



STATE OF WASHINGTON
PUBLIC DISCLOSURE COMMISSION

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BEFORE THE PUBLIC DISCLOSURE COMMISSION
OF THE STATE OF WASHINGTON

In the Matter of Enforcement Action
Against

Todd Mielke, Spokane County
Commissioner

Respondent.

PDC Case No. 13-099

Notice of Administrative Charges

I. Jurisdiction

1. The Public Disclosure Commission (PDC) has jurisdiction over this proceeding pursuant to RCW 42.17A, the campaign disclosure and contribution law; RCW 34.05, the Administrative Procedure Act; and WAC 390. These charges incorporate the Report of Investigation and all related exhibits by reference.

II. Allegations

2. PDC staff alleges that Todd Mielke violated RCW 42.17A.555 by authorizing the use of Spokane County facilities to assist his preparation for a June 7, 2012 candidate debate sponsored by the Newman Lake Property Owners Association (NLPOA). Between May 29, 2012 and June 6, 2012, staff of the Spokane County Commissioner's office used county printers, scanners, email, telephone, and staff time on multiple occasions to process the candidate debate questions, on Mr. Mielke's behalf and with his involvement, and to seek information to assist Mr. Mielke's preparation for the debate.

III. Facts

3. Todd Mielke was elected Spokane County Commissioner in 2004 and re-elected to that office in 2008. On June 24, 2011, he became a candidate for re-election in 2012. John Roskelley was also a candidate for Spokane County Commissioner in 2012, opposing Mr. Mielke.
4. Staci Lehman, President of Newman Lake Property Owners Association (NLPOA) and a Coordinator for the Spokane Regional Transportation Council (SRTC) invited Mr. Mielke and Mr. Roskelley to participate in a NLPOA-sponsored candidate debate on June 7, 2012.
5. On May 29, 2012, Ms. Lehman sent an email to Mr. Mielke at his official Spokane County email address, providing an initial list of questions for the candidate debate. The email clearly described the event as a candidate debate between Mr. Mielke and Mr. Roskelley. On June 4, 2012, Ms. Lehman sent an additional email to Mr. Mielke at his official Spokane County email address, providing a final list of candidate debate questions. Both emails were also received by Nancy Voermans, Mr. Mielke's Executive Assistant.
6. The initial debate questions were printed using Spokane County facilities. Mr. Mielke then circled four of the questions that he wanted answered by the Spokane County Engineer's Office. On June 4, 2012, using the Spokane County email system and acting on Mr. Mielke's behalf, Ms. Voermans forwarded the scanned, circled questions to Jane Clark, an Environmental Program Engineer with the county engineer's office. In her email to Ms. Clark, Ms. Voermans stated, "*Here are the questions. Thanks for your help. Nancy.*"
7. The final debate questions were printed using Spokane County facilities. This list contained two new questions. The two new questions were circled, and on June 6, 2012, using the Spokane County email system, Ms. Voermans forwarded these scanned, circled questions to Ms. Clark on behalf of Mr. Mielke. In her email, Ms. Voermans stated, "*Hi Jane: The 2 new questions are circled. Thank you for your help. Nancy.*"
8. Ms. Clark completed her work and delivered the finished packet of information to Mr. Mielke through an email sent to Ms. Voermans on June 6, 2012. She sent the completed packet, with additional information, to Mr. Roskelley on June 7, 2012.

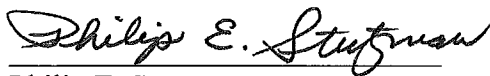
9. Ms. Voermans stated that while she did not recall Mr. Mielke specifically directing her to send the candidate debate questions to Ms. Clark, she understood that she was expected to take this action on behalf of Mr. Mielke.
10. Mr. Mielke used the information he received from Ms. Clark at the June 7, 2012 candidate debate.

IV. Law and Regulation

RCW 42.17A.555 prohibits elected officials, their employees, and persons appointed to or employed by a public office or agency from using or authorizing the use of public facilities, directly or indirectly, for the purpose of assisting a candidate's campaign or for the promotion of, or opposition to, any ballot proposition. This prohibition does not apply to activities that are part of the normal and regular conduct of the office or agency.

WAC 390-05-273 states, in part: "Normal and regular conduct of a public office or agency, as that term is used in the proviso to RCW 42.17.555 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."

Respectfully Submitted this 3rd day of February, 2015.



Philip E. Stutzman
Director of Compliance



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PUBLIC DISCLOSURE COMMISSION

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BEFORE THE PUBLIC DISCLOSURE COMMISSION
OF THE STATE OF WASHINGTON

IN RE COMPLIANCE)
WITH RCW 42.17A) Report of Investigation
)
Todd Mielke, Spokane County) PDC CASE NO: 13-099
Commissioner)
)
Respondent)
_____)

I.
Background

- 1.1 Todd Mielke filed a Candidate Registration (C-1 report) on June 24, 2011, declaring his candidacy for re-election for Spokane County Commissioner, Position No. 1 in 2012. At that time, Mr. Mielke had served as a Spokane County Commissioner since being elected in 2004, and re-elected in 2008. Mr. Mielke also served as a State Representative from the Spokane area in the 1990s.
- 1.2 On January 7, 2012, John Roskelley filed a C-1 report declaring his candidacy for Spokane County Commissioner, Position 1, in 2012, challenging Mr. Mielke. Mr. Roskelley previously served as a Spokane County Commissioner from 1996 through 2004. Mr. Mielke was re-elected as a Spokane County Commissioner in the November 6, 2012 general election.
- 1.3 On July 16, 2012, Mr. Roskelley filed a complaint alleging that Mr. Mielke had violated RCW 42.17A.555 by using Spokane County facilities to assist his 2012 re-election campaign. Commission staff reviewed Mr. Roskelley's complaint and Mr. Mielke's initial response to determine whether a formal investigation was warranted. On July 10, 2013, staff opened a formal investigation. **Exhibit #1**

II.
Allegations

- 2.1 Mr. Roskelley alleged that Mr. Mielke violated RCW 42.17A.555 by using Spokane County facilities to assist his preparation for a candidate debate sponsored by the Newman Lake Property Owners Association (NLPOA). **Exhibit #2.**

III. **Summary of Findings**

- 3.1 On May 29, 2012, Staci Lehman, President of Newman Lake Property Owners Association (NLPOA), sent an email to Todd Mielke at his official Spokane County email address, containing an initial list of questions for a June 7, 2012 candidate debate sponsored by NLPOA. Between that date and June 6, 2012, the staff of the Spokane County Commissioner's office used county printers, scanners, email, telephone, and staff time on multiple occasions to process those questions, on Mr. Mielke's behalf and with his involvement, and to seek information to assist Mr. Mielke's preparation for the candidate debate.

- 3.2 Mr. Mielke stated that he personally received the first iteration of the debate questions from Staci Lehman, the debate organizer, at a meeting of the Spokane Regional Transportation Council (SRTC). However, Ms. Lehman could not corroborate Mr. Mielke's testimony. Rather, she stated that she provided the questions to Mr. Mielke only through his official agency email, with a copy to his Executive Assistant, Nancy Voermans. Mr. Mielke stated that he personally worked with Jane Clark, an Environmental Program Engineer in the Spokane County Engineer's Office, to obtain the information he required for the candidate debate, including by speaking in person with Ms. Clark, and on his personal cell phone. However, Ms. Clark could not corroborate Mr. Mielke's testimony. Rather, she stated that in preparing the information for Mr. Mielke, she did not communicate with him directly, whether in person or by telephone, and that she communicated only with his assistant, Nancy Voermans. Ms. Clark stated that she received the debate questions via email from Ms. Voermans, and from her alone.

- 3.3 Mr. Mielke stated that he did not direct Nancy Voermans to process or obtain answers to the NLPOA candidate debate questions. Ms. Voermans did not recall speaking with Mr. Mielke concerning the debate questions, but believes that she did likely speak with him about the questions. She stated that in using county facilities to facilitate responses to the debate questions, she believed that she was acting on Mr. Mielke's behalf.

Detailed Findings

Newman Lake Candidate Debate

- 3.4 In 2012, Staci Lehman was the President of Newman Lake Property Owners Association (NLPOA). At that time and currently, Ms. Lehman was employed as a Coordinator for the Spokane Regional Transportation Council (SRTC).

- 3.5 The Newman Lake Property Owners Association (NLPOA) conducted its annual meeting on June 7, 2012. Following the meeting, the NLPOA held a candidate debate between incumbent Spokane County Commissioner Todd Mielke and challenger John Roskelley. The debate questions asked the two candidates about a variety of issues important to property owners, such as financial responsibility for cleanup and protection of the lake, forming a local improvement district to treat milfoil in the lake, and seeking state legislation to make property assessments more equitable.

Timeline of Relevant Events

- 3.6 April 12, 2012: Mr. Mielke stated that following an April 12, 2012 SRTC board meeting, Staci Lehman asked him if he would be available to speak at the NLPOA annual meeting. However, Ms. Lehman stated that she did not recall speaking to Mr. Mielke following an SRTC meeting. She testified that she considers her duties as President of NLPOA to be personal, and only conducts personal activities on her own time using her personal cellular phone, computer and email address.
- 3.7 April 19, 2012: In an email sent to Mr. Roskelley on April 19, 2012, Ms. Lehman stated that she had recently heard from Mr. Mielke, and that he had confirmed he was available on June 7, 2012 for the NLPOA candidate debate.
- 3.8 May 10, 2012: Mr. Mielke stated that at an SRTC meeting on May 10, 2012, Ms. Lehman handed him a list of approximately 8 candidate debate questions for the June 7, 2012 NLPOA candidate debate. However, Ms. Lehman stated that she did not provide Mr. Mielke with the candidate debate questions at or following an SRTC meeting. Rather, Ms. Lehman said she provided Mr. Mielke with the candidate debate questions by email on May 29, 2012.
- 3.9 May 15, 2012: Mr. Mielke stated that following a Spokane County Commissioner meeting on May 15, 2012, he spoke to either Bob Brueggeman or Marianne Barrentine, both with the Spokane County Engineer's Office, to request information that their office had presented to the Board of Spokane County Commissioners concerning the Newman Lake Flood Control District. Mr. Mielke said he was told that his request should not be a problem. Jane Clark, an Environmental Program Engineer in the Spokane County Engineer's Office, stated that she did not receive instructions from Mr. Brueggeman or Ms. Barrentine to provide information to Mr. Mielke concerning Newman Lake, and that in researching and providing information to Mr. Mielke, she was acting solely in response to requests by Nancy Voermans, made on Mr. Mielke's behalf.
- 3.10 May 20 – June 1, 2012: Mr. Mielke stated that sometime between May 20 and June 1, 2012, he received a telephone call on his personal cell phone from Ms. Clark stating that she understood he wanted information compiled by staff concerning the Newman Lake Flood Control District. Mr. Mielke said he assumed that either Mr. Brueggeman or Ms. Barrentine had passed on his request to Ms. Clark and asked her to gather the Newman Lake information. Mr. Mielke said that during his conversation with Ms. Clark, she said she had received a similar request from John Roskelley. Mr. Mielke said Ms. Clark told him it would help her focus her search for the information if she saw the questions he wanted answered. Mr. Mielke said he offered to bring the questions to her, and recalls her saying that she had reason to be in the same building as Mr. Mielke's office, and that she could pick them up. Mr. Mielke said he left the questions in a file folder on the front counter of the Commissioners' offices with Jane Clark's name on it. He said he told the front office staff that Ms. Clark was going to pick up the folder at some point that afternoon. Mr. Mielke said he did not see the file folder or the questions after that time.
- 3.11 Jane Clark said she did not speak to Mr. Mielke directly about the Newman Lake candidate debate questions, either in person or over the telephone, and that Mr. Mielke

did not deliver the debate questions to her in person at the Spokane County Engineer's office. Ms. Clark said she did not pick up the questions from Mr. Mielke at his county commissioner's office, nor did she offer to pick up the questions at his county office.

- 3.12 May 29, 2012: On May 29, 2012, Ms. Lehman sent an email to Mr. Mielke with a copy to Ms. Voermans, at their respective Spokane County email addresses. The email included the initial list of NLPOA candidate debate questions. Ms. Lehman informed Mr. Mielke that the attached questions were only the initial debate questions, and said she would be sending more debate questions in a few days. Ms. Lehman told Mr. Mielke she was sending the initial questions to give him time to research answers to the questions. On May 29, 2012, Ms. Lehman sent the same information to Mr. Roskelley.
- 3.13 May 30, 2012: Mr. Mielke stated that he attended an SRTC Board meeting on May 30, 2012, and that he believed Ms. Lehman discussed the NLPOA annual meeting with him again prior to his leaving the building. However, Ms. Lehman stated that she did not recall speaking to Mr. Mielke about the NLPOA meeting or the candidate debate at the May 30, 2012 SRTC meeting.
- 3.14 June 4, 2012: On or around June 4, 2012, Ms. Voermans called Ms. Clark and told her Mr. Mielke was requesting information about Newman Lake, and that she would be sending an email detailing the requested information. On June 4, 2012, Ms. Voermans asked Ginna Vasquez, Deputy Clerk to the Board of Spokane County Commissioners, to scan a copy of the initial candidate debate questions (received from Ms. Lehman on May 29, 2012) and forward them to Ms. Voermans. Ms. Vasquez did so, and on June 4, 2012, Ms. Voermans forwarded the scanned questions to Ms. Clark, stating, "*Here are the questions. Thanks for your help. Nancy.*" Mr. Mielke acknowledged that he had circled four of the initial questions in the document that Ms. Vasquez scanned and forwarded to Ms. Voermans, and that Ms. Voermans then forwarded to Ms. Clark. He further acknowledged that a note in the margin by one of the questions ("*Is this accurate?*") was his handwriting.
- 3.15 June 4, 2012: Also on June 4, 2012, Ms. Lehman sent an email to Mr. Mielke and Ms. Voermans at their respective Spokane County email addresses, providing details of the June 7, 2012 candidate debate, and referring to an attached list of the final debate questions. The attached list of final debate questions included two new questions not on the initial list. Ms. Lehman sent an email with the same information to Mr. Roskelley and to the debate moderator. The attachment with the final debate questions was printed by some person in Mr. Mielke's office, and the two new questions were circled. Ms. Voermans understood that the two new questions had been circled because Mr. Mielke wanted Ms. Clark to answer the questions. However, neither Mr. Mielke nor Ms. Voermans acknowledged circling the questions, or knowing who circled the questions. PDC staff was unable to determine who circled the two additional questions.
- 3.16 June 6, 2012: On June 6, 2012, Ms. Voermans asked Ms. Vasquez to scan a copy of the final debate questions with the two new questions circled, and forward them to her. Ms. Vasquez did so, and on June 6, 2012, Ms. Voermans forwarded the scanned questions to Ms. Clark, stating, "*Hi Jane: The 2 new questions are circled. Thank you for your help. Nancy.*"

- 3.17 June 6, 2012: Between June 4, 2012 and June 6, 2012, Ms. Clark put together the packet of information for Mr. Mielke and Mr. Roskelley, with answers to the six circled candidate debate questions received from Mr. Mielke through Ms. Voermans. On June 6, 2012, Ms. Clark delivered the finished packet to Mr. Mielke (by email, through Ms. Voermans) and to Mr. Roskelley.
- 3.18 Mr. Mielke said he did not instruct Ms. Voermans to send the candidate debate questions to Ms. Clark. Ms. Voermans stated that she did not recall Mr. Mielke specifically directing her to send the questions to Ms. Clark. However, she said she understood that she was expected to take this action on behalf of Mr. Mielke.

Written Responses and Oral Testimony

- 3.19 **Todd Mielke Responses and Telephone Interview**: On July 28, 2013, Mr. Mielke sent an email to PDC staff with an attached six-page letter responding to Mr. Roskelley's allegations. **Exhibit #3**. On February 7, 2014, staff interviewed Mr. Mielke under oath by telephone. **Exhibit #4**. Mr. Mielke's emailed response and his statements during his telephone interview are incorporated into his answers below.
- 3.20 Mr. Mielke stated that the Newman Lake Flood Control Zone District (NLFCZD) was created by Spokane County several decades ago, is part of Spokane County government, and is staffed by the employees in the Spokane County Engineers Office. Mr. Mielke stated:
- He requested the Newman Lake information in response to the debate questions he received from Ms. Lehman.
 - He did not instruct staff to format the information in any specific manner.
 - After his initial request for information, Ms. Clark informed him that John Roskelley was seeking similar information.
 - He received the information from Ms. Clark on June 6, 2012, and was informed by her that Mr. Roskelley would be receiving the same information, plus additional information Mr. Roskelley had requested.
 - Ms. Clark provided Mr. Mielke with information that had previously been researched and compiled for presentations by the Engineer's Office to the Spokane County Commissioner's during Commissioner meetings that discussed Newman Lake and NLFCZD.
 - The information was factual and did not provide him or Mr. Roskelley an opinion.
- 3.21 On October 8, 2014, staff spoke with Mr. Mielke by telephone, and followed up by email on October 9, 2014. Mr. Mielke replied by email on October 16, 2014. These discussions are incorporated into Mr. Mielke's answers below:

3.22 Mr. Mielke stated that because of the length of time since the activities took place, he is not aware of whether or why Ginna Vasquez might have assisted Ms. Voermans in scanning the candidate debate questions.

