

From:  
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To:  
Philip Stutzman, Director of Compliance  
Washington PDC

February 18th, 2010

Phil,

Thank you for the response to my complaint about the Renton Library FAQ and utility mailer. I agree that the mailer and FAQ would be fine if the facts presented were indeed uniformly factual, and objectively balanced.

While I commend the City for retracting its cost information after I presented the facts, I have found additional errors in the costing data . I have verification that the city has no intention to follow the Master Plan should annexation fail. These errors, combined with the fact that the Master Plan will not be followed, are so severe that they give a drastically different impression than voters would get if they had the true information in front of them.

If you could allow me to add additional information, I'd be much obliged. I assure you that this letter is not a mere recitation of previous letters and contains mostly new information.

I've broken my reply into four sections: the first two deal with the Master Plan and if one honestly feels that the City will enact the Master Plan in 2010 or if the Master Plan will not be implemented. The next section deals with other arguments that you not have seen before and the final section is my opinion as to how the City's information should be considered as campaign literature.

## **Section 1: Assume the city has no concrete plans to implement the Master Plan in 2010**

The PDC letter states that, "Even though the Master Plan is not on the ballot, it is reasonable for the City to inform residents of its plans, should the measure not pass." I agree it would be reasonable if that was the plan. However, there is no way that the City can implement the Library Master in 2010. The City Of Renton can't afford to keep the current library system fully funded, so certainly the Library Master Plan is out of reach. In a meeting on the February 17th, City council members and City staff said that there are no plans to move forward with the Master Plan should annexation fail. Even in

the City's literature it states "Currently the City has no plans to make these improvements due to budget constraints."<sup>1</sup>

And lastly, there has not, to the best of my ability to find, been any plan to carry out the Master Plan if the annexation fails. Reading of the City Library Board meeting minutes and City Council meeting minutes shows that there are no plans or preparation underway to implement the Master Plan. Quite the contrary, there are concrete plans to reduce library funding in complete opposition to the Master Plan's idea of greatly increased funding.<sup>2</sup>

For these reasons, putting that impossible information into the chart leads the voter to the wrong conclusion.

That said, let us assume for the sake of argument that the City will implement the Master Plan in 2010:

### **The city overstated the cost of current library funding.**

In the original documentation, the City stated that it costs \$.26 per \$1000 in assessed value to run the library in 2010. When confronted, the City changed its assessment to \$.21 per \$1,000. The City has a pattern of overstating the costs of remaining independent. The fact that the City did not recalculate the costs, but relied on data several years old is telling. It is relatively simple to calculate the costs of running the library using the City of Renton 2010 Budget, and I feel that City had a duty to do so.

When confronted with a request to show where they City's \$.26 rate came from, city staff said that "it was a mistake." This is especially troubling considering that on the same planning paper produced in 2008 that has the City's \$.22 rate for the Master Plan, it has the Library rate a \$.19.

### **The City overstates the cost of the Library Master Plan by double.**

In addition, we have calculated the yearly cost of the Library Master plan and discovered that the City has about doubled the cost estimates.

Our calculations are based off of data in the Library Master Plan itself:<sup>3</sup> - Year One indicates a cost that would require a property tax burden of \$.11 per \$1000 of assessed

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<sup>1</sup> <http://rentonwa.gov/uploadedFiles/Living/CS/LIBRARY/Library%20Annexation%20Revised.pdf?n=1748>

<sup>2</sup> The City of Renton's 2010 Budget presentation indicates about the Renton Library "We will be forced to make reductions in staffing, materials, and other programs." <http://rentonwa.gov/government/default.aspx?id=26591>

<sup>3</sup> Page 41 of the City of Renton's Library Master Plan indicates a year one cost of \$1,138,348 and a year two cost of \$1,318,188. The City's FAQ rate of \$.22 per \$1000 represents a yearly cost of around \$2.5 million. <http://rentonwa.gov/uploadedFiles/Living/CS/LIBRARY/RENTONmasterplan1.pdf>

value. The City claims \$.22 per \$1000 of assessed value. The Library Master Plan includes “a phased implementation plan”<sup>4</sup> ensuring that the costs of the plan are spread out over several years.

