

I wonder if this decision favorable to Mr. Wilson will be as helpful to him and the district in pushing through the November bond as they might hope. In fact, it might just have the opposite effect.. if properly managed.



PUBLIC DISCLOSURE COMMISSION

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Dear David A. Kimble:

The Public Disclosure Commission (PDC) has completed its review of the complaint you filed on June 13, 2023. The complaint alleged that Jeffery Wilson (the “Respondent”), a School Director for South Kitsap SD 402 and Chair of the South Kitsap School District (SKSD) Board meetings, may have violated RCW 42.17A.555 by providing information at SKSD Board meetings concerning the adoption of a resolution which would place a proposed ballot measure for a school bond on the ballot and not allowing adequate time for opposing viewpoints during open public meetings prior to the resolution being adopted.

PDC staff reviewed the allegation(s), the statutes, rules and PDC Interpretation #01-03 “Guidelines for School Districts in Election Campaigns”, the SKSD May 17 and June 7, 2023 agendas, meeting minutes and meeting videos and found the following:

- RCW 42.17A.555 states, “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 or for the promotion of or opposition to any ballot proposition.”
- PDC Interpretation #01-03 states that School Districts are “authorized by statute to prepare and distribute information to the general public to explain the instructional program, operation and maintenance of the schools of the district”, including information about the impact of future ballot propositions. RCW 28A.320.090 authorizes the board of directors of any school district to expend funds for this purpose.
- For your information, when the SKSD School District Directors were presenting information and their comments concerning the adoption of the resolution to place the bond measure on the ballot, the board was acting as a Legislative body in their

“official capacity or duties.” The SKSD School Board, when discussing and commenting on the proposed resolution at the May 17, 2023, SKSD meeting and voting on the resolution to create the proposed ballot measure at the June 7, 2023, open public meetings, the SKSD board members, including Chair Wilson was acting as a Legislative body.

- Since the SKSD School Directors were acting as a “Legislative body” and not engaged in a campaign as described in RCW 42.17A.555 while carrying out their official duties of adopting a resolution for a future ballot measure, the school Directors were free to voice their support or opposition to the formal resolution creating the proposed ballot measure as part of that process.
- According to the SKSD minutes of the May 17th school board meeting, there was a bond presentation made by Superintendent Winter summarizing “the work done to date, hear from the community, and develop a bond to rebuild and improve SK schools. The minutes indicated the presentation was posted in the Board Meeting agenda and was followed by public comments about that bond from community members Holly Cruz, Chrissy Wiley, Martha Hammann, Lee Fenton, John Richardson, David May, Astrea Steen, and Tiffany Wilhelm.
- The minutes indicated that the SKSD Board discussed the bond proposal at the May 17th meeting, will plan to present the resolution for a vote at the next meeting, and that after the presentation several community members addressed the Board during the public comment section including yourself, Chrissy Wiley, Martha Hammann, Frances Doyle, Marcie Decker, David May, John Richardson, Robert Parker, Amanda O’Dell, Heather Wilson, and Tasha Raub.
- According to the SKSD minutes of the June 7th school board meeting, prior to the SKSD adopting the resolution for the future bond measure, the district’s bond counsel, Tanya Lawless, an attorney with Kutak Rock LLP reviewed the bond resolution with the Board members that also included Trevor Carlson, with Piper Sandler was also present to address questions about the proposed bond. After that had occurred, Superintendent Winter conducted a roll call vote in which the resolution was adopted on a 4-1 vote.

- Finally, the Washington State courts have consistently found concerning local and statewide ballot propositions, that any statements made by individuals, special interest groups, elected or public officials, or stakeholders or citizens about the ramifications or impacts of proposed ballot measures are considered to be a “matter of opinion” and not facts, since it is not clear how the ballot proposition would be implemented or enacted once approved.

Based on this information, the PDC finds that no further action is warranted and has dismissed this matter in accordance with RCW 42.17A.755(1) and WAC 390-37-060(1)(a).

Sincerely,

PDC Staff