3.23 Mr. Mielke stated that he did not forward the debate questions to Ms. Voermans.

3.24 Mr. Mielke stated in his email that he could only speculate as to why Ms. Voermans forwarded the Newman Lake information to Ms. Clark. He stated:

“...again noting that I was not a party to the e-mails and was unaware of them... Nancy (Ms. Voermans) knew that I was working with Jane (Ms. Clark) to gather information about the flood district. I can only speculate that as Nancy saw information coming in that she perceived involved the work that Jane was doing, she simply forwarded it. I did not instruct her to do that, and was totally unaware of it until it was pointed out to me by Kurt (PDC staff).”

“...I do know that Spokane County staff is hyper sensitive to providing public documents in a timely manner since the county has now paid out two significant fines for failing to do so. The general understanding of county staff is that if the information was presented in a public meeting, it is public and should be provided to the public upon request. In this regard, I believe Nancy felt she was forwarding relevant information to the county person assembling public documents....”

3.25 Mr. Mielke said that he told Ms. Clark that he would bring a copy of the questions to her office later in the afternoon, and that Ms. Clark:

“responded by saying that she would be in my building that afternoon (we are in adjacent buildings) and that she could pick them up on her way back to her office.”

Mr. Mielke stated that he:

“...circled the questions that I believed contained references to info she had previously presented, and left it in an envelope or file folder on the front counter (the ‘is this accurate’ writing is mine). This would have been prior June 6th and I never circled any questions on any subsequent sets of questions.”

“I did not leave this envelope with Nancy (Ms. Voermans) or Ginna (Ms. Vasquez), nor did I ask either one of them to give it to Jane (Ms. Clark). I simply told Jane I would leave it on the counter with her name on it. That was the last time I saw the questions. I did not ever circle any questions on the ‘supplemental draft’ or ‘Final Draft’ of the questions....”

3.26 Mr. Mielke stated that once Ms. Voermans:

“...began getting cc'd on e-mails from Staci Lehman and there was a reference to questions, Nancy asked me if she needed to be doing anything regarding ‘the questions’. I said, ‘No’ and indicated that I was working with Jane Clark to get some information regarding the Newman Lake Flood Control District. I want to emphasize

this...at no time did I ask Nancy to do anything with regard to these questions nor direct her to take any actions. But she was aware that I was working with Jane and had requested information....”

- 3.27 **Jane Clark Responses and Telephone Interview:** On March 7, 2014, Jane Clark submitted an email responding to PDC staff's request for information. **Exhibit #5.** In addition, staff conducted a telephone interview under oath with Ms. Clark on November 6, 2014, at PDC offices. Ms. Clark's emailed response and the statements she made during her telephone interview are incorporated into her answers below.
- 3.28 Ms. Clark stated that it is not uncommon for the Spokane County Engineer's Office to receive requests from the public for information and documents about the NLFCZD and Newman Lake.
- 3.29 Ms. Clark stated that she received a telephone call from Ms. Voermans indicating Mr. Mielke was requesting information about Newman Lake, and that Ms. Voermans would be sending an email detailing the requested information. She said that on June 4, 2012, Ms. Voermans sent her an e-mail (on behalf of Mr. Mielke) that included an attached copy of the initial Newman Lake candidate debate questions. She said there were 11 questions, and four were circled, indicating that Mr. Mielke was requesting information about those specific questions. **Exhibit #6**
- 3.30 On June 6, 2012, Ms. Voermans sent a second email to Ms. Clark with two additional questions circled because Mr. Mielke wanted information answering those questions. **Exhibit #6.** Ms. Clark received the initial questions and the follow-up questions from Ms. Voermans through the Spokane County e-mail system. Ms. Clark compiled the requested information and provided it to Ms. Voermans on behalf of Mr. Mielke later in the day on June 6, 2012.
- 3.31 Ms. Clark stated that both the requests from Ms. Voermans (on behalf of Mr. Mielke) and Mr. Roskelley concerned Newman Lake and were made in the same informal manner as other requests she receives from citizens for information. She confirmed that neither Mr. Mielke, Ms. Voermans, nor Mr. Roskelley filed a formal public records request for any of the Newman Lake information. She said she received a phone call from Mr. Roskelley requesting information about Newman Lake. Ms. Clark stated:
- She did not speak to Commissioner Mielke directly concerning the Newman Lake candidate debate questions, either in person or over the telephone.
 - Mr. Mielke did not deliver the Newman Lake debate questions to her in person at the Spokane County Engineer's office, nor did she pick up the questions from him at his Spokane County Commissioner's office. She did not leave the Newman Lake debate questions with another Spokane County staff member.
 - Mr. Mielke did not leave the questions "at the counter" for her to pick up, and he did not ask her to work with Ms. Voermans in connection with the Newman Lake debate questions.

- She did not receive an earlier version of the Newman Lake debate questions from Mr. Mielke or from anyone else during the period May 15 through June 2, 2012.
 - She only worked with Ms. Voermans, on behalf of Commissioner Mielke, concerning the Newman Lake candidate debate questions. She did not work with Ms. Vasquez, and did not know why or how she was involved with sending the debate questions to her.
- 3.32 Ms. Clark provided Mr. Roskelley with the information he requested, and included a copy of the debate questions and answers that she provided to Mr. Mielke.
- 3.33 **Staci Lehman Responses and Telephone Interview:** The following are excerpts from the telephone interview PDC staff conducted with Staci Lehman.
- 3.34 Ms. Lehman said the NLPOA decided around early April 2012 to host a candidate debate between Mr. Mielke and Mr. Roskelley as part of their annual meeting. Ms. Lehman stated:
- She communicated with Mr. Mielke by telephone and email concerning the candidate debate, and sent the candidate debate questions to his Spokane County Commissioners email address.
 - She did not raise the issue of the candidate debate with Mr. Mielke during or after an SRTC meeting. She said she considers her duties as President of NLPOA to be personal, and separate from her work duties with SRTC, and that she only conducts personal activities on her own time using her personal cellular phone, computer and email address.
 - Mr. Mielke agreed to participate in the debate approximately two months before the June 7, 2012 event. She considered the debate to be a candidate debate from the outset.
 - Mr. Mielke did not ask her to contact him using a personal or campaign email address concerning the debate.
 - On May 29, 2012, she sent emails to Mr. Roskelley, Mr. Mielke, and Ms. Voermans with the initial candidate debate questions. She did not hand-deliver the debate questions to Mr. Mielke or to a member of his staff. **Exhibit #7**
 - On June 4, 2012, she sent an email to Mr. Mielke at his Spokane County Commissioners email address with a list of final debate questions. She also sent Mr. Roskelley an email with the final debate questions on June 4, 2012.
 - She communicated with Ms. Voermans by telephone and email concerning Mr. Mielke's schedule for the NLPOA meeting and candidate debate. She stated that she did not email the debate questions to Ginna Vasquez.

- 3.35 **Nancy Voermans Responses and Telephone Interview:** On June 6, 2014, Nancy Voermans submitted an email responding to PDC staff's request for information. On October 20, 2014, she submitted a Declaration concerning her role in the alleged activities. **Exhibit #8.** Staff also conducted a telephone interview under oath with Ms. Voermans on November 14, 2014. Ms. Voermans' emailed response and the statements she made during her telephone interview are incorporated into her answers below.
- 3.36 Ms. Voermans has worked for 42 years in the Spokane County Commissioners office, including working for Mr. Mielke as his Executive Assistant. Her duties include arranging the schedule for Mr. Mielke, working and corresponding with constituents, and assisting Mr. Mielke as needed. Ms. Voermans stated:
- On May 29, 2012, she was copied on an email that Ms. Lehman sent to Mr. Mielke, containing the initial candidate debate questions. She asked Ms. Vasquez to scan the questions and forward them to her, after they had been reviewed by Mr. Mielke and he had circled four questions that needed answers from county staff.
 - On June 4, 2012, Ms. Voermans forwarded the initial candidate debate questions to Ms. Clark, with four of the questions circled by Mr. Mielke. Her email to Ms. Clark said, "*Hi Jane: Here are the questions. Thanks for your help. Nancy.*" **Exhibit #6.**
 - On June 4, 2012, Ms. Voermans was copied on an email that Ms. Lehman sent to Mr. Mielke, containing the final candidate questions. She asked Ms. Vasquez to scan the questions and forward them to her, after the two new questions had been circled, indicating that Mr. Mielke needed answers from County staff. On June 6, 2012, Ms. Voermans sent an email to Ms. Clark that said, "*Hi Jane. The 2 new questions are circled. Thank you for your help. Nancy.*" Ms. Voermans stated to PDC staff that she did not know who circled the two new questions. **Exhibit #6.**
 - Ms. Voermans could not recall whether she contacted Ms. Clark by telephone before she sent the candidate debate questions to her on June 4 and June 6, 2012, using Spokane County's email system.
 - To the best of Ms. Voermans' knowledge, there were no email exchanges between her and Mr. Mielke concerning the Newman Lake candidate debate. She did not recall speaking to Commissioner Mielke about the Newman Lake candidate debate questions, including why he was requesting information for some of the debate questions but not others. However, she said that it is likely she received a copy of the debate questions from him and probably spoke to him as well.
- 3.37 **Ginna Vasquez Telephone Interview:** Ginna Vasquez serves as Deputy Clerk to the Board of Spokane County Commissioners. Ms. Vasquez stated that she does not supervise or oversee the County Commissioners' Executive Assistants, including Ms. Voermans, but that she does work in close proximity to her. Ms. Vasquez estimated that Mr. Mielke's office door was within a few feet of her workspace. Ms. Vasquez stated:

- She did not speak to Commissioner Mielke about the Newman Lake candidate debate questions, and did not receive a copy of the debate questions from Mr. Mielke, or any person other than Ms. Voermans.
- She received the printed copy of the Newman Lake debate questions from Ms. Voermans, and because Ms. Voermans does not have a scanner, she scanned the requested documents for Ms. Voermans.
- She did not read or review the content of the scanned documents.
- She does not know who circled the debate questions in the documents she scanned.

3.38 **John Roskelley Informal Telephone Interview:** Staff spoke with Mr. Roskelley by telephone on February 20, 2014. He stated that as a former Spokane County Commissioner, he knew Marianne Barrentine, a Spokane County Engineer's Office Manager, and that she had made the staff presentations about Newman Lake when he was serving on the Commission. He said after he received the debate questions on June 4, 2012 from Ms. Lehman, he contacted Ms. Barrentine about some of the Newman Lake debate questions. He believed Ms. Barrentine told him that he should contact Ms. Clark with his questions.

3.39 Mr. Roskelley stated that when he contacted Ms. Clark, she informed him that Mr. Mielke had asked similar questions, and asked him if he wanted the same information being provided to Mr. Mielke. Mr. Roskelley responded that he did want the information, and Ms. Clark sent the information to him. Mr. Roskelley said he did not file a public records request for the information, nor was he required to make an in-person visit to get the information.

IV. Scope

4.1 PDC staff reviewed the following documents:

- July 16, 2012 complaint filed by John Roskelley against Todd Mielke.
- July 28, 2013, email and attached response submitted by Todd Mielke to the allegations made by Mr. Roskelley.
- March 7 and March 19, 2014, emails submitted by Jane Clark in response to PDC staff's requests for information.
- June 4 and 6, 2012, emails sent by Nancy Voermans to Ms. Clark concerning the Newman Lake candidate debate questions.
- October 16, 2014, email response submitted by Mr. Mielke in response to PDC staff's request for information.

- Emails submitted by Ms. Clark on November 6, 2014, and by Ms. Lehman on November 14, 2014.
 - Material delivered by Todd Mielke on October 30, 2014.
 - Information on the Spokane County website concerning the Newman Lake Flood Control Zone District and information on the Newman Lake Homeowner's Association website.
- 4.2 PDC conducted telephone investigative interviews under oath with Todd Mielke on February 7, 2014; Jane Clark on November 6, 2014; and Nancy Voermans, Staci Lehman, and Ginna Vasquez on November 14, 2014.


V.
Laws and Rules

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 or for the promotion of or opposition to any ballot proposition. Facilities of a public office or agency include, but are not limited to, use of stationery, postage, machines, and equipment, use of employees of the office or agency during working hours, vehicles, office space, publications of the office or agency, and clientele lists of persons served by the office or agency. However, this does not apply to the following activities:*

(3) Activities which are part of the normal and regular conduct of the office or agency."

WAC 390-05-273 defines the "normal and regular conduct" of a public office or agency as *"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."*

Respectfully submitted this 3rd day of February, 2015.



Kurt Young
PDC Compliance Officer

List of Exhibits

- Exhibit #1** July 16, 2012, complaint filed by John Roskelley against Todd Mielke.
- Exhibit #2** June 4, 2012, email from Staci Lehman to Todd Mielke concerning “Final Newman Lake Debate Questions.”
- Exhibit #3** July 28, 2013, email from Todd Mielke responding to the allegations made by John Roskelley in the complaint.
- Exhibit #4** Excerpts from February 7, 2014, Todd Mielke telephone interview under oath.
- Exhibit #5** March 7, 2014, email from Jane Clark in response to PDC staff’s request for information.
- Exhibit #6** June 4 and 6, 2012, emails sent by Nancy Voermans (Todd Mielke’s Executive Assistant) to Jane Clark concerning the Newman Lake candidate debate questions.
- Exhibit #7** November 14, 2014 email from Staci Lehman to PDC staff, forwarding the May 29, 2012, email she sent to Mr. Mielke and Ms. Voermans with the initial candidate debate questions.
- Exhibit #8** June 6, 2014 email from Nancy Voermans answering PDC staff’s questions, and October 20, 2014 Declaration of Nancy Voermans.

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Office Use Only: No. _____

JUL 16 2012



Public Disclosure Commission

**WASHINGTON STATE PUBLIC DISCLOSURE COMMISSION
COMPLAINT FORM**

(See instructions on the last page.)

Description of Complaint

1. RESPONDENT:

Identify who you are filing a complaint against and provide all contact information you have for them. Give names and titles, if any, for individuals, and the full name of any organization. Please note that the PDC does not enforce federal campaign finance laws or local ordinances.

Todd Mielke, Spokane County Commissioner District 1
1116 W Broadway; Spokane, WA 99260
Campaign #: 509-220-2200
Spokane County Commissioner Officer: 509-477-2265

2. ALLEGED VIOLATIONS:

Explain how and when you believe the people/entities you are filing a complaint against violated RCW 42.17/RCW 42.17A or Title 390 WAC. Be as detailed as possible about dates, times, places and acts. If you can, cite which specific laws or rules you believe were violated. Attach additional pages if needed. (Note that the RCW 42.17 citation applies to conduct before 2012 and the RCW 42.17A citation applies to conduct on or after January 1, 2012.)

On April 5, I was contacted by Staci Lehman, a member of the Newman Lake Property Owners Association via cell phone. She asked me if I would be willing to attend the group's June meeting to answer homeowner submitted questions. Staci also said she would be asking my opponent in the upcoming county commissioner race, Commissioner Todd Mielke, to answer the same questions.

On April 9, 2012, Staci wrote me the first of many e-mails setting up the debate and provided a number of dates in June to select from. (Two pages)

On April 10, 2012, I responded with two dates I was available. (E-mail and question sheet)

On April 19, 2012, Ms. Lehman sent me an e-mail informing me Todd Mielke was available June 7. (attached)

On May 3, 2012, Staci requested a head shot "you are using for campaign purposes?" (attached)

On May 16, 2012, I officially filed to run for Spokane County Commissioner District 1

On May 29, 2012, Ms. Lehman sent me via e-mail the initial "questions that have been submitted to me to date for yourself and Mr. Mielke to answer..." at the meeting June 7. The e-mail detailed the process and structure of the debate, including the use of a moderator.

On June 4, 2012, Ms. Lehman sent me an e-mail copied to Todd Mielke; Todd Mielke's assistant, Nancy Voermans; and the moderator, Ms. Georgie Weatherby, with the details of the debate structure, meeting location, and other details. Attached was the "Final Newman Lake Debate Questions".

On June 7, 2012, after speaking with representatives of the Washington State Department of Fish and Game, the Washington Department of Ecology, and other sources, I called the Spokane Department of Building and Planning to speak with Marianne Barrentine, who is responsible for the Newman Lake Flood Control District for Spokane County. I was informed she was not available, but Jane Clark, an engineer in that department, was at her desk. I identified myself and began asking questions that I had developed through my research, specifically regarding the difference between a Lake Management District and the Flood Control District.

After a brief discussion, Ms. Clark said Commissioner Mielke had contacted them as well concerning the debate and she offered to send me some information that she had provided Commissioner Mielke. Attached to Ms. Clark's e-mail were seven attachments. One of those attachments was the Newman Lake Homeowner's Association questionnaire which had obviously been sent to staff to answer by Mr. Mielke or his assistant. The questions, for the most part, had been answered by staff and sent back to him (attachment 7).

Violation: The questionnaire provided by the Newman Lake Homeowners Association was for the sole purpose of the campaign debate and is in violation of RCW 42.17A.555, "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. Facilities of a public office... include...machines, and equipment, use of employees of the office..." Sending the campaign debate questions to Spokane County staff was a use of Spokane County personnel and facilities.

RECEIVED

Evidence and Witnesses

JUL 10 2012

3. EVIDENCE:

Public Disclosure Commission

List the documents or other evidence you have that support your complaint, if any, and attach copies to this form. If you do not have copies, provide any information you have about where you believe the documents or evidence can be found and how to obtain it. Attach additional pages if needed.