In 2008, the City produced a document that attempted to show the costs of operating and maintaining the library with the Master Plan improvements. While their calculation document supports a spending level of \$.22, the document shows an additional 22 new employees when the Master Plan calls for only 8. Removing the surplus employees from the City calculations results in a reduced rate of \$.15 per \$1,000; this is much closer to the Year One rate of \$.11. In addition, the Master Plan cautions that Stage 2 costs are not part of the document: “The costs of additional staff and collection budget are to be determined at that time.”<sup>5</sup>

The only point where the Master Plan document is clear on pricing is during Stage 1, where it would indicate a rate of \$.11 per \$1000 assessed value.

The City has told us that their calculation of \$.22 is for the completed Stage 2 library system. Even if you could come up with factually based costs for five years down the road, the end of Stage 2 calls for a completed 60,000 sq-ft building. That building is about three times larger than the typical library that KCLS builds. If the City honestly feels that 60,000 sq-ft is an appropriate size, then the City should have informed the voters of that incredibly awesome building in its voter pamphlets.

Even more troubling, in our meeting on the 17th, the City has admitted that their \$.22 rate is a “ballpark number” and represents a range of numbers. The also admitted that they made no effort to reevaluate those 2008 numbers with current property tax revenue rates. If they did, they would have seen that the number would have come out to a \$.21 rate.

### **The city understates the cost of KCLS, or alternatively overstates the benefits of KCLS.**

The FAQ make it abundantly clear that there are many benefits to joining KCLS - from increased library hours, to a better selection of books. And yet KCLS has also made it very clear as far back as June 2009<sup>6</sup> that the current rate of \$.42 will lead to a 10-15% reduction of its current services if is not able to lift its own levy rate to \$.50.

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<sup>4</sup> Page 12 of the City of Renton Library Master Plan.

<sup>5</sup> Page 53 of Library Master Plan about Stage 2.

<sup>6</sup> In June of 2009 KCLS stated that “Decreases in non-payroll expenditures would include 15% in materials, 10-11% each in facilities and technology and 8% across the board in other categories.” unless it got the \$.50 rate. <http://www.kcls.org/about/board/2009/063009/PlanningCommittee.pdf>

KCLS information about the resulting Propostion 1 say a “Rejection of this Proposition would lead to 10-15% budget cuts across the organization beginning in 2011” <http://your.kingcounty.gov/elections/contests/measureinfo.aspx?cid=33980&eid=1233>

In the FAQ, the rate should be shown at \$.50 to match the KCLS services the FAQ postulates. Alternatively, the information about the cuts KCLS will have to make if their levy lid lift does not pass need to be included to have a balanced and objective presentation. The City did neither.

**Given the City’s own correction, the correct Master Plan costs and the necessary KCLS funding increase to maintain their own service levels, the chart should be vastly different than what was originally presented to voters.**

Information in Original chart:

	Master Plan	KCLS Decreased Service
Operations	0.26	0.42
Master Plan	0.22	
Buildings	0.17	0.17
Total	0.65	0.59

From this chart, a voter would conclude that “*KCLS is cheaper than the Renton Master Plan.*”

**Corrected Chart:**

	Renton	KCLS Decreased Service	KCLS Full Funding
Operations	0.21	0.42	0.50
Master Plan	0.11		
Building	0.17	0.17	0.17
Total	0.49	0.59	0.67

With this chart, a voter would conclude that, “*The Renton Master Plan is cheaper than KCLS.*”

Given the lack of plans, desire and ability of the City of Renton to implement the Master Plan or the building construction in 2010, an accurate representation of the factual choice voters have for 2010 is as follows:

**Factual Chart:**

	<b>Renton</b>	<b>KCLS Decreased Service</b>	<b>KCLS Full Funding</b>
Operations	0.21	0.42	0.50
Total	0.21	0.42	0.50

This chart would lead a voter to conclude that, *“The current Renton library is significantly cheaper than KCLS.”*

In conclusion, I humbly ask that you reevaluate the chart given to voters as not only factually incorrect, but grossly incorrect in fact and deplorably incorrect as to the impression it gives voters as to their choice for 2010.

