



**State of Washington
PUBLIC DISCLOSURE COMMISSION**

711 Capitol Way Rm. 206, PO Box 40908 • Olympia, Washington 98504-0908

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To: Commission members
From: Kim Bradford, Communications and Outreach Director
Re: Town of Skykomish resolution to void 2006 commission order

The Skykomish Town Council has asked the Public Disclosure Commission to void its April 7, 2006, order requiring members of the Skykomish Town Council and the town mayor to file annual F-1 financial affairs disclosure forms with the PDC.

Background:

On March 17, 2006, the Public Disclosure Commission staff received a petition from Skykomish resident Rick Aydelotte containing the signatures of 24 registered voters as certified by the King County elections division. The petition requested the PDC to require the town's mayor, council members, Design Review Board members and Planning Commission members to file annual F-1 financial disclosure forms.

At the time, the Town of Skykomish had 146 registered voters, falling short of the reporting threshold for mandatory F-1 reporting, which is 1,000 registered voters under RCW 42.17A.135. But small communities can opt into PDC reporting requirements. RCW 42.17A.135 also states:

(2) The reporting provisions of this chapter apply in any exempt political subdivision from which a "petition for disclosure" containing the valid signatures of fifteen percent of the number of registered voters, as of the date of the most recent general election in the political subdivision, is filed with the commission. The commission shall by rule prescribe the form of the petition. After the signatures are gathered, the petition shall be presented to the auditor or elections officer of the county, or counties, in which the political subdivision is located. The auditor or elections officer shall verify the signatures and certify to the commission that the petition contains no less than the required number of valid signatures. The commission, upon receipt of a valid petition, shall order every known affected person in the political subdivision to file the initially required statement and reports within fourteen days of the date of the order.

The Public Disclosure Commission held a special meeting April 7, 2016, to consider the petition, at which time Senior Counsel Nancy Krier advised the commission that while RCW 42.17A.405 (which was later recodified to RCW 42.17A.135) did not permit the commission to direct disclosures for the non-elected local officials on the town's Design Review Board and Planning Commission, the commission could direct those disclosures be made from the elected officials identified by the petition. The Commission unanimously voted to order all elected officials of the Town of Skykomish to file F-1 statements.

Skykomish Mayor Alan Grider wrote to the PDC on September 15, 2017, asking the commission to reverse its 2006 decision. He said the conditions that led to the petition – citizen concern about how town officials were handling a \$100 million railroad cleanup that is now complete – no longer exist. He also wrote that the F-1 requirement makes recruiting people to run for office in a small jurisdiction – Skykomish now has 128 registered voters – even more difficult.

PDC staff advised Mayor Grider that voiding the 2006 order would require action by the town council or a petition containing the signatures of 15 percent of the town's registered voters, per RCW 42.17A.135:

(4) The commission shall void any order issued by it pursuant to subsection (2) or (3) of this section when, at least four years after issuing the order, the commission is presented a petition or official action so requesting from the affected political subdivision. Such petition or official action shall meet the respective requirements of subsection (2) or (3) of this section.

Subsection 3 states that an exempt political subdivision can petition the commission by "ordinance, resolution, or other official action."

At its meeting Sept. 20, 2017, the Skykomish Town Council voted unanimously to approve Resolution 461 asking the PDC to void its 2006 order.

Proposed commission action:

Staff recommends the commission find that the Town of Skykomish has met the requirements of RCW 42.17A.135(4), requiring the commission to void its April 7, 2006, order in Case 27-11. Skykomish Town Council members and mayor will not be required to file F-1 reports for neither the CY 2017 reporting period nor subsequent reporting periods. This action does not waive the requirement for previous reporting periods.

Attachments



PO Box 308 – 119 North Fourth Street, Skykomish, WA 98288 – (360) 677-2388

September 15, 2017

Public Disclosure Commission
711 Capitol Way #206
PO BOX 40908
Olympia, WA 98504-0908

RE: F-1 PERSONAL FINANCIAL AFFAIRS STATEMENT

Dear Executive Commission Team Members,

I respectfully request that the Commission members reverse their decision to require elected officials from the Town of Skykomish to complete the F-1 Personal Financial Affairs Statement.

On March 13, 2006, the King County Records, Elections, and Licensing Services Division reviewed a Petition for Disclosure for elected and various non-elected members serving in different capacities in the local government and signed by 24 registered voters from the Town of Skykomish. On April 7, 2006, the PDC approved the petition to require only the elected officials of the Town of Skykomish to complete the F-1 forms which was not what the signed petition stated. I suspect that had the original petition included the elected officials alone, it would not have garnered as many signatures.

The conditions that led to the petition no longer exist. The petition was instigated from a concern that the town governance was taking bribes from BNSF during a superfund cleanup project in which the town was party. Now that the town's restoration is complete, there is no longer any perceived conflict of interest. Additionally, the petitioner has continued a long pattern of harassing and burdensome lawsuits against the town and its officials alleging bribery and worse, but each have been dismissed by the courts.