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JUL 10 2012

Public Disclosure Commission

E-mails sent between Staci Lehman and John Roskelley – April 9, 2012; April 10, 2012; April 19, 2012; May 3, 2012; May 29, 2012; June 4, 2012; June 5, 2012; June 13, 2012.

E-mail sent to John Roskelley from Jane Clark explaining she was sending me attached "*additional information that I provided to Todd Mielke*". June 7, 2012.

County Commissioner Debate Questions sent via attachment to Todd Mielke and later copied to John Roskelley from Staci Lehman. June 4, 2012.

Partially completed questionnaire sent from Spokane County employee Jane Clark to John Roskelley via an attachment. See Attachment 7 in packet

Assorted informational attachments sent with e-mail from Jane Clark to John Roskelley. Sent with June 4 e-mail and includes Attachments 1-6: 1. Funding Options Part 2-Meeting summary.pdf; 2. NLFCZD Funding Options Overview.pdf; 3. Proposed Modifications to RCW.pdf; 4. Follow up Meeting 3-17-12.pdf; 5. Witherspoon.pdf; 6. Benefit Classes.pdf.

Video of Newman Lake Homeowners Association debate between Todd Mielke and John Roskelley can be found at <http://www.newmanlakewa.com/News-or-Reviews.html>. I mention at the end of the program that Todd was using the staff's answers to most of the questions, so I knew exactly what he was going to say before he said it. (see video).

RCW 42.17A.555

I do not have access to the e-mail exchange between Todd Mielke (or his assistant, Nancy Voermans) and Jane Clark or one of the other two employees in the Newman Lake Flood Control District Department where Mr. Mielke or Ms. Voermans sent the questionnaire to county staff. This would take a public records request and Spokane County is notorious for withholding public records.

4. WITNESSES:

List the names and contact information, if known, of any witnesses or other persons who have knowledge of facts that support your complaint. Attach additional pages if needed.

Example: Jane Public was present when Candidate X spoke to me about the illegal contribution. Jane Public's address is 123 Main Street, Your Town, USA 12345, and her phone number is 555-123-4567.

Staci Lehman – Newman Lake Homeowners Association - stacilehman@hotmail.com
Jane Clark – Spokane County Engineers Office – janec@spokanecounty.org – 509-477-7431
Nancy Voermans – Spokane County Commissioners Office – nancyv@spokanecounty.org – 509-477-2265
Todd Mielke – Spokane County Commissioners Office – tmielke@spokanecounty.org - 509-477-2265
Bob Brueggeman – Spokane County Engineers Office – bbrueggeman@spokanecounty.org – 509-477-3600
Marianne Barrentine – Spokane County Engineers Office – mbarrentine@spokanecounty.org – 509-477-3600
All attendees of the Newman Lake Homeowner's Association meeting held on June 7, 2012.

Certification

In signing this complaint:

- I have provided all information, documents and other evidence of which I am aware;
- If I become aware of additional information, documents or evidence related to my complaint, I will promptly provide it to the PDC; and,
- I am providing the PDC current information on how to contact me, and will update that information if it changes.

RECEIVED

Your name (print or type): John Roskelley

JUL 16 2012

Public Disclosure Commission

Street address: 10121 E Heron View Lane

City, state and zip code: Mead, WA 99021

Telephone number (including area code) 509-954-5653

E-mail address (optional) john@johnroskelley.com

Oath

Required for complaints against elected officials or candidates for elective office:

I certify (or declare) under penalty of perjury under the laws of the State of Washington that this complaint is complete, true and correct to the best of my knowledge and belief.*

Your signature John Roskelley

Date signed 7-13-2012

Place signed (city and county)

Mead Spokane
City County

RECEIVED

JUL 16 2012

Attachments

Public Disclosure Commission

Check here if you are attaching copies of documentary evidence or extra pages explaining your complaint.

**RCW 9A.72.040 says that "(1) A person is guilty of false swearing if he makes a false statement which he knows to be false, under an oath required or authorized by law. (2) False swearing is a misdemeanor."*

**Washington State Public Disclosure Commission
Instructions for Filing a Formal Complaint**

When to use the formal complaint form:

While this form is not required, its use is recommended when you want to file formal allegations of a violation of the Public Disclosure Commission (PDC) statutes or rules. You can find the PDC statutes and rules on the PDC website at www.pdc.wa.gov. If you have information or concerns about a possible violation but do not wish to file a complaint, please contact the PDC office directly.

How to submit your complaint form to the PDC:

- Complete all sections. If you do not have some information, please write "unknown" instead of leaving a blank space.
- Attach copies of any evidence you have - we'll contact you if we need originals.
- Sign the oath if your complaint is against an elected official or a candidate for elective office.
- Mail, fax, or email your complaint and all attachments to the PDC.

If you have more questions:

If you have more questions about filing a complaint, see the "Frequently Asked Questions about Filing a Complaint" guide available on the PDC's website at www.pdc.wa.gov under "Enforcement and Compliance." You may also contact the PDC directly.

PDC Contact Information

MAILING ADDRESS: Washington State Public Disclosure Commission
711 Capitol Way, Room 206
PO Box 40908
Olympia, WA 98504-0908

EMAIL ADDRESS: pdc@pdc.wa.gov

PHONE: 1-877-601-2828 (toll free)

FAX: (360) 753-1112

HOURS: Monday-Friday, 8:00 a.m. – 5:00 p.m., closed on state holidays.

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JUL 16 2012

Public Disclosure Commission

John Roskelley

From: Staci Lehman [stacilehman@hotmail.com]
Sent: Thursday, May 03, 2012 3:08 PM
To: john@johnroskelley.com
Subject: RE: Newman Lake Summer Meeting

RECEIVED

JUL 16 2012

Public Disclosure Commission

Hello again Mr. Roskelley,

Do you have a head shot of yourself you are using for campaign purposes? I am putting together a flyer for the Newman Lake Property Owners Association meeting and wanted to use a photo of you if you are okay with that. Thanks!

Staci Lehman

From: john@johnroskelley.com
To: stacilehman@hotmail.com
Subject: RE: Newman Lake Summer Meeting
Date: Tue, 10 Apr 2012 20:35:29 -0700

Staci:

June 7 or 14 is best for me. I'm out of town to the Olympic Trials in Eugene on the 21st.

Cheers,

John

<http://www.johnroskelley.com> - personal website

<http://www.johnroskelley.org> - campaign website

Please consider the environment before printing this e-mail.

From: Staci Lehman [mailto:stacilehman@hotmail.com]
Sent: Monday, April 09, 2012 2:22 PM
To: john@johnroskelley.com
Subject: Newman Lake Summer Meeting

Hello Mr. Roskelley,

I spoke to you last Thursday about attending a meeting of the Newman Lake Property Owners Association (NLPOA) in June. The NLPOA is made up of about 100 people that either live in the Newman Lake area (not just on the lake) or own property in the area. Typically, about 40-50 people attend our annual summer meeting. We prefer to hold it on a Thursday evening in June, usually 6-8 p.m., although you wouldn't be on the agenda for that entire time. We usually do some Association business first, then finish the evening with a speaker. This meeting is always held at the Grange Hall on Starr Road just off Trent.

In this case, the speaker would be yourself, and possibly Todd Mielke if he is open to joining us and you are both comfortable with the situation. We would like to conduct this portion of the meeting in a question/answer format. We would ask for questions to be submitted in advance so we can present them to you and Mr. Mielke to prepare your answers. We would have you introduce yourselves and speak for a few minutes on whatever you would like to say, then we would ask each of you the submitted questions. We anticipate that it would only be a handful of questions at most and would set a time limit to keep things on track in order to respect your time.

Please let me know which evenings would work for you:

Thursday, June 7

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JUL 16 2012

Public Disclosure Commission

Thursday, June 14
Thursday, June 21
Thursday, June 28

Thank you for taking the time to talk to me last week and for considering this request.

Staci Lehman
President
Newman Lake Property Owners Association
<http://www.nlfczd.org/communityorgs.asp>

John Roskelley

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From: John Roskelley [john@johnroskelley.com]
Sent: Thursday, April 19, 2012 12:02 PM
To: 'Staci Lehman'
Subject: RE: Newman Lake Summer Meeting

JUL 16 2012

Public Disclosure Commission

<http://tracktown12.gotracktownusa.com/>

Staci:

Thanks for the date information. I will put June 7 on my calendar. If you could ensure the procedures are set and that both of us are given equal time to answer the questions, I would appreciate it. I put the link to the Trials above. The events are all track and field and the Trials are inclusive of all of them. My daughter pole vaulted for Oregon and graduated last June, but we still know many of the Oregon athletes who will be participating along with the nation's best.

Cheers,

John

<http://www.johnroskelley.com> - personal website

<http://www.johnroskelley.org> - campaign website

Please consider the environment before printing this e-mail.

From: Staci Lehman [mailto:stacilehman@hotmail.com]
Sent: Thursday, April 19, 2012 11:46 AM
To: john@johnroskelley.com
Subject: RE: Newman Lake Summer Meeting

Hi John,

I apologize for the wait in getting back to you but just finally heard back from Todd Mielke and he is available June 7 for the Newman Lake Property Owners Association meeting so we are on for that day. I will start working on a format for the meeting and I believe we are hiring a professional facilitator. I will send you more information as we get closer to that date. Feel free to contact me with any question at either stacilehman@hotmail.com or 509-230-2812.

Also, there was some curiosity around my office when I said you were going to the Olympic Trials in June. What event is that for, if you don't mind my asking? I hadn't heard anything. Thanks!

Staci Lehman
Newman Lake Property Owners Association

From: john@johnroskelley.com
To: stacilehman@hotmail.com
Subject: RE: Newman Lake Summer Meeting
Date: Tue, 10 Apr 2012 20:35:29 -0700

Staci:

June 7 or 14 is best for me. I'm out of town to the Olympic Trials in Eugene on the 21st.

Cheers,

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JUL 16 2012

Public Disclosure Commission

John

<http://www.johnroskelley.com> - personal website

<http://www.johnroskelley.org> - campaign website

Please consider the environment before printing this e-mail.

From: Staci Lehman [<mailto:stacilehman@hotmail.com>]

Sent: Monday, April 09, 2012 2:22 PM

To: john@johnroskelley.com

Subject: Newman Lake Summer Meeting

Hello Mr. Roskelley,

I spoke to you last Thursday about attending a meeting of the Newman Lake Property Owners Association (NLPOA) in June. The NLPOA is made up of about 100 people that either live in the Newman Lake area (not just on the lake) or own property in the area. Typically, about 40-50 people attend our annual summer meeting. We prefer to hold it on a Thursday evening in June, usually 6-8 p.m., although you wouldn't be on the agenda for that entire time. We usually do some Association business first, then finish the evening with a speaker. This meeting is always held at the Grange Hall on Starr Road just off Trent.

In this case, the speaker would be yourself, and possibly Todd Mielke if he is open to joining us and you are both comfortable with the situation. We would like to conduct this portion of the meeting in a question/answer format. We would ask for questions to be submitted in advance so we can present them to you and Mr. Mielke to prepare your answers. We would have you introduce yourselves and speak for a few minutes on whatever you would like to say, then we would ask each of you the submitted questions. We anticipate that it would only be a handful of questions at most and would set a time limit to keep things on track in order to respect your time.

Please let me know which evenings would work for you:

Thursday, June 7
Thursday, June 14
Thursday, June 21
Thursday, June 28

Thank you for taking the time to talk to me last week and for considering this request.

Staci Lehman
President
Newman Lake Property Owners Association
<http://www.nlfczd.org/communityorgs.asp>

RECEIVED

John Roskelley

JUL 16 2012

From: Staci Lehman [stacilehman@hotmail.com]
Sent: Tuesday, May 29, 2012 2:18 PM
To: john@johnroskelley.com
Subject: Newman Lake Debate Questions
Attachments: County Commissioner Debate Questions.docx

Public Disclosure Commission

Good afternoon Mr. Roskelley,

Attached to this email are the questions that have been submitted to me to date for yourself and Mr. Mielke to answer at the Newman Lake Property Owner Association meeting on June 7. I have been told to expect a couple more questions, so I will submit those to you in a few days, but wanted to give you a starting point as some of these questions may need a little research.

We have lined up Dr. Georgia Ann Weatherby of Gonzaga University to moderate the debate. She has done many debates in the community on a variety of political topics/offices so we feel she will be well suited for this type of event. At this point, Ms. Weatherby has suggested that she will introduce yourself and Mr. Mielke, then you will each be given about five minutes to talk about yourself and whatever message you would like to share, then she will begin asking questions. We plan to allow rebuttals and will allow a few minutes at the end for closing remarks from yourself and Mr. Mielke.

Also, the Property Owners Association discussed the option of alerting the media to this event and decided not to. You are free to do so yourself though if you think the larger public could benefit from knowledge of this debate.

Thank you again for agreeing to participate in this event.

Staci Lehman
President
Newman Lake Property Owners Association

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JUL 16 2012

Public Disclosure Commission

County Commissioner Debate Questions

- What would you do as Commissioner to more actively engage the Newman Lake Flood Control Zone District Advisory Committee? Currently, the Advisory Committee makes recommendations that appear to be disregarded by County Staff often.
- The current Flood Control Reserve Amount of \$57,452 is no where near the amount needed to repair the dike and the Water Quality Reserve amount of \$37,310 could be depleted by the next equipment failure. Thirty three percent of the current NLFCZD budget is spent on County staff costs with less than ½% being added to Flood Control or Water Quality reserves. Would you support capping staff costs to 25% of the total district funding and directing the savings toward building up the reserve accounts? If this was done this year it would direct \$10,000 into each reserve fund.
- Would you support forming a Local Improvement District for milfoil where lake residents could pay to have milfoil treated in front of their property, much like a Road Improvement District to pave roads or install sidewalks?
- Would you support limiting the size of boat displacements on the lake due to the large amount of erosion wake boarding boats are causing to the shoreline, docks and other structures?
- Most Newman Lake property owners pay a uniform assessment to support the flood control zone district. Due to a loophole in the Flood Control Zone District law, homeowners in the Witherspoon subdivision pay much lower assessments than other lakeshore property owners. Recently, the Witherspoon subdivision homeowners have been asked to voluntarily pay a larger amount but none have agreed to do so. Would you support introducing a bill in the legislature to change the law so that all lake shore property owners pay the same assessment?
- Driveway runoff and erosion are a major problem at Newman, with heavy rains washing mud and rocks onto the main roads from resident's driveways. County crews end up cleaning up this mess, at the tax payer's expense. What could be done to make homeowners financially responsible for cleanup in these cases?

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JUL 16 2012

John Roskelley

Public Disclosure Commission

From: John Roskelley [john@johnroskelley.com]
Sent: Tuesday, June 05, 2012 6:56 AM
To: 'Staci Lehman'
Subject: RE: Final Newman Lake Debate Questions

Staci:

Could you give me some insight as to why a local subdivision would need a legislative change to pay the same rates? When you say "legislature," are you referencing the state legislature? I've heard of special rules given to groups by legislative bills, but I don't know of any bills that would specifically lower an assessment for a subdivision. If so, do you have a theory as to why they assessment was lowered? Distance from the lake? Are they on a separate sewer system for the subdivision?

John

<http://www.johnroskelley.com> - personal website

<http://www.johnroskelley.org> - campaign website

Please consider the environment before printing this e-mail.

From: Staci Lehman [<mailto:stacilehman@hotmail.com>]
Sent: Monday, June 04, 2012 3:10 PM
To: Todd Mielke; john@johnroskelley.com
Cc: nvoermans@spokanecounty.org; weatherb@gonzaga.edu
Subject: Final Newman Lake Debate Questions

Good afternoon Commissioner Mielke and Mr. Roskelley,

The final list of questions for Thursday's Newman Lake Property Owners Association meeting is attached.

The meeting starts at 6:30 but we do not plan to start the part of the meeting involving you until about 7:15 so you could show up as late as 7 p.m. and be just fine. I may be facilitating the business portion of the meeting when you get there, so I will have another member of the Property Owners Association greet you.

As I told you in a past email, Ms. Georgie Ann Weatherby, Gonzaga University Professor of Sociology and Criminal Justice, will moderate the debate. She will introduce each of you with short biographies using the information from your websites, then allow each of you a few minutes to further introduce yourself and any message you would like to impart. She will also lay out the rules and start asking questions. Rebuttals will be allowed and Ms. Weatherby will give you a few minutes at the end of the debate for closing remarks. Ms. Weatherby's is an experienced debate moderator and we are confident she will walk us all through the debate process in a helpful and professional manner. We are extremely fortunate to have been able to retain her services.

The meeting will be held at the Tri Community Grange at E. 25025 Heather Rd., literally just feet off Trent Ave. You can reach the Grange from I-90 by taking the Liberty Lake exit, heading north across the freeway on Harvard Road, then taking a right onto Trent Ave. and a left onto Starr Road. The Grange is just off Trent on the left hand side and hard to miss. You can also reach it from Spokane by taking Trent Avenue all the way until you see the signs for the Newman Lake community.

We look forward to your participation in our annual summer meeting and thank you once again for agreeing to take part.

Staci Lehman
President
Newman Lake Property Owners Association

John Roskelley

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From: John Roskelley [john@johnroskelley.com]
Sent: Wednesday, June 13, 2012 3:09 PM
To: 'Staci Lehman'
Subject: RE: Final Newman Lake Debate Questions

JUL 16 2012

Public Disclosure Commission

Staci:

Thank you for allowing us to speak the other night. I think the moderator did a good job and the audience was polite and focused.