## **Section II: Assume the city has concrete plans to implement the Master Plan in 2010**

### **Unbalanced presentation of the benefits of the Master Plan.**

If we were to assume that the City is genuinely planning to invest and implement the Master Plan, then an objective presentation of the facts would have to compare the benefits of both outcomes. Instead the City chose to include the benefits of KCLS only. If any benefits of remaining independent were mentioned, they did not take into account the extra benefits of implementing the Master Plan

The City’s documents prominently mention increased hours, increased budget, and increased items if we annex to KCLS. In all, about 20 positive facts about KCLS are mentioned in the documentation. Between both documents, I find no direct mention of any positive facts of the Master Plan; indeed we are shown the extra cost of the Master Plan but none of the benefits. The City is aware of the benefits of the Master Plan; those benefits are in the Master Plan document itself.

A fair, neutral and impartial document would contain information about the benefits of both systems. Instead the city focused exclusively on the benefits of KCLS.

The following chart shows the improvements that we would receive with KCLS as contained in both City documents. It also shows the Master Plan benefits that I found in both City documents - I couldn’t find any. The third column presents a proposed

balancing fact from the City’s Master Plan document. This chart reveals that the City had, within its own resources, the ability to show both sides in a fair and impartial way.

<b>KCLS Fact in City FAQ or Utility Flyer</b>	<b>Balancing Mater Plan Fact in FAQ or Flyer</b>	<b>Balancing Master Plan Fact from Library Master Plan</b>
“It is the third-busiest public library system in the United States”	None	“Renton’s long history of independence, local pride and control, and responsive customer services tailored to the community.” Page 38
The KCLS collection includes more than four million items.	None	“RPL’s real strength is local history, which KCLS does not collect.” Page 21
“375,000 new items added each year.”	None	“Increased variety of materials in its collection” Page 6 “Provide library materials that respond to the needs of new immigrants and distribute materials developed by community organizations for new immigrants” Page 24
“Services are provided by approximately 1,200 KCLS employee”	None	“Increase staff by eight, providing for additional open hours” Page 41
“The annual KCLS operating budget is more than \$90 million.”	None	“Increase the library’s materials budget by \$250,000 in Year One and \$257,500 in Year Two” Page 53
“Current Renton libraries would be improved with new lighting, furniture, technology and signage.”	None	“Add more public Internet access computers” page 41 “update the look and feel of the library buildings.” page 40

<b>KCLS Fact in City FAQ or Utility Flyer</b>	<b>Balancing Mater Plan Fact in FAQ or Flyer</b>	<b>Balancing Master Plan Fact from Library Master Plan</b>
<p>“Eventually Renton and KCLS would develop and construct replacement facilities for both the Main library downtown and the Highlands branch, to be funded by Renton residents.”</p>	<p>None</p>	<p>“Now that the Benson Hill area ....a library kiosk, a book pick-up/return site, or outreach van services.” Page 41  “a new 60,000 square foot branch (replacing or expanding Highlands)” Page 39</p>
<p>“20 More Library Hours per Week.”</p>	<p>None</p>	<p>“Restore evening and Friday hours at the Highlands branch and add Sunday hours at the main library.” Page 41</p>
<p>“Upgraded workstations, desktop printing, and laptops for checkout to use in the library.”</p>	<p>None</p>	<p>“Add more public Internet access computers to allow all citizens to have access to computer resources regardless of income, education or cultural background.” Page 41</p>
<p>“Library Collection. Enhanced materials in print and non-print, as well as access to the full KCLS collection and online resources, an extensive downloadable collection of ebooks, audio books, videos and music (including iPod compatible content).”</p>	<p>None</p>	<p>“RPL’s real strength is local history, which KCLS does not collect.” Page 2  “Increase collection size and variety to address needs of a more diverse public.” Page 41</p>
<p>“Outreach Services. Schools, daycare sites, community centers, senior facilities and homebound patrons would be served by the KCLS Traveling Library, ABC Express mobile vans, and Techlab mobile computer lab.”</p>	<p>None</p>	<p>“Provide outreach to schools, teens, seniors and immigrants.” Page 41  “Purchase van for library outreach services.” Page 41</p>