It is unusual that a town our size would be required to complete the F-1 form. The Town of Skykomish serves two-hundred-part time and full-time residents and is the smallest municipal government in the county and one of the smallest in the



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State of Washington. As such, it is very difficult to recruit participants willing to serve in any capacity of town governance, but this is particularly true for filling elected positions that require the F-1 reporting. Council and mayor positions are difficult to fill because of the trepidation of the stigma of having their financial records open to the public. It simply isn't necessary in our tiny community.

I am asking PDC to either reverse or sunset the F-1 reporting requirement for the mayor and town council. If this is not possible, could you tell me if there is a mechanism or process in which elected officials no longer need to comply with the F-1 reporting requirement for our community? Is it necessary for our citizens to repeal the requirement through the same petition process?

Any assistance with this would be greatly appreciated.

Respectfully,

Alan A. Grider
Mayor of Skykomish



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Resolution 461

A RESOLUTION TO VOID THE 2006 ORDER OF THE PUBLIC DISCLOSURE COMMISSION REQUIRING PUBLIC OFFICIALS TO DISCLOSE THEIR FINANCIAL RECORDS

Whereas; on April 7, 2006, the PDC approved the petition to require elected officials of the Town of Skykomish to complete public disclosure (F-1) forms, and;

Whereas; RCW 42.17A.135(3) states, “The reporting provisions of this chapter apply in any exempt political subdivision that by ordinance, resolution, or other official action has petitioned the commission to make the provisions applicable to elected officials and candidates of the exempt political subdivision. A copy of the action shall be sent to the commission. If the commission finds the petition to be a valid action of the appropriate governing body or authority, the commission shall order every known affected person in the political subdivision to file the initially required statement and reports within fourteen days of the date of the order,” and;

Whereas; RCW 42.17A.135(4) states, “The commission shall void any order issued by it pursuant to subsection (2) or (3) of this section when, at least four years after issuing the order, the commission is presented a petition or official action so requesting from the affected political subdivision. Such petition or official action shall meet the respective requirements of subsection (2) or (3) of this section,” and;

Whereas; according to RCW 42.17A.135(4), the Town Council may have petitioned or created an ordinance or resolution to void the order of the Public Disclosure Commission anytime after April 7th, 2010, and;

Whereas; officials in cities and towns with fewer than 1,000 registered voters as of the date of the most recent general election are almost always exempt from the financial reporting requirements and creates an undo burden on elected officials, and;



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Whereas; officials mostly serve as volunteer representatives and financial reporting requirements disincentives community participation in local governance, and;

Therefore, in an open public meeting, the Town Council agrees that the reporting requirements to the Public Disclosure Commission is burdensome, unnecessary and create this resolution to void the 2006 order of the Public Disclosure Commission requiring public officials to disclose their personal financial records by completing the F-1 reporting form.

Date 9/20/17

Alan A. Grider
Alan Grider, mayor

D. Bearden
Desirae Bearden, clerk/treasurer



A GREAT NORTHERN TOWN

Town of Skykomish
COUNCIL MEETING MINUTES
Mon September 20th, 2017
4:00 PM

Members Present: Members Present were, Kevin Weiderstrom, Shelly Franham, and Frank Martin were present by phone. Members Absent were Henry Sladek and Todd Brunner.

Meeting Called to Order: Mayor Tony Grider led the pledge of Allegiance and called the meeting to order at 4:00PM.

Amend/Approve Agenda: Council Member Kevin Weiderstrom motioned to approve the agenda, Council Member Shelley Franham seconded, all in favor.

Approval of July 24th Council Meeting Minutes: Council Member Kevin Weiderstrom motioned to approve the minutes, Council Member Shelley Franham seconded, all in favor.

2005 Ford Truck Repair – Dump Truck: Council Member Kevin Weiderstrom motioned to approve the emergency payment of \$2,607.84. Council Member Shelley Franham seconded, all in favor.

Spare Pump & Pump Repair – Waste Water Treatment Facility: There are two pumps working properly, one manually and one is broken. With the weather changes happening it is imperative the repair and replacement be made immediately. Council Member Kevin Weiderstrom motioned to approve repair and replacement payment of \$7,027. Council Member Frank Martin seconded, all in favor.

Mayor Report:

F1 Financial Report update: The Mayor asked our attorney but he was on vacation. He also called another attorney but couldn't get a response before the meeting. The Public Disclosure Council wrote the mayor saying it is an RCW to follow. The RCW states the council can make a resolution to void the 2006 decision for the F1 Reporting. The

Council decided to void the 2006 decision for the F1 Reporting and it will take effect Mid October if sent in now. Kevin Weiderstrom motions to void the 2006 F1 Reporting decision through a Resolution with first, second and third readings. Council Member Shelley Franham seconded, all in favor.

With no further business, the meeting adjourned at 4:22pm. Council Kevin Weiderstrom motions to adjourn, Council Member Frank Martin seconded, all in favor.

Alan A Grider

Tony Grider, Mayor

ATTEST:

Desirae Bearden

Desirae Bearden, Clerk

Posted: 9/20/17