I noticed there was a video camera off to the side of the debate. Do you know who was taking the video and if I can get a copy?

Cheers,

John

<http://www.johnroskelley.com> - personal website

<http://www.johnroskelley.org> - campaign website

Please consider the environment before printing this e-mail.

From: Staci Lehman [mailto:stacilehman@hotmail.com]
Sent: Tuesday, June 05, 2012 9:58 AM
To: john@johnroskelley.com
Subject: RE: Final Newman Lake Debate Questions

Holy cow John! You just picked up in five minutes what we've been telling the County for years ;) Not only does the Flood Control Zone District (FCZD) not provide what is needed today, but most members of the advisory committee to the FCZD (Newman Lake residents) say that they are briefed on issues by County staff, make a recommendation, then staff usually makes a completely different decision. So they feel that the District is not effective anyway as public opinion is not considered. Thanks!

Staci

From: john@johnroskelley.com
To: stacilehman@hotmail.com
Subject: RE: Final Newman Lake Debate Questions
Date: Tue, 5 Jun 2012 09:53:41 -0700

Thanks, Staci. The information here gives me a much better picture of the situation. It seems as though a Flood Control District is only one tool in the toolbox and fails to provide what is needed today for those who live in the watershed and for better lake quality. I also noticed it's been 20 years since the Newman Lake Watershed plan has been revised. The county can't get a handle on the present problems or predict future direction unless it has a clear picture of what's going on there and 20 years is a lifetime in a community like Newman Lake.

John

<http://www.johnroskelley.com> - personal website

<http://www.johnroskelley.org> - campaign website

Please consider the environment before printing this e-mail.

RECEIVED

From: Staci Lehman [mailto:stacilehman@hotmail.com]
Sent: Tuesday, June 05, 2012 8:53 AM
To: john@johnroskelley.com
Subject: FW: Final Newman Lake Debate Questions

JUL 16 2012
Public Disclosure Commission

Hi again John,

Below is information on the funding inequities being experienced at Newman. The attachment provides background as well. The reference to 'legislature' does mean the state legislature. After reading it over, let me know if you have any further questions. I can also ask County staff if you have questions I don't have the answer to, as we (for the most part) work closely with them. Thanks for putting the time into this.

Staci

From: caldworth@spokanevalley.org
To: stacilehman@hotmail.com
Date: Tue, 5 Jun 2012 08:46:49 -0700
Subject: RE: Final Newman Lake Debate Questions

Staci

Here is information on Flood Control Zone tax assessment inequality issue assembled by Jacob McCann in February 2010. As you know, Jacob now works for DNR.

Craig

Hello NLFCZD Advisory Board members-

As you probably know from previous communications, District staff met with the Board of County Commissioners to report on options to address funding inequities that are present in the current benefit assessment methodology. Current members of the Advisory Board as well as Newman Lake community members were in attendance as well. The attached document and associated maps were used in the presentation.

The outcome of the meeting is listed below. Further research is to be done on the following and the findings will be presented to the BOCC at a future meeting:

1. Short Term- Look into a) utilizing volunteer payments from the under-assessed, or b) using a Local Improvement District (LID) overlay (on top of existing boundary) to pick up parcels that are under-assessed due to land use changes without a full map update (utilizes Option 4 from attachment).
2. Long Term- Look into a) a two-tier system utilizing stormwater fees in addition to current methodology. Goal is to reduce assessments for primary taxpayers by spreading fees District-wide. b) feasibility of changing the RCW in relation to map alterations so that benefit areas can be adjusted according to changes in land use.

The above items are to be researched for applicability to the problem, cost-benefit in relation to current, feasibility, and legality. The date for the next meeting has not been set, but we will inform the Advisory Board when such date has been established.

Thanks to those of you who came to the meeting. Your input and historical perspective is valuable to analysis of the current system and our research in to potential ways to make it more equitable for District residents.

Please let me know if you have any questions or comments.

Thanks,

Jacob

Jacob McCann
477.7262

RECEIVED

JUL 16 2012

From: Staci Lehman [<mailto:stacilehman@hotmail.com>]
Sent: Tuesday, June 05, 2012 8:27 AM
To: Craig Aldworth
Subject: FW: Final Newman Lake Debate Questions

Public Disclosure Commission

Hi Craig,

Could you read the question below and provide any insight you can? Thanks!

Staci

From: john@johnroskelley.com
To: stacilehman@hotmail.com
Subject: RE: Final Newman Lake Debate Questions
Date: Tue, 5 Jun 2012 06:55:48 -0700

Staci:

Could you give me some insight as to why a local subdivision would need a legislative change to pay the same rates? When you say "legislature," are you referencing the state legislature? I've heard of special rules given to groups by legislative bills, but I don't know of any bills that would specifically lower an assessment for a subdivision. If so, do you have a theory as to why they assessment was lowered? Distance from the lake? Are they on a separate sewer system for the subdivision?

John

<http://www.johnroskelley.com> - personal website
<http://www.johnroskelley.org> - campaign website
Please consider the environment before printing this e-mail.

From: Staci Lehman [<mailto:stacilehman@hotmail.com>]
Sent: Monday, June 04, 2012 3:10 PM
To: Todd Mielke; john@johnroskelley.com
Cc: nvoermans@spokanecounty.org; weatherb@gonzaga.edu
Subject: Final Newman Lake Debate Questions

Good afternoon Commissioner Mielke and Mr. Roskelley,

The final list of questions for Thursday's Newman Lake Property Owners Association meeting is attached.

The meeting starts at 6:30 but we do not plan to start the part of the meeting involving you until about 7:15 so you could show up as late as 7 p.m. and be just fine. I may be facilitating the business portion of the meeting when you get there, so I will have another member of the Property Owners Association greet you.

As I told you in a past email, Ms. Georgie Ann Weatherby, Gonzaga University Professor of Sociology and Criminal Justice, will moderate the debate. She will introduce each of you with short biographies using the information from your websites, then allow each of you a few minutes to further introduce yourself and any message you would like to impart. She will also lay out the rules and start asking questions. Rebuttals will be allowed and Ms. Weatherby will give you a few minutes at the end of the debate for closing remarks. Ms. Weatherby's is an experienced debate moderator and we are confident she will walk us all through the debate process in a helpful and professional manner. We are extremely fortunate to have been able to retain her services.

The meeting will be held at the Tri Community Grange at E. 25025 Heather Rd., literally just feet off Trent Ave. You can reach the Grange from I-90 by taking the Liberty Lake exit, heading north across the freeway on Harvard Road, then taking a right onto Trent Ave. and a left onto Starr Road. The Grange is just off Trent on the left hand side and hard to miss. You can also reach it from Spokane by taking Trent Avenue all the way until you see the signs for the Newman Lake community.

We look forward to your participation in our annual summer meeting and thank you once again for agreeing to take part.

Staci Lehman
President
Newman Lake Property Owners Association

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Public Disclosure Commission

John Roskelley

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From: Staci Lehman [stacilehman@hotmail.com]
Sent: Monday, June 04, 2012 3:10 PM
To: Todd Mielke; john@johnroskelley.com
Cc: nvoermans@spokanecounty.org; weatherb@gonzaga.edu
Subject: Final Newman Lake Debate Questions
Attachments: County Commissioner Debate Questions.docx

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Staci Lehman
President
Newman Lake Property Owners Association

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Public Disclosure Commission

County Commissioner Debate Questions

- What would you do as Commissioner to more actively engage the Newman Lake Flood Control Zone District Advisory Committee? Currently, the Advisory Committee makes recommendations that appear to be disregarded by County Staff often.
- The current Flood Control Reserve Amount of \$57,452 is no where near the amount needed to repair the dike and the Water Quality Reserve amount of \$37,310 could be depleted by the next equipment failure. Thirty three percent of the current NLFCZD budget is spent on County staff costs with less than ½% being added to Flood Control or Water Quality reserves. Would you support capping staff costs to 25% of the total district funding and directing the savings toward building up the reserve accounts? If this was done this year it would direct \$10,000 into each reserve fund.
- Would you support forming a Local Improvement District for milfoil where lake residents could pay to have milfoil treated in front of their property, much like a Road Improvement District to pave roads or install sidewalks?
- Would you support limiting the size of boat displacements on the lake due to the large amount of erosion wake boarding boats are causing to the shoreline, docks and other structures?
- Another option to prevent or reduce shoreline erosion and damage to docks and other structures would be to lower the lake level from current levels by between two and four inches by July 4 each year. There was discussion with County staff regarding doing this last year but it wasn't followed through on. Would you support a drop in lake levels for this purpose?
- Most Newman Lake property owners pay a uniform assessment to support the flood control zone district. Due to a loophole in the Flood Control Zone District law, homeowners in the Witherspoon subdivision pay much lower assessments than other lakeshore property owners. Recently, the Witherspoon subdivision homeowners have been asked to voluntarily pay a larger amount but none have agreed to do so. Would you support introducing a bill in the legislature to change the law so that all lake shore property owners pay the same assessment?
- Driveway runoff and erosion are a major problem at Newman, with heavy rains washing mud and rocks onto the main roads from resident's driveways.

County crews end up cleaning up this mess, at the tax payer's expense. What could be done to make homeowners financially responsible for cleanup in these cases?

- According to the Spokesman-Review, tiger mussels were found in 3 boats entering the state of Idaho in 2009. In 2011, there were 25 and already this year they have found mussels in 41 boats. What steps would you take to protect the lakes of Spokane county from the infestation of this invasive species that could destroy them?
- A few people on the lake have chosen to pollute the lake by discarding their old docks at the southeast end. Would you support cleaning-up this lake hazard by having the county participate and by donating man-power and equipment to the effort ?
- What will you do to keep the lakes, rivers and streams of Spokane County clean?
- What will you do to preserve the open spaces in our county that make it a nice place to live?

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John Roskelley

JUL 10 2012

From: Clark, Jane [JaneC@spokanecounty.org]
Sent: Thursday, June 07, 2012 11:25 AM
To: 'john@johnroskelley.com'
Subject: Newman Lake Additional Information
Attachments: Funding Options Part 2-Mtg summary.pdf; NLFCDZD Funding Options Overview.pdf; Proposed Modifications to RCW.pdf; Follow up Meeting 3-17-12.pdf; Witherspoon.pdf; Benefit Classes.pdf; County Commissioner Debate Questions.pdf

Public Disclosure Commission

Good Morning John,

Attached is some documentation and meeting notes regarding the funding options that have been explored and discussed for Newman Lake. The current direction for District staff is to solicit donations or voluntary assessments. A letter has been sent out to the Witherspoon subdivision asking for donations in April 2012. To date, \$100 has been received. Long term direction is to change the language on the RCW which can be found in the attached 'Proposed Modifications to RCW'. As of February 2011, the County Lobbyist was still looking for a bill to attach it to. Unfortunately, according to our lobbyist, it is a confusing area of the law and there is not too much interest in Flood Control Districts.

In regards to the Witherspoon subdivision, this area was a large parcel when the Flood Control and Water Quality maps were created. Since then, it has been subdivided to include several waterfront lots, of which only a small portion lies within a benefit area as drawn in the current maps. So, while the lot itself carries a certain valuation, only a small portion of the assessed value is available for District taxation.

Below is the current language from chapter 86.09 of the RCW in regards to revising the benefit classification:

86.09.418 Assessments – Revision of Benefit Classification-Appointment of reappraisers-Effect of reexamination.

Upon completion of the control works of the district or of any unit thereof, the board of directors of the district may, with the written consent of the county legislative authority of the county within which the major portion of the district is situated, and upon petition signed by landowners representing twenty-five percent of the acreage of the lands in the district shall, appoint three qualified persons who shall be approved in writing by the county legislative authority, to act as a board of appraisers and who shall reconsider and revise and/or reaffirm the classification and relative percentages, or any part or parts thereof, in the same manner and with the same legal effect as that provided herein for the determination of such matters in the first instance: PROVIDED, That such reexamination shall have no legal effect on any assessments regularly levied prior to the order of appraisal by the reexamining board of appraisers.

Lastly, I have attached additional information that I provided to Todd Mielke this morning regarding the debate questions.

Please let me know if you have any questions or need additional information.

Thank you,
Jane

Jane Clark, PE | Environmental Programs Engineer
Spokane County Engineers
1026 W. Broadway Ave. | Spokane, WA 99260
509-477-7431 | fax: 509-477-7448
janec@spokanecounty.org

Attachment 1

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Public Disclosure Commission

Newman Lake Flood Control Zone District- Options to Improve Funding Fairness
Meeting Summary from 3/17/2010 (Continued from 2/18/2010)

This is a summary of presentations from Engineer's staff, as administrative staff of the NLFCZD under RCW 86.15.060, and associated direction from the Board of County Commissioners (BOCC) regarding proposed fixes to perceived inequities in Newman Lake Flood Control Zone District (District) Assessments. In two meetings (2/18 and 3/17/2010), both short and long term solutions were discussed. Those main ideas and resulting conclusions from the 3/17 meeting are listed as bullet points below. A "Yes" indicates the need for further action by Engineer's staff, while a "No" indicates no further action at this time.

Short Term

A) Voluntary assessments and/or donations from the under-assessed. (RCW 86.15.165)

Yes- Engineer's staff will solicit input on gathering donations or voluntary assessments at the next District Advisory Board meeting.

The BOCC, as District supervisors, can accept donations on behalf of the District via resolution; however such monies cannot be included in the annual assessment roll and as such cannot be employed to reduce overall assessments. Voluntary assessment payments, as set forth in RCW 86.15.165, become permanent once established and could therefore be added to the roll and utilized to reduce overall charges to those who pay assessments.

B) Local Improvement District (LID) overlay to pick up parcels that are under-assessed without conducting a full map update. (RCW 86.15.160(2))

No- This is not applicable under current District operations. LIDs/ULIDs are authorized to fund the installation of specific facilities/infrastructure. No new facilities or services are proposed for any specific geographical area within District boundaries. Moreover, the authority to create subzones is reserved to countywide FCZDs, which Spokane County does not contain.

Long Term

A) A two-tier system utilizing stormwater fees in addition to current methodology. (RCW 86.15.160(4))

No- This option is not currently being proposed due to the increase in administrative costs associated with such a system, the cost of implementation, and the lack of public support for expanding assessments to watershed contributors.

B) Introduce legislation to effect changes within RCW 86.09.418 to allow benefit maps to be changed with greater ease.

Yes- District staff will identify shortcomings within the RCW specific to subdivision changes, and conceptualize a language change that would allow properties affected to be adopted into benefit areas upon subdivision without a full map update. The proposed amendment will be coordinated with the BOCC, the Assessor's Office, the Prosecuting Attorney's Office, and the

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County Lobbyist before eventual submittal as a bill in an upcoming Legislative Session in Olympia.

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Attachment 2

Public Disclosure Commission

Newman Lake Flood Control Zone District- Options to Improve Funding Fairness

Overview

In response to concerns about inequities in the funding apparatus of the Newman Lake Flood Control Zone District (District), research was begun by District staff in 2006 to find ways to address funding fairness under the constraints of 86.15 RCW, which governs the administration of Flood Control Zone Districts. This presentation will provide a brief review of the current funding methodology employed by the District, outline the other options available under Washington State law, and provide the recommendations of District staff for addressing funding fairness issues.

Funding Options

Several funding options are available to Flood Control Zone Districts under chapter 86.15 RCW. These include:

- (1) An annual excess ad valorem property tax levy within the zone or district when authorized by the voters of the zone or district;
- (2) The current system of benefit assessment methodology,
- (3) An annual ad valorem property tax levy within the zone or district in an amount not to exceed 50 cents per one thousand dollars of assessed property when the levy will not take dollar rates that other taxing districts may lawfully claim,
- (4) A service charge or stormwater charge for those benefitting or contributing, and
- (5) Creation of a local improvement district (LID) or utility local improvement district (ULID).

The following is a basic breakdown of the logistics involved in implementation of each option:

1. Ad Valorem Tax or Excess Ad Valorem Tax (RCW 86.15.160 (1) or (3))

Description: This is a flat District-wide tax rate based on the assessed value of a parcel for tax purposes. It is limited to \$0.50 per each \$1,000 of assessed value, unless excess AV tax is approved by special election.

Funding impact: Total assessed value of properties within the NLFCZD is currently approx. \$235,000,000. At the max rate, without excess approval, the ad valorem tax would produce **total revenues of \$117,500 (current District budget is approximately \$218,000)**. This could be paired with existing system to reduce assessments. *Note: upwards of 600 parcels do not contribute to/benefit from lake water quality activities.*

Process: This new tax could be initiated by resolution of the BOCC, who could set rate based on certain percentage of budget as part of budget approval process which includes public hearing. District boundaries would need to be set up with Assessor's Office by March 1 of year prior to initial implementation. Currently, there is room available under statutory tax limits but that could change in the future as Flood Control

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Summary - Proposed Modifications to RCW 86.09.418 – Revision of Benefit Classification

Chapter 86.15 (FLOOD CONTROL ZONE DISTRICTS) sets forth the procedures for the formation of a flood control zone district.

A flood control zone district is a municipal corporation having among other powers the authority to authorize the construction, extension, enlargement or acquisition of necessary flood control or storm water control improvements within its boundaries.