<b>KCLS Fact in City FAQ or Utility Flyer</b>	<b>Balancing Mater Plan Fact in FAQ or Flyer</b>	<b>Balancing Master Plan Fact from Library Master Plan</b>
<p>“Governance. Renton residents would be eligible for appointment to the KCLS Board of Trustees, the governing body for KCLS.”</p>	<p>None</p>	<p>“The City of Renton and the Renton Public Library Board of Trustees want the Renton Public Library to provide customer focused, high quality, cost effective, and well managed services to Renton residents.” Page 49</p>
<p>“Numerous services and resources aimed at helping students achieve success in school, including “Live Homework Help,” an online service that offers one-on-one assistance available daily; “Study Zones” that offer in-person tutoring; and SAT preparation classes available in libraries and online”</p>	<p>None</p>	<p>“Create a virtual branch with dedicated staff” Page 53  “Create a wider range of computer resources” Page 53</p>
<p>““This Just In” email alert system that notifies patrons of new items in the collection”</p>	<p>None</p>	<p>“Install drive-up book drops at both locations “ Page 53</p>
<p>“Reading incentive programs for preschoolers through teens: Summer Reading Program for preschoolers through age 12; “Read 3, Get One Free” for middle and high school age students; and “Ready, Set, Read” for youngsters and families.”</p>	<p>None</p>	<p>“Increased children’s programs, the addition of teen and adult programming, outreach services” Page 41</p>

## **Section III: Other ancillary arguments and observations**

### **Incomplete and non-timely retraction of incorrect facts and continued distribution of original incorrect facts.**

After being presented with our factual information the City was good enough to retract its costing data via press release. Given the substantial change in the message that the corrected facts represent, and that ballots had been mailed eight days earlier, the City had a duty, if it wanted to maintain a fair election, to broadcast that change in the same way that it sent out its original message.

Unfortunately, the City has not done so. The City communicated the original information in five ways, and in each, the City has either continued to distribute the incorrect facts or has not issued a correction in the same manner as the wrong facts were originally distributed

1. Utility Flyer - the city has not mailed utility customers with corrected information.
2. Libraries - the City did not put corrected information in the flyers that were distributed in the libraries, and still makes available flyers that have the incorrect information. Nor did they communicate the correction to librarians.
3. Channel 21 - the City broadcasted the original information on their captive cable-TV channel when it aired the January 11, 2010 City Council meeting in which a member of City staff gave an oral presentation of the FAQ. They did not correct the information via this medium.
4. Website - the City quickly fixed the website for the FAQ, but did not fix the website that had a copy of the Utility Flyer.
5. Council meeting - The City broadcast the wrong information at a council meeting, but did not broadcast a council meeting with the corrected information.

### **Non investigation of other potentially incorrect facts**

I and others have made the City aware of other material problems with the costing data and with smaller facts as well as with the tone and tenor of the documents. While our complaints were easy to verify, the City has chosen repeatedly to ignore the correct facts or to fail to indicate the speculative nature of their information.

One council member forwarded my concern with the costs of the Library Master Plan on January 1st to the mayors office, and again I brought our reasoning and calculations to the city at council meeting on February 1st<sup>7</sup>. There has been no retraction. The city defended it's costs only by producing a documentation that has speculative numbers prepared by people not employed in estimating or accounting with data that the city can no longer find.

