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Watchdog Files Formal PDC Complaint Against Camas

(10/11/2019: CAMAS, WA.)

On Monday October 7, watchdog group *Citizens Alliance for Property Rights* filed a formal complaint with the Washington State Public Disclosure Commission against the City of Camas, its Mayor Shannon Turk, and all seven City Councilors including Greg Anderson, Ellen Burton, Bonnie Carter, Don Chaney, Steve Hogan, Deanna Rusch, and Melissa Smith. Also named in the complaint is City Administrator Pete Capell, and Parks and Recreation Manager Jerry Acheson.

The complaint alleges that the City of Camas, including it's city council, mayor, city administrator and parks and recreation manager has seriously violated Washington State's campaign finance laws (RCW 42.17A), specifically by the misuse of public funds to support a political campaign (RCW 42.17A.555, WAC 390-05- 271, WAC 39-05-273).

The law WAC 390-05-273 clearly states:

“Normal and regular conduct of a public office or agency, as that term is used in the proviso to RCW 42.17A.555, means conduct which is (1) lawful, i.e., specifically authorized, either expressly or by necessary implication, in an appropriate enactment, and (2) usual, i.e., not effected or authorized in or by some extraordinary means or manner. No local office or agency may authorize a use of public facilities for the purpose of assisting a candidate's campaign or promoting or opposing a ballot proposition, in the absence of a constitutional, charter, or statutory provision separately authorizing such use.”

According to the complaint, The City of Camas has exclusively directed \$69,490 to an outside, independent contractor to promote, support and run a formal campaign to support this tax increase. This is clearly a “marketing and sales effort related to a campaign” and it is clearly not “normal and regular conduct” by the City of Camas. This fact is particularly evident in the terms of the contract as to duties of the contractor (“press releases,” “social media,” etc), and it is also explicitly indicated by the length of time of this same marketing contract date – May 2019 – November 2019 (after the election is over).

For example, the city has hired, for the express purpose of running a specialized marketing campaign to support and promote this bond measure- an outside marketing company called “WSP” ([see \\$69,490 contract attached](#) – most specifically see the scope of work attached, the description of the activities of this contractor, and the time frame of the contract). This contractor has been hired only during the course of the election campaign – time frame indicates they were hired in May, 2019 (a few weeks before the ordinance was approved by the city council and signed by the Mayor on July 15, 2019). However, the contract itself was approved at the same July 15, 2019 City council meeting. The contract activity largely expires after the election in November. This outside contractor is managing the social media campaign, a pro-tax website, press releases, and other information to endorse, promote and encourage voters to support this tax proposal.

One unique element of this contract is the fact that this contractor built a special website for the promotion and marketing of this campaign: (<https://camascommunityaquaticscenter.com/>)

The vendor set up this website, per the terms of this unusual contract on June 3, 2019, which is a little odd because the term of contract is May 2019. But it wasn't actually approved until July 15, 2019 – at the same county council meeting when the ordinance for the tax was created.

The City of Camas does not employ a contractor to run “marketing” or “information” campaigns as part of its “normal and regular” conduct. This is an unusual expenditure of public resources to run a marketing campaign to promote the tax proposal codified in Camas Ordinance #19-007, and the marketing campaign ends after the election. According to the complaint, this is a violation of RCW 42.17A.555, and almost a textbook example of what government agencies should not do if they want to avoid violating the law.

One question raised in the effort to investigate this violation is who is actually responsible for the violation of the statute. Historically, the PDC has indicated that a “city” or “agency” can't be in violation – the violation needs to attach to a person. In this case, there appears to be several violators of the statute involved. They are as follows:

1. The City Council. The City Council approved the ordinance and voted to approve the vendor contract referenced above. The Council members are Greg Anderson, Ellen Burton, Bonnie Carter, Don Chaney, Steve Hogan, Deanna Rusch, and Melissa Smith.
2. The Mayor Shannon Turk is also responsible in a Mayor-Council form of government.
3. The Camas City Administrator Pete Capell who appears to have negotiated the contract in question.
4. The Camas Parks and Recreation Manager Jerry Acheson appears to have also been involved.

It is important that the PDC enforce RCW 42.17A.555 to ensure that local agencies do not destroy the appearance of fairness in local elections by allowing cities like the City of Camas to misuse public resources to promote major tax increases like this. It is important that, regardless of the purpose for the local tax, the election must be conducted fairly and on a level playing field.

Glen Morgan, Executive Director of *Citizens Alliance for Property Rights*, and publisher of watchdog website [We The Governed](#), has filed over 515 Public Disclosure Campaign Finance complaints since 2016. These complaints have resulted in over 57 lawsuits, fines, settlements, or forfeiture of contributions against state legislators, state senators, Democratic Party committees, labor unions, judges, and other politicians who violated the Washington State's campaign finance laws. This includes 19 lawsuits filed by the Washington State Attorney General resulting in judgments based on Glen's reporting.

To view the full complaint, click [HERE](#).