RCW 86.15.160 sets forth various options for funding improvements in a flood control zone district. One such option is set forth in chapter 86.09.019 RCW. Under this method, property within the boundaries of the flood control zone district is classified into one of 5 benefit classification and then a benefit ratio is assigned to each class. Once this process is completed, the class/benefit rating is used to assess property within the zone district. Any revision to the class/benefit rating cannot be initiated except upon submission of a petition signed by landowners representing twenty-five percent of the acreage within the zone district. This revision process can be burdensome as currently written, especially in districts in which a small portion of the land area is represented by assessment payers.

The proposed modification will remove the petition step in the case of subdivisions, parcel segregation or parcel merger, lot-line adjustment, or change in land use characteristics. The proposed modification will still require the hiring of three qualified appraisers to reconsider, revise, and/or reaffirm the classification, review by the board of directors or legislative authority, and a public hearing where the legislative authority may either adopt or reject the action of the board of appraisers.

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RCW 86.09.418 Assessments—Revision of benefit classification—Appointment of reappraisers—Effect of reexamination.

Upon completion of the control works of the district or of any unit thereof, the board of directors of the district may, with the written consent of the county legislative authority of the county within which the major portion of the district is situated, and upon petition signed by landowners representing twenty-five percent of the acreage of the lands in the district shall, appoint three qualified persons who shall be approved in writing by the county legislative authority, to act as a board of appraisers and who shall reconsider and revise and/or reaffirm the classification and relative percentages, or any part or parts thereof, in the same manner and with the same legal effect as that provided herein for the determination of such matters in the first instance: **PROVIDED**, That such reexamination shall have no legal effect on any assessments regularly levied prior to the order of appraisal by the reexamining board of appraisers. **PROVIDED FURTHER**, when there is any subdivision, short subdivision, parcel segregation or parcel merger, lot-line adjustment, or change in land use characteristics to any tract or tracts of land within the boundaries of the district after the determination of the tract or tracts classification and relative percentage, the board of directors of the district may, with the written consent of the county legislative authority of the county within which the major portion of the district is situated, appoint three qualified persons who shall be approved in writing by the county legislative authority, to act as a board of appraisers and who shall reconsider and revise and/or reaffirm the classification and relative percentage assigned only to such tract or tracts in the same manner and with the same legal effect as that provided herein for the determination of such matters in the first instance. No classification or relative percentage assigned to any tract or tracts shall become effective until after being considered at a public hearing held by the board of directors or legislative authority. At such hearing the board of directors or legislative authority may either adopt or reject the action of the board of appraisers. **PROVIDED**, That such reexamination shall have no legal effect on any assessments regularly levied prior to the order of appraisal by the reexamining board of appraisers.

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Attachment 4

Newman Lake Flood Control Zone District- Options to Improve Funding Fairness
Follow-up meeting 3/17/2010

Overview

In response to concerns about perceived inequities in the funding apparatus of the Newman Lake Flood Control Zone District (District), on 2/18/2010 District staff presented to the Board a review of the current system and identified ways that the situation can be remediated under statute. In addition, adding a charge that addresses contribution to water quality impairments was also addressed. At the conclusion of the meeting, staff was asked to follow up on items that address these concerns both in the short term and in the long term.

Short term fixes include using volunteer assessments and/or donations to offset inequities from under assessed properties with a resulting reduction in other assessments, or creating a Local Improvement District overlay in the main area of assessment inequity. For the long term, the creation of a contribution-based stormwater charge to help reduce assessment burden on the current beneficiaries as well as increase fairness by addressing stormwater runoff as a problem contributing to water quality impairment and increased maintenance on flood control facilities. If this is not deemed practical, the option of proposing legislation to enact change in the statute regarding map updates remains. These items are summarized in this report.

Short Term

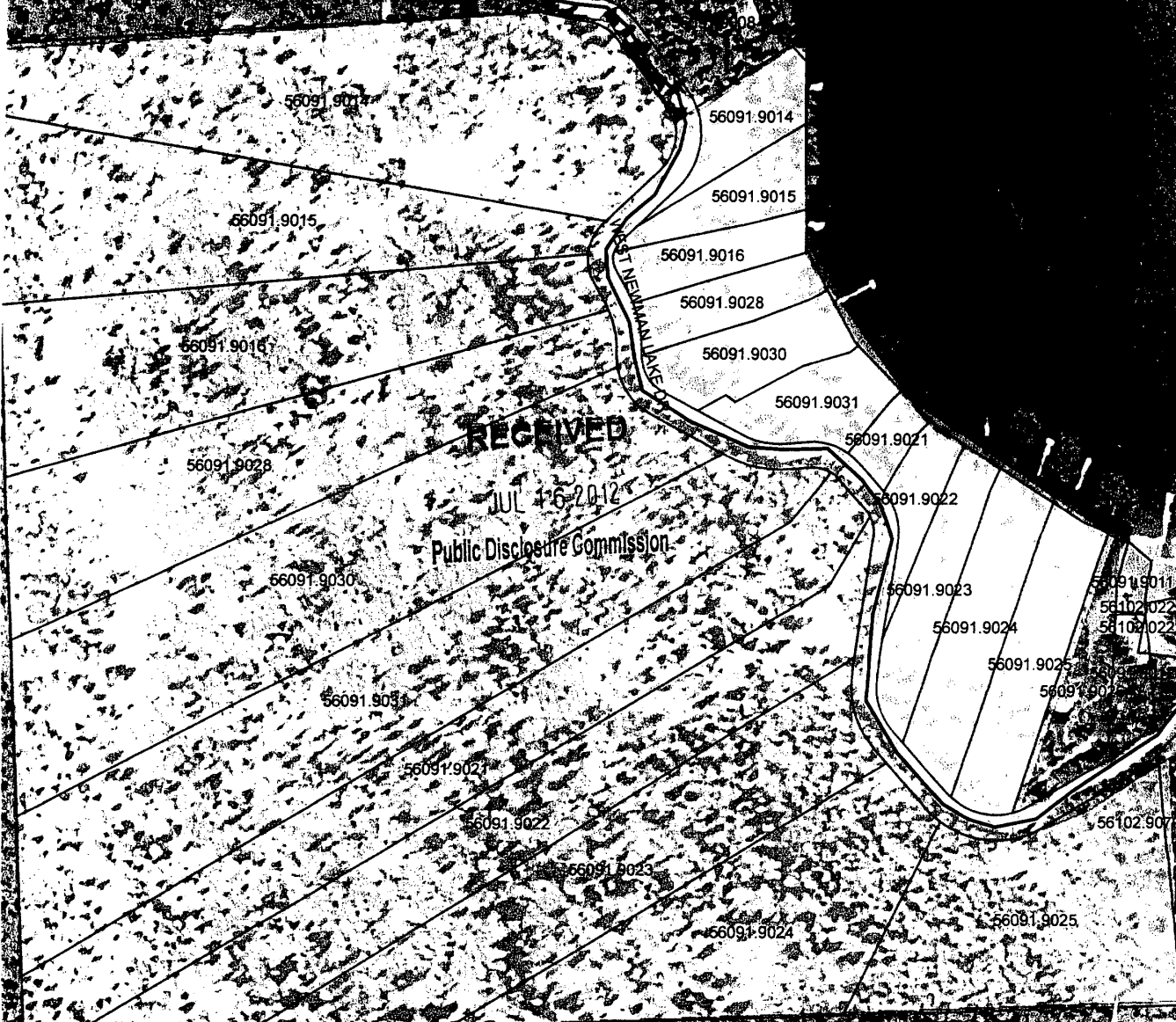
A) Volunteer payments and/or donations from the under-assessed

If it is found that those who are "under-assessed" due to land use changes are willing to voluntarily increase their own assessments or donate the difference, it is possible to utilize this source of revenue to offset the assessment amounts of all. It is provided for in two ways.

- RCW 86.15.080 sets forth the general powers of the NLFCZD. Subsection (9) provides that the District can "...accept funds or property by loan, grant, gift or otherwise from the United States, the state of Washington, or any other public or private source".
- In addition, under RCW 86.15.165-
The supervisors may provide by resolution for levying voluntary assessments...property benefited from a flood control improvement or storm water control improvement...the obligations under the agreement shall be binding upon all heirs and all successors in interest of the property.

The Board of County Commissioners as the ex officio supervisors of the Newman Lake Flood Control Zone District can accept donations on behalf of the District. Additionally or in the alternative, the Board can adopt a resolution providing for the levying of voluntary assessments. .

Witherspoon Estates



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Benefit Area
 Parcel Boundaries

Aerial Photo WA DNR 2004



Attachment 6

Newman Lake Flood Control Zone District












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Benefit Classes

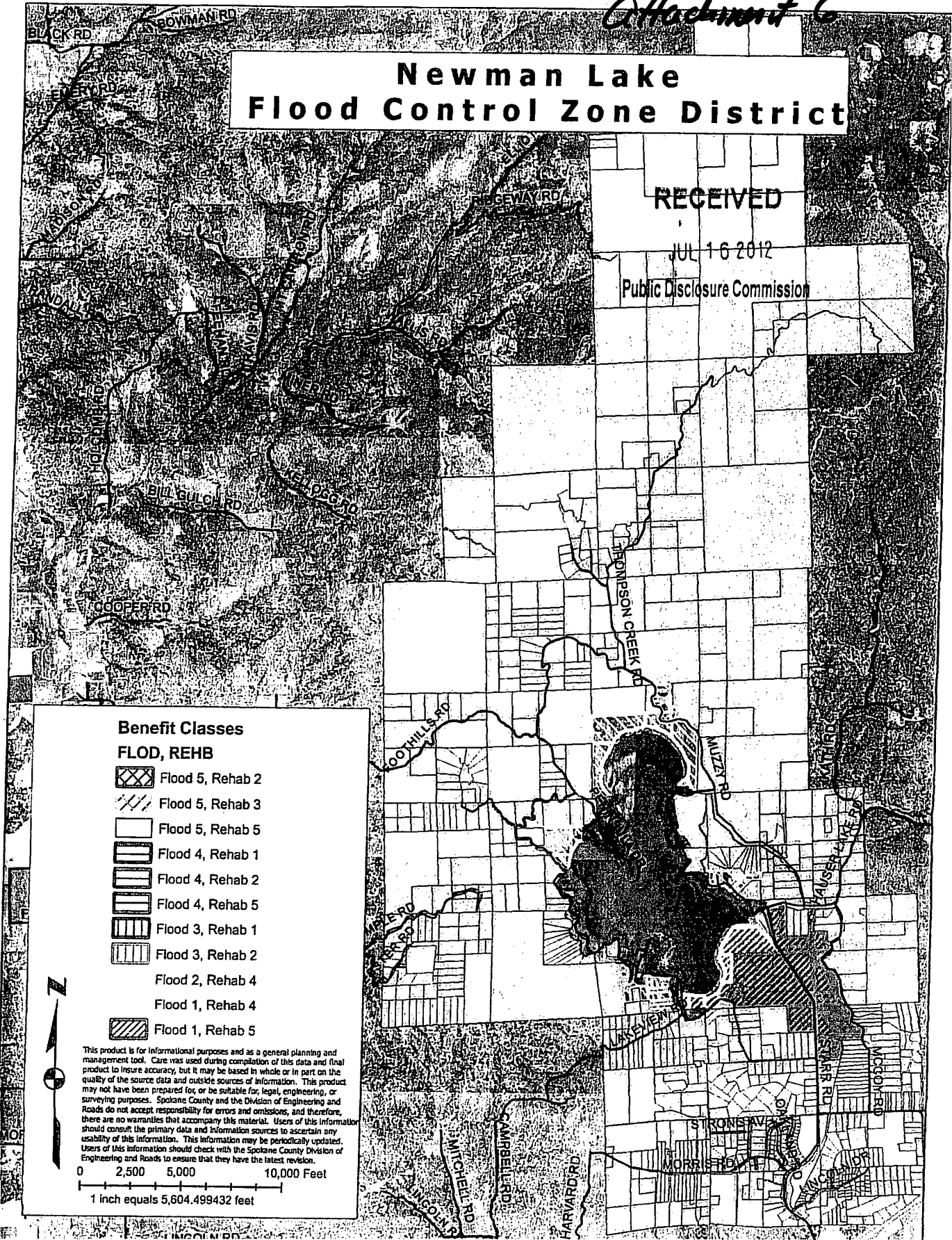
FLOD, REHB

-  Flood 5, Rehab 2
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-  Flood 5, Rehab 5
-  Flood 4, Rehab 1
-  Flood 4, Rehab 2
-  Flood 4, Rehab 5
-  Flood 3, Rehab 1
-  Flood 3, Rehab 2
-  Flood 2, Rehab 4
-  Flood 1, Rehab 4
-  Flood 1, Rehab 5

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1 inch equals 5,604.499432 feet



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County Commissioner Debate Questions

- What would you do as Commissioner to more actively engage the Newman Lake Flood Control Zone District Advisory Committee? Currently, the Advisory Committee makes recommendations that appear to be disregarded by County Staff often.

- The current Flood Control Reserve Amount of \$57,452 is no where near the amount needed to repair the dike and the Water Quality Reserve amount of \$37,310 could be depleted by the next equipment failure. Thirty three percent of the current NLFCZD budget is spent on County staff costs with less than 1/2% being added to Flood Control or Water Quality reserves. Would you support capping staff costs to 25% of the total district funding and directing the savings toward building up the reserve accounts? If this was done this year it would direct \$10,000 into each reserve fund.

The reserve amounts and percentage of the NLFCZD budget for staff costs (including benefits and overhead) noted above are correct. The current budget includes 2.75 months of Newman Lake Engineer time and 6.5 months of Newman Lake technician time. By cutting staff time, other activities would be cut, many of which are required. There are TMDL requirements, Department of Ecology annual reports, and Natural Resource Conservation Service (NRCS) inspection reports that are required each year. Coordination for milfoil treatment, alum deliveries, developing a budget, coordination with volunteers, and monitoring the lake level and oxygenation/alum equipment are all needed. It is a very tight budget. (Attached is a Newman Lake staff responsibility breakdown which has been provided to the Advisory Board in previous Advisory Board meetings).

Answered by staff

- Would you support forming a Local Improvement District for milfoil where lake residents could pay to have milfoil treated in front of their property, much like a Road Improvement District to pave roads or install sidewalks?

A Local Improvement District (LID) has been looked at and reviewed as a funding option through several meetings with the Commissioners from 2007-2011. The creation of a LID could be challenged as the creation of another benefit area within the current benefit area. The designation of this as a subzone would not be appropriate, as the authority to create subzones within a flood control zone district (86.15.025) is specific to countywide FCZDs. RCW 86.15.160(6) does in fact provide for the creation of the LID and ULID within FLCD's.

Answered by staff

- Would you support limiting the size of boat displacements on the lake due to the large amount of erosion wake boarding boats are causing to the shoreline, docks and other structures?

- Another option to prevent or reduce shoreline erosion and damage to docks and other structures would be to lower the lake level from current levels by between two and four inches by July 4 each year. There was discussion with County staff regarding doing this last year but it wasn't followed through on. Would you support a drop in lake levels for this purpose?

Answered by staff

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This was followed through by County staff. Staff prepared an Environmental Checklist for SEPA. However, upon a staff briefing to the BOCC, it was decided that such a proposal would not be currently undertaken, and the SEPA process was thus stopped. The Board did not approve staff to proceed with the Environmental Review at this time. As the lake level is set forth in the Policy and Procedures Manual for the NLFCZD, any changes will need to undergo environmental review and also be approved by the BOCC via a resolution. The lake is shallow and mucky on the southern end and property owners on the south end expressed their concerns with lowering the lake level any lower during the summer months.

- **Most Newman Lake property owners pay a uniform assessment to support the flood control zone district. Due to a loophole in the Flood Control Zone District law, homeowners in the Witherspoon subdivision pay much lower assessments than other lakeshore property owners. Recently, the Witherspoon subdivision homeowners have been asked to voluntarily pay a larger amount but none have agreed to do so. Would you support introducing a bill in the legislature to change the law so that all lake shore property owners pay the same assessment?**

*Answered
by staff*

A letter went out from the County Engineer to eleven property owners in April 2012. The letter explained the current law and benefit assessment areas. It was meant to educate property owners as to how the benefit areas are calculated, and in some instances how the benefit area assessment becomes unfair when property is subdivided. The recipients of the letter were asked to consider a "Voluntary Assessment" or "donation" to help with the NLFCZD budget. One donation of \$100 was just received on June 6, 2012 from a property owner in the Witherspoon subdivision. From 2007-2011, County staff had numerous meetings with the BOCC over different funding options. Proposed language changes to the Benefit Map revision portion of the Flood Control District RCW were circulated in 2011 by the County lobbyist. The proposal would remove the petition requirement for initiation of base map revision if a land use change has occurred within map boundaries. (As of February 2011 - a bill had not been submitted, but other bills are being sought in which to insert the language). Unfortunately, according to our lobbyist, it is a confusing area of the law and there is not too much interest in Flood Control Districts.

