complaint, information about Proposition No. 1 on the City of Shoreline and RWD websites, and staff’s communications with Michael Derrick, former General Manager of RWD, including two responses received by PDC staff on March 18 and April 2, 2013. In addition, staff reviewed a September 30, 2015 letter from Mark E. Gregg, current General Manager of RWD, and an October 22, 2015 letter from you on behalf of the City of Shoreline. As a result of our review, we found the following:

- On August 6, 2012, the Shoreline City Council adopted Ordinance 644, placing Proposition No. 1 on the November 6, 2012 general election ballot, which if approved, would transfer the current water utility operations from Seattle Public Utilities to the City of Shoreline.
- RWD provides sanitary sewer collection services to a portion of the City of Shoreline.

- Prior to August of 2012, the RWD newsletter (entitled the “Ronald Wastewater Review”) was distributed in billing statements that were sent to sewer district ratepayers. Mr. Derrick stated the decision was made by RWD officials to mail the newsletter to all residents beginning with the September 2012 issue. However, due to issues concerning the mailing process the newsletter was completed in September of 2012 and the delivery date was pushed back and the newsletter was ultimately mailed in October of 2012.
- Mr. Derrick stated that the RWD newsletter “...was labeled “special” because it was the start of sending the quarterly newsletter by direct mail to all residents...” At least one-half of the newsletter content was about Proposition No. 1, and the information included a timeline for RWD leading up to the adoption of the districts Resolution opposing the City of Shoreline’s Proposition No. 1.
- Staff reviewed the newsletter and found the information was inflammatory concerning cities imposing a utility charge, and that some cities’ are imposing a utility tax from ratepayers to support those cities general fund. The utility tax information included the cities of Kent, Bremerton, Longview, Richland, Seattle and Spokane, which staff felt was not a reasonable comparison to the City of Shoreline.
- The information also included a photograph of a RWD staff member apparently responding to an incident in full gear with the word “CAUTION” in yellow and the caution symbol above it. That photograph was very different from previous RWD publications that featured an ORCA whale, and pictures of new sewer pipes being unloaded off a truck circa 1940’s, a fish; and nice landscaping around the facility.
- Staff reviewed the RWD regular and special meeting materials and minutes, and the information concerning the RWD town hall meeting in which they discussed Proposition No. 1, and found the information presented and discussed contained a more neutral tone. Staff did not find any alleged material violations of RCW 42.17A.555 concerning those activities.
- Mr. Gregg stated in his three-page letter that the allegations “...raised in Ms. Underwood’s complaint are now moot. Shoreline voters approved Proposition No. in 2012 with over 70% voting in favor.” The prior disagreements between the district and the City of Shoreline have ended, and both “...parties are working together to plan the City’s agreed assumption of the District in October of 2017.”
- Mr. Gregg stated that given the changes in the relationship between the two agencies, and the amount of time since the complaint was originally filed, he failed “...to see how an investigation is in the best interests of anyone” particularly since the City of Shoreline will assume RWD in 2017.

On October 22, 2015, after opening a formal investigation against RWD, PDC staff received a letter from you on behalf of the City of Shoreline requesting that staff suspend the investigation of Ronald Wastewater District. In your letter you stated the complainant, Ms. Underwood, former Shoreline City Manager, and Mr. Derrick’s former RWD General Manager, have both left their prior employment, and that Proposition No. 1 in the City of Shoreline was overwhelmingly approved by the voters.

In addition, you stated the City of Shoreline is moving forward on assuming the duties of RWD in 2017, and that until the City of Shoreline received PDC staff's September 21, 2015 letter concerning the complaint, "we were not aware that the PDC was still considering formal investigation."

After your October 22, 2015 request was received, staff discontinued its investigation of RWD. Staff's review found that the information distributed by RWD in 2012 concerning the City of Shoreline's Proposition No. 1 was not a "balanced and objective presentation of the facts." In addition, the distribution of the RWD newsletter was expanded to include all residents, and was inadvertently delayed so that the newsletter was distributed closer to the date the general election ballots were mailed out.

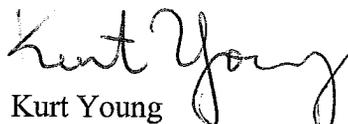
It seems clear that if this matter had been fully investigated by staff, charges are likely to have been issued against Ronald Wastewater District alleging violations of RCW 42.17A.555. However, based on the unique mitigating factors noted above, including the withdrawal of your complaint, it does not appear that further enforcement is warranted or a wise use of PDC resources in this instance.

With the concurrence of the Chair of the Public Disclosure Commission, the Executive Director is dismissing the complaint filed against Ronald Wastewater District.

If you have questions, you may contact me at (360) 664-8854, toll-free at 1-877-601-2828, or by e-mail at kurt.young@pdc.wa.gov.

Sincerely,

Endorsed by:


Kurt Young
PDC Compliance Officer


Evelyn Fielding Lopez
Executive Director

cc: Mark Gregg, General Manager Ronald Wastewater District

10/10/2010

Dear Sir,

I am writing to you regarding the matter of the...

I am writing to you regarding the matter of the...

I am writing to you regarding the matter of the...

I am writing to you regarding the matter of the...

I am writing to you regarding the matter of the...

Yours faithfully,
[Signature]

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