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<sup>7</sup> <http://rentonwa.gov/uploadedFiles/Government/COUNCIL/Minutes/mi020110.pdf?n=4003>

After having a meeting with the city where they indicated that the Master Plan numbers were “ballpark estimates”, the city has still chosen to keep presenting their grossly speculative estimate as a fact.

I have emailed the City with other minor corrections, including the ones that are reiterated in the February 5, 2010 PDC response letter from you to me, which you copied to them. They have had no correction issued. While I don’t expect a retraction, at the least I would have expected the online documents to be updated.

## **Section IV: Logical reason why both documents are campaign literature**

In determining if the City’s documents are campaign literature, it is not necessary to know if implementing the Master Plan is feasible or even desired. Either way, the City has presented outlandishly incorrect facts pertaining to costs, and/or not included fair and objective balancing facts.

### **If the Master Plan will not be followed:**

- The City had the needed information in its own documents (2010 budget, Library Master Plan, public information about KCLS funding needs) to present the correct costs.
- It is simple to find the correct pricing within those documents.
- Given the ease of finding the correct costs, the City’s errors should be considered intentional or least a careless disregard for the facts.
- The City’s literature is campaign literature because it misstates the facts so severely that it gives the impression that KCLS is cheaper, when the reality is that maintaining the status quo is far cheaper.
- A fair and objective document would have correct pricing of the two possible outcomes: status quo or annexation.
- As this document does not have correct pricing, but has grossly and substantially wrong pricing, in addition to adding pricing for a Master Plan that will not be followed in 2010, these documents are not an objective and fair presentation of the facts.

### **If the Master Plan will be followed:**

- The City had information within its own documents to present the benefits of following the Master Plan.
- It is simple to find benefits of following the Master Plan within those documents.
- Given the ease of finding Master Plan benefits within the city’s own documents, the city’s omission of balancing information should be considered intentional or at least a careless disregard for the facts.

- The City’s literature is campaign literature because it does not give equal (or any) focus to the benefits of the Master Plan. It only gives the many benefits of joining KCLS.
- A fair and iobjective document would show the benefits of both sides.
- As these documents have next to no information about the benefits of the Master Plan while giving many substantial benefits of joining KCLS, these documents are not an objective and fair presentation of the facts.

The PDC and Washington state law make a provision that “one jurisdiction-wide objective and fair presentation of the facts per ballot measure is appropriate.”<sup>8</sup>

Given that these documents are not objective, and that substantive facts are incorrect, I ask that the PDC investigate if the City of Renton has illegally sent campaign literature, contrary to Washington State law, and contrary to the spirit of a free and fair election.

In addition, the reckless disregard to the easily verifiable facts in both the cost of Renton’s library and the costs of the Library Master Plan, and the complete lack of balancing facts on the benefits of the Library Master Plan make the documents biased campaign literature. Given that the fair market value of sending the utility flyer is over \$5000, I ask that the PDC investigate if the literature should be considered an “Electioneering Communication” by a government agency.

If the PDC declines to investigate these allegations, could you please give me some guidance:

What level of duty of care would the PDC expect of the author of a fair and objective document, given that the information is readily at hand and easily calculated and given that people rely on this information to make their voting decisions?

What ratio of positive supportive facts should be given to both sides of an issue in a fair and objective document?

An annexation election is typically an either/or situation. At what point would it be appropriate for a “factual and objective” document to be allowed to bring in a ‘third-choice’ even if there are not plans in place to follow that ‘third-choice’?

Lastly: What duty does a government agency have in decimating corrected data once it becomes aware that the data it previously communicated is incorrect, given that the corrected information changes the message materially?

I thank you very much for your time and for your attention. If I could press upon you the urgency of the situation, as the certification of the vote draws near us on February 24th.

Thank you again! -Ben

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<sup>8</sup> 7a of <http://www.pdc.wa.gov/archive/pdf/04-02Revised092806.pdf>