- **Driveway runoff and erosion are a major problem at Newman, with heavy rains washing mud and rocks onto the main roads from resident's driveways. County crews end up cleaning up this mess, at the tax payer's expense. What could be done to make homeowners financially responsible for cleanup in these cases?**

*Answered
by staff*

The County Road Maintenance Department sweeps all County roads twice a year, which is paid by taxpayers. Driveway runoff is a common problem throughout the entire County and is not enforceable. Newman Lake is located outside both the Stormwater Service Area (SSA) and the National Pollutant Discharge Elimination System (NPDES) area. The majority of the roads surrounding Newman Lake are considered historical roads, not newly developed roads; so we are unable to come in after the fact and enforce on property who's dirt driveways erode onto the County Road Right of Way. The Road Maintenance Supervisor will contact property owners where there is a significant problem and try to work out solutions.

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- **According to the Spokesman-Review, tiger mussels were found in 3 boats entering the state of Idaho in 2009. In 2011, there were 25 and already this year they have found mussels in 41 boats. What steps would you take to protect the lakes of Spokane county from the infestation of this invasive species that could destroy them?**

- **A few people on the lake have chosen to pollute the lake by discarding their old docks at the southeast end. Would you support cleaning-up this lake hazard by having the county participate and by donating man-power and equipment to the effort ?**

The general flow path of the lake is to the southeast end which is where the outlet structure and outlet gates are situated. Trash, debris, and docks in general float this direction and there has been mention of some property owners actually towing their old docks down to this end of the lake. Debris and small docks collect at the log boom outlet structure are removed each fall, generally by the Geiger Crew. About three days of work by the Geiger Crew for outlet channel maintenance is budgeted in the NLFCZD budget. To remove a significant amount of dock material would require large equipment to remove the heavy logs from the water and place them in a dump truck and a place to dispose of the material. In looking into this further, there are recycling companies who do take wood material; however, the cost depends on how clean the wood is. Costs/donations would be man-power to take docks to a central location, cut/load docks into a truck/trailer, use of one or more truck/trailers with drivers to haul the material, and dump/recycle costs to dispose of the docks.

- **What will you do to keep the lakes, rivers and streams of Spokane County clean?**
- **What will you do to preserve the open spaces in our county that make it a nice place to live?**

*Answered
by Staff*

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News

Local news and newsletters from around Newman Lake to keep you updated and in the know about what's happening in our area. If you have any news you would like to see on this page contact us and we'll post it on the site.



**Newman Lake Flood Control Zone District
Summer Meeting July 12th**

NLFCZD Summer Meeting is scheduled for Thursday, July 12th from 6:00pm to 9:00pm at the Tri Community Grange Hall in Moab, WA



**Trail Angels: adding value to McKenzie
Conservation Area**

A very nice article from the Spokesman-Review's Rich Landers about Norm Thorpe and the McKenzie Conservation Area.
[CLICK HERE TO READ](#)



**Newman Lake Property Owners Association
Spokane County Commissioner Debate
On YouTube!**

The Newman Lake, WA Property Owners Association invited



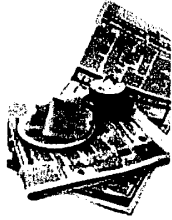
candidates for County Commision District 1 to answer questions submitted by community members regarding many issues, including ones specific to Newman Lake such as water quality, shoreline erosion, property assessments and more. Incumbent Todd Mielke and challenger John Roskelley graciously agreed to participate and shared their ideas for how to deal with some of our challenges.

YouTube Video Part 1 - [CLICK HERE](#)
YouTube Video Part 2 - [CLICK HERE](#)

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JUL 16 2012

Public Disclosure Commission



***Newman Lake Flood Control Zone District
Spring 2012 Newsletter***

Spring is finally here, and many of us are gearing up for a busy summer season. The District would like to wish you and your families a Happy Summer Season, and we hope you find the information in this newsletter informative and helpful by reading about Newman Lake activities, challenges, and educational information. [CLICK HERE FOR NEWSLETTER](#)



***Newman Lake Property Owners Association
Spring 2012 Newsletter***

A variety of articles on from all over the Newman Lake area. Clean up day, new business feature, Milfoil control, McKenzie Trail work day and history of the Bassett cabin on the peninsula. [CLICK HERE TO READ](#)

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RCW 42.17A.555

**Use of public office or agency facilities in
campaigns — Prohibition — Exceptions.
(Effective January 1, 2012.)**

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. Facilities of a public office or agency include, but are not limited to, use of stationery, postage, machines, and equipment, use of employees of the office or agency during working hours, vehicles, office space, publications of the office or agency, and clientele lists of persons served by the office or agency. However, this does not apply to the following activities:

(1) Action taken at an open public meeting by members of an elected legislative body or by an elected board, council, or commission of a special purpose district including, but not limited to, fire districts, public hospital districts, library districts, park districts, port districts, public utility districts, school districts, sewer districts, and water districts, to express a collective decision, or to actually vote upon a motion, proposal, resolution, order, or ordinance, or to support or oppose a ballot proposition so long as (a) any required notice of the meeting includes the title and number of the ballot proposition, and (b) members of the legislative body, members of the board, council, or commission of the special purpose district, or members of the public are afforded an approximately equal opportunity for the expression of an opposing view;

(2) A statement by an elected official in support of or in opposition to any ballot proposition at an open press conference or in response to a specific inquiry;

(3) Activities which are part of the normal and regular conduct of the office or agency.

(4) This section does not apply to any person who is a state officer or state employee as defined in RCW 42.52.010.

Immolate

John Roskelley

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From: Staci Lehman [stacilehman@hotmail.com]
Sent: Monday, June 04, 2012 3:10 PM
To: Todd Mielke; john@johnroskelley.com
Cc: nvoermans@spokanecounty.org; weatherb@gonzaga.edu
Subject: Final Newman Lake Debate Questions
Attachments: County Commissioner Debate Questions.docx

JUL 16 2012
Public Disclosure Commission

Good afternoon Commissioner Mielke and Mr. Roskelley,

The final list of questions for Thursday's Newman Lake Property Owners Association meeting is attached.

The meeting starts at 6:30 but we do not plan to start the part of the meeting involving you until about 7:15 so you could show up as late as 7 p.m. and be just fine. I may be facilitating the business portion of the meeting when you get there, so I will have another member of the Property Owners Association greet you.

As I told you in a past email, Ms. Georgie Ann Weatherby, Gonzaga University Professor of Sociology and Criminal Justice, will moderate the debate. She will introduce each of you with short biographies using the information from your websites, then allow each of you a few minutes to further introduce yourself and any message you would like to impart. She will also lay out the rules and start asking questions. Rebuttals will be allowed and Ms. Weatherby will give you a few minutes at the end of the debate for closing remarks. Ms. Weatherby's is an experienced debate moderator and we are confident she will walk us all through the debate process in a helpful and professional manner. We are extremely fortunate to have been able to retain her services.

The meeting will be held at the Tri Community Grange at E. 25025 Heather Rd., literally just feet off Trent Ave. You can reach the Grange from I-90 by taking the Liberty Lake exit, heading north across the freeway on Harvard Road, then taking a right onto Trent Ave. and a left onto Starr Road. The Grange is just off Trent on the left hand side and hard to miss. You can also reach it from Spokane by taking Trent Avenue all the way until you see the signs for the Newman Lake community.

We look forward to your participation in our annual summer meeting and thank you once again for agreeing to take part.

Staci Lehman
President
Newman Lake Property Owners Association

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Public Disclosure Commission

County Commissioner Debate Questions

- What would you do as Commissioner to more actively engage the Newman Lake Flood Control Zone District Advisory Committee? Currently, the Advisory Committee makes recommendations that appear to be disregarded by County Staff often.
- The current Flood Control Reserve Amount of \$57,452 is no where near the amount needed to repair the dike and the Water Quality Reserve amount of \$37,310 could be depleted by the next equipment failure. Thirty three percent of the current NLFCZD budget is spent on County staff costs with less than ½% being added to Flood Control or Water Quality reserves. Would you support capping staff costs to 25% of the total district funding and directing the savings toward building up the reserve accounts? If this was done this year it would direct \$10,000 into each reserve fund.
- Would you support forming a Local Improvement District for milfoil where lake residents could pay to have milfoil treated in front of their property, much like a Road Improvement District to pave roads or install sidewalks?
- Would you support limiting the size of boat displacements on the lake due to the large amount of erosion wake boarding boats are causing to the shoreline, docks and other structures?
- Another option to prevent or reduce shoreline erosion and damage to docks and other structures would be to lower the lake level from current levels by between two and four inches by July 4 each year. There was discussion with County staff regarding doing this last year but it wasn't followed through on. Would you support a drop in lake levels for this purpose?
- Most Newman Lake property owners pay a uniform assessment to support the flood control zone district. Due to a loophole in the Flood Control Zone District law, homeowners in the Witherspoon subdivision pay much lower assessments than other lakeshore property owners. Recently, the Witherspoon subdivision homeowners have been asked to voluntarily pay a larger amount but none have agreed to do so. Would you support introducing a bill in the legislature to change the law so that all lake shore property owners pay the same assessment?
- Driveway runoff and erosion are a major problem at Newman, with heavy rains washing mud and rocks onto the main roads from resident's driveways.

County crews end up cleaning up this mess, at the tax payer's expense. What could be done to make homeowners financially responsible for cleanup in these cases?

- According to the Spokesman-Review, tiger mussels were found in 3 boats entering the state of Idaho in 2009. In 2011, there were 25 and already this year they have found mussels in 41 boats. What steps would you take to protect the lakes of Spokane county from the infestation of this invasive species that could destroy them?
- A few people on the lake have chosen to pollute the lake by discarding their old docks at the southeast end. Would you support cleaning-up this lake hazard by having the county participate and by donating man-power and equipment to the effort ?
- What will you do to keep the lakes, rivers and streams of Spokane County clean?
- What will you do to preserve the open spaces in our county that make it a nice place to live?

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Public Disclosure Commission

Kurt Young

From: Mielke, Todd [TMIELKE@spokanecounty.org]
Sent: Sunday, July 28, 2013 9:07 PM
To: Kurt Young
Cc: todd@toddmielke.com
Subject: PDC Complaint - Case #13-099
Attachments: PDC Complaint Response 7-26-13.docx

Hi Kurt,

I'm attaching a response to PDC Case #13-099. I've been out of the office since Friday, July 12, and did not receive the mailed notice until I returned to my office last Friday.

I note that the Request for Response was sent to my County Office rather than my campaign P.O. Box. Therefore, I am interpreting that to mean that I can use my County e-mail to respond.

Please let me know if you have any questions. I can be reached either through my office at (509) 477-2265, or you can text my cell phone at (509) 220-2200 as I will be traveling Monday through Thursday of this week.

Regards,

Todd Mielke

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Todd Mielke
8815 N. River Rock Lane
Nine Mile Falls, WA 99026
Cell (509) 220-2200

2013 JUL 29 AM 10:13
PUBLIC DISCLOSURE COMMISSION

July 26, 2013

Philip E. Stutzman
Director of Compliance
Washington State Public Disclosure Commission
P.O. Box 40908
Olympia, WA 98504-0908

Dear Mr. Stutzman:

I am in receipt of a letter from you dated July 10, 2013 regarding a PDC Complaint filed by John Roskelley (PDC Case No. 13-099) and asking for a response by this past Wednesday, July 24th. I have been out of the office since Friday July 12th and had not received your correspondence by then. Consequently, since I was unaware of your correspondence until my return today, it was impossible for me to respond by your requested date. I hope you will accept this response and enter it into the record.

Additionally, I must say that this letter catches me by surprise. The date of this alleged violation was June of last year, and the complaint was filed July 16th, 2012. Mr. Roskelley ran against me during my reelection campaign for County Commissioner and certainly had motivation to use any claims of a PDC violation as a campaign tactic. I had a telephonic discussion with PDC staff later in July (2012) and at the end of the discussion was told that "this did not appear to be anything that the PDC will pursue." I have not heard anything on this matter since then and am now challenged to "re-create" documents and memories that would have been readily available at the time of the complaint being filed had staff requested.

The complaint alleges a violation of RCW 42.17A.555 or Title 390 WAC. In considering my response, I believe PDC staff should focus on the following specific language of the RCW and WAC:

RCW 42.17A.555

...However, this does not apply to the following activities:

(3) Activities which are part of the normal and regular conduct of the office or agency.

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WAC 390-05-273

Definition of normal and regular conduct.

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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.

(boldfaced for emphasis)

Mr. Roskelley alleges that I utilized Spokane County staff to assist in assembling campaign documents outside their normal course of doing business. That is not true. Everything that I requested from county staff was information that would have been made available to any citizen as part of their normal course of doing business. In fact, Mr. Roskelley engaged County staff in the same manner.

BACKGROUND

Spokane County administers the Newman Lake Flood Control Zone District (NLFCZD) utilizing staff employed in the Spokane County Engineers Office. Since 2007 when a resident (Sharon Cusick) of the district raised concerns about inequities in how assessments within the district were calculated, I have attended numerous presentations by county staff in public meetings about the workings of the NLFCZD. These presentations have included budget overviews for the district, information on the alum injection system to control algae blooms, debates over changing the elevation of the lake during certain times of the year, dredging, operation and maintenance of the control gates at one end of the lake, clearing debris from in front of the gates, and an overview of statutory options to change the methodology of tax assessments for property owners around the lake.

The last item was researched extensively by NLFCZD staff as well as Spokane County's Chief Civil attorney. More than one presentation provided the pros/cons and statutory considerations of creating local improvement districts, and other types of districts, as well as the requirements for changing the methodology of the current district assessments. As part of that discussion, staff also showed maps of parcels around Newman Lake differentiating the various assessment amounts.

All of this data collection and presentations occurred prior to May 1, 2013. As evidence of this fact, please refer to the e-mail from Jane Clark dated June 7, 2012 and the attached data (labeled Attachment 1 in Mr. Roskelley's complaint). The attached data clearly shows data that

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was gathered and presented by county staff on March 17, 2010, as continued from a meeting on February 18, 2010. This information was assembled by county staff more than two years prior to Mr. Roskelley's complaint as a normal course of business and was part of the public record. PUBLIC DISCLOSURE COMMISSION

In May of 2012, I was contacted by Staci Lehman of the Newman Lake Property Owners Association saying the association wanted to host a Question and Answer period for the candidates for Spokane County Commissioner, District 1. We established a date that would work, and she forwarded questions to me in advance of the meeting that would be presented to us as candidates.

After I received the questions from Ms. Lehman, I noticed that a number of questions were directly related to topics that county staff had presented background information on previously in public meetings. I recognized that they were topics that county staff had already researched, gathered data, and presented publicly. It was clearly information that any citizen could receive "at the counter" from county staff.

RESPONSE

I personally contacted Jane Clark, one of the NLFCZD/county staff and asked her if I could get copies of the documents she had presented to the Board of County Commissioners during public presentations the previous two years. I did say that I was seeking the information in response to questions I had received from the Newman Lake Homeowners' Association. She told me there was a fair amount of information and asked if I would share with her the specific questions being posed so that she might narrow down her search for information. I did not make any specific request as to the format of the information I was requesting. I would estimate that this contact was made in either late the fourth week of May, or early the first week of June, 2012.

As I recall, Ms. Clark informed me that she had already been contacted by someone else regarding information about the NLFCZD. It now appears from the documents filed with Mr. Roskelley's complaint, that Roskelley was initially making inquiries regarding these topics to Ms. Lehman, who in turn was contacting county staff. This is specifically demonstrated in an e-mail exchange between Mr. Roskelley, Ms. Lehman, and a City of Spokane Valley employee identified as caldworth@spokanevalley.org, who was using the City of Spokane Valley's e-mail system. The e-mail includes a message from "Jacob" addressed to the NLFCZD Advisory Board Members. It goes into detail about some of the options to address funding inequities, including both short-term and long-term options. Jacob was a Spokane County employee at the time doing work on behalf of the NLFCZD. Again, the message from Jacob reinforces the fact that county staff, as part of their normal course of business, was providing detailed information to the public regarding the actions and considerations of the NLFCZD.

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Approximately a week after I had made my request for information, I was contacted by Ms. Clark who stated that she had been contacted by Mr. Roskelley. She said that Roskelley was also seeking information about the NLFCZD and was asking the same questions that I had presented to her. She wanted to know if she could provide him with the same information that she was assembling for me. I stated, "Absolutely. Provide him with anything that you will be providing to me. It's all public information".

I believe I received the information from Ms. Clark on June 6th and was informed that Mr. Roskelley received the same information on the same day. In the documentation provided with Mr. Roskelley's complaint, labeled Attachment #7, you will see that county staff did not provide information on every question. They provided only information on those items where they had previously been involved in a specific issue/presentation. Even in the questions where they provided information, the information is factual only – it does not provide an opinion. It was up to Mr. Roskelley and myself to communicate our own opinions on the topics based on our own interpretations/feelings of the data provided by county staff as well as our thoughts on the topic in general.

I believe two things are noteworthy at that point in time. First, both Mr. Roskelley and I received the same information from Ms. Clark on the same day, in advance of the community forum. Both of us had equal access to the information to incorporate into our responses as we saw fit. Second, as demonstrated by the June 7, 2012 e-mail exchange between Jane Clark and Mr. Roskelley, Roskelley continued to receive information from county staff above and beyond what was provided to me (note that I am not cc'd on the e-mail). To this extent, one could easily surmise that Mr. Roskelley, the complainant, actually received more information from county staff than me. Yet his complaint argues that county staff providing this information is inappropriate. If his complaint is valid, then he is every bit in violation of misusing county resources (staff). Both of us were candidates...why would it be inappropriate to provide one candidate information, but not the other?

Finally, Mr. Roskelley implies that he was disadvantaged at the community forum because I had information available exclusively to me that was not available to him, information gathered inappropriately by county staff.

It's simply not true.

The most telling information on this point comes directly from Mr. Roskelley in his complaint. Under the section entitled, "Evidence and Witnesses – 3", Roskelley writes in the second to last paragraph, "Video of Newman Lake Homeowners' Association debate between Todd Mielke and John Roskelley...I mention at the end of the program that Todd was using the staff's answers to most of the questions, so I knew exactly what he was going to say before he said it."

If you view the video that Roskelley references, you will see Mr. Roskelley make the statement he cites. As he makes his statement, he holds up the information that was provided by Ms. Clark. He clearly demonstrates that he personally possessed the materials and was able to

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receive the exact same information as a citizen that I was able to receive as a county commissioner.

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Furthermore, his statement of, "...so I knew exactly what he was going to say before he said it" clearly reinforces the fact that he had received the information prior to the forum, had time to read it, and had the ability to incorporate any of the data provided by county staff in his responses during the forum.

PUBLIC DISCLOSURE COMMISSION

CONCLUSION

According to RCW 42.17A.155, no public employee may utilize public resources to assist a campaign UNLESS the activities are part of the normal and regular conduct of the office or the agency, as stated in subsection 3.

As a result of the Open Public Records Act, government agencies at all levels are highly sensitive to providing information from their records to anyone who asks. This has become a "normal and regular" conduct of government agencies. This was exactly what Spokane County staff did in providing both Mr. Roskelley and me with information they had gathered previously in their course of doing business.

Perhaps the most awkward presentation of the information is that staff writes their specific responses to the questions and references specific data in those responses. Staff could have simply provided the base data and had both of us glean information from it. Instead, they chose to respond to the questions in the same manner as if a citizen had e-mailed them questions. While neither Mr. Roskelley nor I requested any specific format for the information, both of us received the exact same information in the exact same format.

It seems there are two basic questions to consider.

First, did county staff do anything "extraordinary" in compiling the data? I believe the answer is clearly "No". Mr. Roskelley's complaint provides at least two such examples. One is the information provided by Jacob to the City of Spokane Valley employee. Clearly, this third person is not a candidate for office and was receiving information that NLFCZD staff had provided to Advisory Board Members. Second, in the information provided by Jane Clark to John Roskelley, the information is labeled as from two presentations made in 2010, nearly two years prior to Mr. Roskelley's complaint. A third example would be Ms. Clark's continued e-mails to Mr. Roskelley attempting to provide additional information regarding the NLFCZD.

Second, did county staff make any differentiation in the material they provided one person versus another (Roskelley and myself) when both of us made similar requests. The answer is clearly "No". Ms. Clark provided the exact same information in the exact same format to both of us on the same day. There is clear evidence of this. Mr. Roskelley not only states that he

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had read through the information provided by Ms. Clark prior to the forum, he holds "his" copy in the air to demonstrate that he has it.

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PUBLIC DISCLOSURE COMMISSION

I hope this adequately responds to the issues raised in Mr. Roskelley's complaint and that you find that his complaint is without merit. I recognize that complaints of alleged PDC violations escalate during a campaign cycle. I simply find this one somewhat humorous knowing that the complainant received the exact same information (and was supposedly more than appropriate), yet attempts to claim my receipt of the same information was inappropriate.

Please let me know if I can answer any other questions, or provide you with any additional information. I will be out of town on County business at the beginning of the week, but can be reached through my office, or by text on my cell phone at (509) 220-2200.

Sincerely,

Todd Mielke
Spokane County Commissioner
(509) 477-2265

Telephone interview of Todd Mielke

PDC Case No. 13-099

Telephone interview conducted February 7, 2014, at PDC office

The following are excerpts from the telephone interview conducted of Todd Mielke:

Mr. Mielke stated that he served as a Spokane County Commissioner since November of 2004. He stated that for Spokane County Commissioner elections, the candidates run by district for the primary election, and county-wide for the general election. He stated that Newman Lake is in his County Commissioner district for the primary election.

Mr. Mielke stated that the Newman Lake Flood Control Zone District (NLFCZD) was created by Spokane County several decades ago and its primary purpose is flood control, with a secondary purpose being water quality. He stated that at certain times of the year, Newman Lake would over-flow and a number of properties at one end of the lake would flood.

He stated that current property owners are assessed property taxes based on a complicated assessment structure where parcels are categorized based on the derived benefit. He stated its basically a two-tiered assessment structure based on the parcels categorization, the flood control benefit derived, and how the parcel affects water quality (i.e. – lakefront homes vs. homes not on the lake; agricultural vs. residential; recreational purposes; etc..). He stated this methodology is different from typical water quality-type assessments conducted by the Department of Ecology, for example.

Majority of parcel owners are not assessed any fees-

any adjustments to the assessed fees are difficult to since it requires a majority vote of the property owners within the NLFCZD.

He stated that when the majority of the property owners are currently paying nothing, it is difficult to persuade them to start paying anything.

Mr. Mielke stated there is a lot of overlap between NLPOA and NLFCZD, and that NLPOA is comprised primarily of waterfront homes and secondary lots, where the NLFCZD would be the larger of the two entities. He estimated that NLPOA has about 200 members or home owners.

Mr. Mielke stated that he had participated in at least one meeting of the NLPOA where he provided information as an incumbent Spokane County Commissioner, and he also had been on one tour of the NLFCZD. He stated the Newman Lake issue was annually discussed at Spokane County Commissioner's meetings (including staff presentations) when it came to adopt the budget for NLFCZD, and the assessment schedule issue was discussed at the same time. He stated that he had not participated in a NLPOA sponsored debate for any of his prior elections.

Mr. Mielke stated that as a candidate, he has participated in a number of candidate forums or debates over the years, and the formats have differed greatly. He stated at the Newman Lake debate, there was a facilitator/moderator (opening/closing statements; alternated questions asked first; he did not know the order of questions).

Mr. Mielke stated that Staci Lehman was the President of NLPOA in 2012, and she is also a staff member of the Spokane Regional Transportation Council (SRTC), which is a separate quasi-governmental agency from Spokane County that is housed in a building owned by the City of Spokane. (NOTE – staff reviewed the SRTC website which indicated that Ms. Lehman is the Public Education/Information Coordinator; ADA Coordinator; and Title VI Coordinator for SRTC and her contact # is 509-343-6387).

He stated that as an incumbent Spokane County Commissioner, he sees and interacts with Ms. Lehman as an SRTC representative outside of her capacity as President of NLPOA.

Mr. Mielke stated that he believed Ms. Lehman's initial contact concerning the debate was an email to his campaign website, and they may have spoken briefly on his way in/out of a meeting confirming that he received the email invitation to the debate.

Concerning the June 4, 2012, email from Ms. Lehman to Mr. Mielke and John Roskelly in which she attached the "Final Newman Lake Debate Questions", Mr. Mielke stated that its possible she sent the email to his Spokane County email address. He stated that Ms. Lehman would have had both this campaign email address and his Spokane County email address. When asked about the email being cc'd to nvoermans@spokanecounty.org, he stated Ms. Voermans is the staff person that handles his scheduling.

Mr. Mielke noted that over the last three years, he was receiving more "political-related emails" being sent to his Spokane County email address, including from legislator's with legislative updates and their respective campaigns concerning fundraisers, etc.... He stated he would not surprise him to have received this email at multiple email addresses.

Mr. Mielke stated that as an incumbent County Commissioner, he has never filled out a public records request form when requesting information from the departments of Spokane County government, and he did not do so in this instance. He stated that his normal practice for requesting records included going to the counter at the Spokane County Treasurer's, Assessor's Office, or whatever office and wait his turn in line same as other taxpayer's and inform the staff person this is the information I am looking for and what direction do I need to go.

Mr. Mielke stated that when he initially requested the information, it had went through another staff person in the Spokane County Engineer's Office perhaps Marianne ? and that he likely had asked her in passing in between meetings if he could obtain copies of her prior Newman Lake presentations she made to the Board of Spokane County Commissioners.

Mr. Mielke stated that Ms. Clark was handling his request and contacted him by telephone stating "...there is a lot of information here...what specifically are you looking for..." He stated that he was responding to specific questions about the NLFCZD, and Ms. Clark stated she could refine her search if he shared the questions with her. He stated after the conversation, he either emailed her the debate questions from his personal email address or delivered them in person in whatever format he had received them from Ms. Lehman.

Mr. Mielke stated that when he received the information from Ms. Clark, he reviewed the information to refresh his memory. When he participated in the debate (as anyone that has seen him speak would know) he provided additional information about Newman Lake that he had accumulated as an eight-year incumbent Spokane County Commissioner. He pulled information from Spokane County staff presentations concerning the annual budget for NLFCZD, information he received from the Newman Lake tour and NLPOA meeting he had attended, from his opinions concerning flood control districts in general and their assessment process, and from the information Ms. Clark had provided. He reiterated that the materials provided by Ms. Clark was merely reference materials, and that he does read from prepared notes or materials.

Mr. Mielke stated that he used some of the information received from Ms. Clark as part of his official duties as an incumbent County Commissioner, and he estimated the Board of County Commissioners touch on two or three Newman Lakes issues every year. He stated that in the past, Spokane County Commissioners had requested or been provided with information the Engineer's Office concerning Newman Lake after making staff presentations about the NLFCZD budget, and the Newman Lake alum treatment and Hyplimnetic Aeration system, to name a few issues.

Mr. Mielke stated that at no time did he ask Ms. Clark or anyone in the Engineer's Officer to create any new document or information, but it was related to information to previous staff presentations.

Mr. Mielke stated that he is pretty sure that Mr. Roskelley requested the information informally, and did not have to fill out a public records request. He stated Mr. Roskelley is a former Spokane County Commissioner (from at least 1996 to 2004), and his allegation that Mr. Mielke somehow benefitted from the "same debate information" which was provided to both candidates by Ms. Clark is not accurate.

in your answer or just what staff had provided you.

He stated that Ms. Clark did not mention to him about the need to file a public records request for the information, and he did not believe Mr. Roskelly completed one either.

Had you requested information concerning either Newman Lake or the NLFCZD from Spokane County staff members in the past?

materials found on the computer.

Kurt Young

From: Clark, Jane [JaneC@spokanecounty.org]
Sent: Friday, March 07, 2014 3:25 PM
To: Kurt Young
Subject: RE: Todd Mielke Complaint: PDC Case No. 13-099
Attachments: NLFCZD Staff Responsibilities _4_.pdf

Good Afternoon Mr. Young,

Thank you for the information. Please see my responses to your questions below in blue text.

Please let me know if you have any further questions.

Respectfully,
- Jane

*Jane Clark, PE
Environmental Programs Engineer
Spokane County Engineers
1026 W. Broadway Ave.
Spokane, WA 99260
Phone: 509-477-7431 | Fax: 509-477-7478
janec@spokanecounty.org*

From: Kurt Young [mailto:kurt.young@pdc.wa.gov]
Sent: Thursday, February 27, 2014 4:32 PM
To: Clark, Jane
Subject: Todd Mielke Complaint: PDC Case No. 13-099

Ms. Clark,

I am a Compliance Officer with the Public Disclosure Commission (PDC). This email is a follow-up to the voice message I left for you on February 13, 2014, concerning a complaint filed by John Roskelley against Todd Mielke, an incumbent Spokane County Commissioner in PDC Case No. 13-099.

Specifically, Mr. Roskelley alleged that Mr. Mielke violated RCW 42.17A.555 by using Spokane County staff and facilities to request information from Spokane County employees in the Engineer's Office concerning a candidate debate questionnaire from the Newman Lake Property Owners Association, that assisted his 2012 campaign for re-election. I have attached a copy of Mr. Roskelley's complaint, and copy of the June 7, 2012 email from you to Mr. Roskelley with attachments for you to review.

Please respond to the following questions **by March 7, 2014:**

- Please describe the duties/oversight/responsibilities of the Spokane County Engineer's Office employees concerning the Newman Lake Flood Control Zone District (NLFCZD).
The NLFCZD was formed under RCW 86.15, Flood Control Zone Districts. The Spokane County Board of County Commissioners are ex-officio, by virtue of their office, supervisors of the NLFCZD. Also per the RCW, the Spokane County Engineer administers the NLFCZD. There are three primary employees that work part time for the NLFCZD. The Newman Lake Engineer which is myself and I am part time at 2.75

months out of the year. Karen Kruger who is the Newman Lake Technician who spends 6.5 months out of the year on Newman Lake activities, and Dean Franklin who spends approximately 420 hours a year doing maintenance and monitoring out at the lake. A breakdown of staff responsibilities is attached.

The NLFCZD staff maintains and operates the flood control facilities to manage the lake level, maintains and operates the aeration and alum injection systems, works to control the Eurasian water milfoil infestation with periodic surveys and treatments as required, answers landowners and the public's questions and concerns regarding NLFCZD matters as well as prepares the budget and pays bills, and prepares reports and obtains permits for specific work.

- Does the Spokane County Engineer's Office receive public requests for information about the NLFCZD, and what is the process? Please summarize the number of requests, the type of information provided, is there a specific form, and whether the request was made in-person, by telephone or email.
The Engineer's Office receives public requests for information and documents about the NLFCZD. NLFCZD staff receives numerous phone calls and/or e-mails inquiring about the various activities at the lake and typically responds within a day, a week or maybe two depending on the information requested and the workload at the time.
- Concerning the Newman Lake questions, did Mr. Mielke contact you directly about the information he was requesting?
No, I received a phone call from Mr. Mielke's executive assistant, Nancy Voermans, which was followed up by an e-mail of the questions by Ms. Voermans.
- When Mr. Mielke requested the information concerning NLFCZD, was it the same manner as for any other citizen or requestor, or did he receive any preferential treatment in receiving the information?
It was in the same manner that it would be for any other citizen requesting information.
- Did he file a public records request for the information?
Mr. Mielke did not file a public records request for the information.
- Mr. Mielke indicated you asked him to share the specific questions being posed with you, did he forward the questions to you in an email, or hand-deliver the questions?
I received the questions in an e-mail from his executive assistant Nancy Voermans.
- If by email, do you recall if the questions were sent from Mr. Mielke using his Spokane County email address and computer or from his personal or campaign email address?
I received the questions in an e-mail from his executive assistant Nancy Voermans on the Spokane County e-mail system.
- Concerning Mr. Roskelley's request for information concerning NLFCZD, did he contact you directly, someone else in the office, or send an email?
I received a phone call from Mr. Roskelley. I am unsure if Mr. Roskelley called me directly or if he called the main Engineering and Roads reception line and got transferred to me since he was inquiring about Newman Lake.

- Did Mr. Roskelley file a public records request for the information?

Mr. Roskelley did not file a public records request for the information.

- After speaking with Mr. Roskelley, Mr. Mielke stated you contacted him and informed him about his request for information. Please detail your conversation with Mr. Mielke.

I don't remember what I said to Mr. Mielke. I believe I just informed him that Mr. Roskelley called asking for information as well and that I shared the responses to the questions with him.

- Was the information provided to Mr. Roskelley the same as provided to Mr. Mielke?

I provided Mr. Roskelley documentation/notes regarding the funding options that have been explored and discussed for Newman Lake as well as the questions that I provided to Mr. Mielke. I sent this additional information to Mr. Roskelley as he was very interested in the funding options.

- When responding to the questions, staff noted you only provided information for seven of the 11 questions. Please explain.

I only provided information for six of the questions as information was only requested for those six questions.

- When you provided the NLFCZD information, did you have to research the questions prior to responding, or was the information already available from prior staff research and presentations in some type of document?

Almost all of the information was available as discussions and meeting notes were already prepared.

- Did you provide any additional information as part of the answers?

I provided Mr. Roskelley documentation/notes regarding the funding options that have been explored and discussed for Newman Lake as well as the responses to the questions that I provided to Mr. Mielke.

Thanks for your cooperation and attention to this matter. Please let me know if you have any questions. I am out of the office this Friday.

Sincerely,

Kurt Young
PDC Compliance Officer
(360) 664-8854 (Direct Line)

NLFCZD Staff Responsibilities Breakdown

Newman Lake Engineer - Jane Clark (2.75 months)

- Prepares District budget (20%)
- Calculates Alum injection rates,
- Prepares the Alum NPDES monthly DMR Report (15%)
- Design and management of District maintenance projects (15%)
- Coordinates alum deliveries, Aerator and Alum maintenance/monitoring, and with WSU for WQ monitoring (10%)
- Pays bills and tracks expenses (10%)
- Assists with milfoil surveys (10%)
- Prepares contracts/modifications each year (5%)
- Work with the Advisory Board on District issues (5%)
- Prepares milfoil payment requests (3%)
- Maintains lake level database (3%)
- Collects inlet and lake level data (2%)
- Completes watershed snow survey, performs dike and facilities inspection yearly (2%)

Newman Lake Technician – Karen Kruger (6.5 months)

- Coordinates surveys, prepares maps, distributes public notices/mailings, prepares annual/final reports, prepares and submits grant and permit applications, and supervises applicator for milfoil eradication project (30%)
- Works with the Advisory Board, NLPOA, and TMDL group on District issues, responds to landowner inquiries, District-wide e-mail communications, coordinates watershed management implementation including shoreline permit review and assistance, Forest Practice Application review and comments, watershed tours, etc. (25%)
- Prepares and reviews District Assessment Roll (15%)
- Prepares, edits and distributes NLFCZD Newsletter (10%)
- Prepares annual reports for Alum NPDES permit, and Annual Facilities Inspection Report (8%)
- Prepares contracts/modifications each year (3%)
- Prepares Advisory Board meeting minutes (2%)
- Coordinates surveys and distributes public notices for facilities noxious weed eradication (2%)
- Collects inlet and lake level data, including flow measurements (2%)
- Completes watershed snow survey, performs dike and facilities inspection yearly (2%)
- Coordinates volunteer monitoring training and reporting (1%)

FC/WQ Technician- Dean Franklin (2.5 Months)

- Opens and closes the water control gates
- Collects inlet and lake level data
- Performs routine cleaning and maintenance
- Inspects equipment in aerator building daily
- Coordinates with alum deliveries

Other Assistance

- Hauls boat to/from lake and in for maintenance when needed
- Minor facility maintenance by County crews
- Provides oversight/design review
- Assists in lake dike and facility inspections

Kurt Young

From: Clark, Jane [JaneC@spokanecounty.org]
Sent: Wednesday, March 19, 2014 9:47 AM
To: Kurt Young
Subject: RE: PDC Case No. 13-099: Todd Mielke Complaint
Attachments: FW: ; FW:

Good Morning Mr. Young,

Please see my responses to your questions below in blue text. Please let me know if you have any additional questions.

Respectfully,
- Jane

*Jane Clark, PE
Environmental Programs Engineer
Spokane County Engineers
1026 W. Broadway Ave.
Spokane, WA 99260
Phone: 509-477-7431 | Fax: 509-477-7478
janec@spokanecounty.org*

From: Kurt Young [<mailto:kurt.young@pdc.wa.gov>]
Sent: Tuesday, March 18, 2014 6:42 PM
To: Clark, Jane
Subject: PDC Case No. 13-099: Todd Mielke Complaint

Ms. Clark,

Thanks for the voice message this morning.

- Did you send Commissioner Mielke the same packet of information that you sent to Mr. Roskelley, or did you simply respond to the questions he was asking? Please explain.
I responded to Commissioner Mielke via Ms. Voermans with just the questions he requested assistance with (the circled questions).
- Did either Mr. Roskelley or Commissioner Mielke inform you that the information being requested was for a Newman Lake candidate debate?
I don't recall if either Mr. Roskelley or Commissioner Mielke informed me that it was for a candidate debate or not. However the title of the attached questions from Ms. Voermans did say "County Commissioner Debate Questions". I did know the Newman Lake Property Owners Association was trying to get both Mr. Roskelley and Commissioner Mielke together at their annual summer meeting.
- Do you have a copy of Ms. Voermans email of the questions being asked on behalf of Mr. Mielke? Please provide me a copy of the email.

I have a copy of both e-mails from Ms. Voermans with the questions circled. Included with this e-mail are the two attachments.

Thank you for your attention and cooperation concerning this matter. Let me know if you have any questions.

Sincerely,

Kurt Young
PDC Compliance Officer

Kurt Young

From: Voermans, Nancy [NVoermans@spokanecounty.org]
Sent: Monday, June 04, 2012 3:01 PM
To: Clark, Jane
Subject: FW:
Attachments: Untitled.PDF - Adobe Acrobat.pdf

Hi Jane:

Here are the questions.

Thanks for your help.

Nancy

From: Vasquez, Ginna
Sent: Monday, June 04, 2012 2:58 PM
To: Voermans, Nancy
Subject:

County Commissioner Debate Questions

- What would you do as Commissioner to more actively engage the Newman Lake Flood Control Zone District Advisory Committee? Currently, the Advisory Committee makes recommendations that appear to be disregarded by County Staff often.

IS THIS INFO
RELEVANT?

- The current Flood Control Reserve Amount of \$57,452 is no where near the amount needed to repair the dike and the Water Quality Reserve amount of \$37,310 could be depleted by the next equipment failure. Thirty three percent of the current NLFCZD budget is spent on County staff costs with less than ½% being added to Flood Control or Water Quality reserves. Would you support capping staff costs to 25% of the total district funding and directing the savings toward building up the reserve accounts? If this was done this year it would direct \$10,000 into each reserve fund.
- Would you support forming a Local Improvement District for milfoil where lake residents could pay to have milfoil treated in front of their property, much like a Road Improvement District to pave roads or install sidewalks?
- Would you support limiting the size of boat displacements on the lake due to the large amount of erosion wake boarding boats are causing to the shoreline, docks and other structures?
- Most Newman Lake property owners pay a uniform assessment to support the flood control zone district. Due to a loophole in the Flood Control Zone District law, homeowners in the Witherspoon subdivision pay much lower assessments than other lakeshore property owners. Recently, the Witherspoon subdivision homeowners have been asked to voluntarily pay a larger amount but none have agreed to do so. Would you support introducing a bill in the legislature to change the law so that all lake shore property owners pay the same assessment?
- Driveway runoff and erosion are a major problem at Newman, with heavy rains washing mud and rocks onto the main roads from resident's driveways. County crews end up cleaning up this mess, at the tax payer's expense. What could be done to make homeowners financially responsible for cleanup in these cases?

Kurt Young

From: Voermans, Nancy [NVoermans@spokanecounty.org]
Sent: Wednesday, June 06, 2012 9:38 AM
To: Clark, Jane
Subject: FW:
Attachments: Untitled.PDF - Adobe Acrobat.pdf

Hi Jane:

The 2 new questions are circled.

Thank you for your help.

Nancy

From: Vasquez, Ginna
Sent: Wednesday, June 06, 2012 9:36 AM
To: Voermans, Nancy
Subject:

County Commissioner Debate Questions

- What would you do as Commissioner to more actively engage the Newman Lake Flood Control Zone District Advisory Committee? Currently, the Advisory Committee makes recommendations that appear to be disregarded by County Staff often.
- The current Flood Control Reserve Amount of \$57,452 is no where near the amount needed to repair the dike and the Water Quality Reserve amount of \$37,310 could be depleted by the next equipment failure. Thirty three percent of the current NLFCZD budget is spent on County staff costs with less than ½% being added to Flood Control or Water Quality reserves. Would you support capping staff costs to 25% of the total district funding and directing the savings toward building up the reserve accounts? If this was done this year it would direct \$10,000 into each reserve fund.
- Would you support forming a Local Improvement District for milfoil where lake residents could pay to have milfoil treated in front of their property, much like a Road Improvement District to pave roads or install sidewalks?
- Would you support limiting the size of boat displacements on the lake due to the large amount of erosion wake boarding boats are causing to the shoreline, docks and other structures?
- **Another option to prevent or reduce shoreline erosion and damage to docks and other structures would be to lower the lake level from current levels by between two and four inches by July 4 each year. There was discussion with County staff regarding doing this last year but it wasn't followed through on. Would you support a drop in lake levels for this purpose?**
- Most Newman Lake property owners pay a uniform assessment to support the flood control zone district. Due to a loophole in the Flood Control Zone District law, homeowners in the Witherspoon subdivision pay much lower assessments than other lakeshore property owners. Recently, the Witherspoon subdivision homeowners have been asked to voluntarily pay a larger amount but none have agreed to do so. **Would you support introducing a bill in the legislature to change the law so that all lake shore property owners pay the same assessment?**
- Driveway runoff and erosion are a major problem at Newman, with heavy rains washing mud and rocks onto the main roads from resident's driveways.

County crews end up cleaning up this mess, at the tax payer's expense. What could be done to make homeowners financially responsible for cleanup in these cases?

- According to the Spokesman-Review, tiger mussels were found in 3 boats entering the state of Idaho in 2009. In 2011, there were 25 and already this year they have found mussels in 41 boats. What steps would you take to protect the lakes of Spokane county from the infestation of this invasive species that could destroy them?

⑥ • **A few people on the lake have chosen to pollute the lake by discarding their old docks at the southeast end. Would you support cleaning-up this lake hazard by having the county participate and by donating man-power and equipment to the effort ?**

- **What will you do to keep the lakes, rivers and streams of Spokane County clean?**
- **What will you do to preserve the open spaces in our county that make it a nice place to live?**

Kurt Young

From: Staci L. <stacilehman@hotmail.com>
Sent: Friday, November 14, 2014 10:57 AM
To: Kurt Young
Subject: FW: Newman Lake Property Owners Association Meeting
Attachments: flyer2.pdf

Hi Kurt,

I just found this in my email from May 29, 2012.

Staci Lehman

From: stacilehman@hotmail.com
To: tmielke@spokanecounty.org
CC: nvoermans@spokanecounty.org
Subject: Newman Lake Property Owners Association Meeting
Date: Tue, 29 May 2012 14:26:28 -0700

Good afternoon Commissioner Mielke,

Attached to this email are the questions that have been submitted to me to date for yourself and John Roskelley to answer at the Newman Lake Property Owner Association meeting on June 7. I have been told to expect a couple more questions, so I will submit those to you in a few days, but wanted to give you a starting point as some of these questions may need a little research.

We have lined up Dr. Georgie Ann Weatherby of Gonzaga University to moderate the debate. She has done many debates in the community on a variety of political topics/offices so we feel she will be well suited for this type of event. At this point, Ms. Weatherby has suggested that she will introduce yourself and Mr. Roskelley, then you will each be given about five minutes to talk about yourself and whatever message you would like to share before she begins asking questions. We plan to allow rebuttals and will allow a few minutes at the end for closing remarks from yourself and Mr. Roskelley.

Also, the Property Owners Association discussed the option of alerting the media to this event and decided not to. You are free to do so yourself though if you think the larger public could benefit from knowledge of this debate.

Thank you again for agreeing to participate in this event, we appreciate your openness in meeting with a smaller group like ours.

Staci Lehman
President
Newman Lake Property Owners Association

Thank you again for agreeing to participate in this event, we appreciate your openness in meeting with a smaller group like ours.

Staci Lehman
President
Newman Lake Property Owners Association

BRUNNEN

Kurt Young

From: Staci L. <stacilehman@hotmail.com>
Sent: Friday, November 14, 2014 10:58 AM
To: Kurt Young
Subject: FW: Newman Lake Property Owners Association Meeting
Attachments: County Commissioner Debate Questions.docx

And I found this too. Apparently I followed the first email I sent you with this one.

Staci

From: stacilehman@hotmail.com
To: tmielke@spokanecounty.org
CC: nvoermans@spokanecounty.org
Subject: FW: Newman Lake Property Owners Association Meeting
Date: Tue, 29 May 2012 14:27:46 -0700

I apologize. The attachment I just sent was the meeting flyer, not the questions I intended to send. They are attached this time. Thanks again.

Staci

From: stacilehman@hotmail.com
To: tmielke@spokanecounty.org
CC: nvoermans@spokanecounty.org
Subject: Newman Lake Property Owners Association Meeting
Date: Tue, 29 May 2012 14:26:28 -0700

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Thank you again for agreeing to participate in this event, we appreciate your openness in meeting with a smaller group like ours.

Staci Lehman
President
Newman Lake Property Owners Association

Kurt Young

From: Voermans, Nancy [NVoermans@spokanecounty.org]
Sent: Friday, June 06, 2014 4:34 PM
To: Kurt Young
Subject: RE: Todd Mielke: PDC Case No. 13-099

Mr. Young;

The following is my recollection of events and conversations that occurred June 2012 in regard to the "Newman Lake Debate".

- On or around June 4, 2012, did you receive an email from Mr. Mielke or from Staci Lehman concerning Newman Lake debate questions? Please explain.
Yes, I was a copied recipient.
- Did Mr. Mielke speak with you about the Newman Lake information he was requesting?
Yes.
- Did you discuss the debate? Please indicate what was discussed.
I do not remember discussing the debate.
- Did you discuss why he was only requesting information for five of the debate questions?
Not to my recollection.
- When you sent the email to Ms. Clark requesting information about the debate questions, did you contact her prior to sending the email? What did you say to her?
I do not recollect the sequence of events or a conversation that happened two years ago.
- A second email exchange between Ms. Clark and yourself appears to have occurred on June 6, 2012, concerning two additional debate questions. Please explain your discussions with Mr. Mielke concerning the second request and with Ms. Clark as well.
I do not recall discussions with Mr. Mielke and Ms. Clark.
- Finally, PDC staff would like to request copies of your emails exchanges with Mr. Mielke concerning the Newman Lake debate questions.
**To the best of my knowledge, there are no e-mail exchanges between myself and Mr. Mielke regarding the Newman Lake debate questions; however, on Monday, June 9, 2014, I will contact our Information Services Department and ask them to do a search.
If any e-mail exchanges are found, I will send them to your attention as a supplement to my responses.**

Thank you.

Nancy Voermans

From: Kurt Young [mailto:kurt.young@pdc.wa.gov]
Sent: Friday, May 30, 2014 3:18 PM
To: Voermans, Nancy
Subject: Todd Mielke: PDC Case No. 13-099

Ms. Voermans,

I am a Compliance Officer with the Public Disclosure Commission (PDC).

This email is concerning a 2012 complaint filed by John Roskelley against Todd Mielke, an incumbent Spokane County Commissioner in PDC Case No. 13-099. Specifically, Mr. Roskelley alleged that Mr. Mielke violated RCW 42.17A.555 by using Spokane County staff and facilities to request information from Spokane County employees in the Engineer's Office concerning a candidate debate questionnaire from the Newman Lake Property Owners Association, that assisted his 2012 campaign for re-election.

I have already spoken to and exchanged email with Ms. Clark, and at the request of PDC staff, she provided copies of the her email exchanges with you concerning the Newman Lake Debate questions. In order to assist our investigation, PDC staff would like to you to respond to the following questions or issues:

- On or around June 4, 2012, did you receive an email from Mr. Mielke or from Staci Lehman concerning Newman Lake debate questions? Please explain.
- Did Mr. Mielke speak with you about the Newman Lake information he was requesting?
- Did you discuss the debate? Please indicate what was discussed.
- Did you discuss why he was only requesting information for five of the debate questions?
- When you sent the email to Ms. Clark requesting information about the debate questions, did you contact her prior to sending the email? What did you say to her?
- A second email exchange between Ms. Clark and yourself appears to have occurred on June 6, 2012, concerning two additional debate questions. Please explain your discussions with Mr. Mielke concerning the second request and with Ms. Clark as well.

Finally, PDC staff would like to request copies of your emails exchanges with Mr. Mielke concerning the Newman Lake debate questions. Please respond to the questions above and provide the email copies **by June 5, 2014.**

Thanks for your cooperation and attention to this matter. Please let me know if you have any questions. I am out of the office after 3:30 pm this afternoon.

Sincerely,

Kurt Young
PDC Compliance Officer
(360) 664-8854 (Direct Line)

**Declaration of
Nancy Voermans**

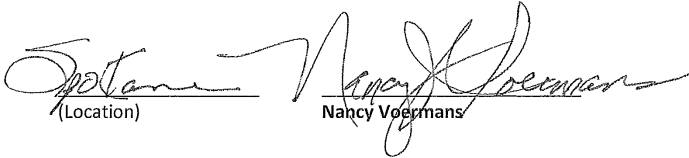
**In the Matter of Todd Mielke
PDC Case No. 3-099**

I, Nancy Voermans, declare under the penalty of the laws of the State of Washington that the following statements are true and correct to the best of my knowledge and belief:

- (1) I am above the age of 18 and competent to testify to the matters stated herein, which are based on my personal knowledge and which would be admissible as evidence at the time of the hearing.
- (2) I am the Executive Assistant of Spokane County Commissioner Todd Mielke. I have worked in the County Commissioners' office throughout my 42-year career with Spokane County and have served in this or a similar capacity for several county commissioners prior to Commissioner Mielke. I have held my current position since Commissioner Mielke's election to the position of Spokane County Commissioner, District 1, in November of 2004.
- (3) In approximately April of 2012, I was contacted by phone by Staci Lehman, President of the Newman Lake Homeowners' Association, who inquired whether Commissioner Mielke could be available to speak to the Newman Lake Homeowners' Association at their annual meeting. I do not recall any mention in the initial contacts by Ms. Lehman that this function was to be campaign related.
- (4) I knew Staci Lehman professionally prior to this event. She works for the Spokane Regional Transportation Council, an organization on which Commissioner Mielke has been a board member since being elected. I had received SRTC correspondence from Ms. Lehman prior to this event.
- (5) I do not recall Commissioner Mielke ever asking me or directing me to take any action regarding any preparation for this event other than simply listing it on the calendar as I would for any other scheduled appointment so that other county meetings would not be scheduled simultaneously.
- (6) In subsequent e-mails regarding this event, Ms. Lehman made reference to "candidate questions". Commissioner Mielke informed me that he was gathering information from staff regarding the Newman Lake Flood Control District. The Newman Lake Flood Control District is in Commissioner Mielke's district, and the commissioners had held several meetings on the topic during the previous few years.
- (7) Because information regarding the Newman Lake Flood Control District had been freely made available to members of the public who had previously requested it, I believed it was "public information". As such, and knowing that staff (Jane Clark) was assembling information regarding the Newman Lake Flood Control District, I simply forwarded information to Ms. Clark that I believed was relevant to her search.
- (8) This incident occurred more than two and a half years ago, and I am relying on my memory of something that did not seem out of the ordinary at that time. This declaration does recall the events from the approximate time period of April through June of 2012 as I remember them.

10/20/14
(Date)

Spokane
(Location)


Nancy Voermans