



**City Council
Regular Meeting
April 6, 2026 - 7:00 PM
City Hall Council Chambers**

AGENDA

CALL TO ORDER

LAND ACKNOWLEDGEMENT

We would like to acknowledge the Federally Recognized Muckleshoot Indian Tribe, the ancestral keepers of the land we are gathered on today. We thank them for their immense contributions to our state and local history, culture, economy, and identity as Washingtonians.

PUBLIC PARTICIPATION

- A. The Auburn City Council Meeting scheduled for Monday, April 6, 2026, at 7:00 p.m. will be held in person and virtually.

Virtual Participation Link:

To view the meeting virtually please click the below link, or call into the meeting at the phone number listed below. The link to the Virtual Meeting is:

<https://www.youtube.com/user/watchauburn/live/?nomobile=1>

To listen to the meeting by phone or Zoom, please call the number below or click the link:

Telephone: 253 205 0468

Toll Free: 888 475 4499

Zoom: <https://us06web.zoom.us/j/89353460182>

PLEDGE OF ALLEGIANCE

ROLL CALL

ANNOUNCEMENTS, MAYOR'S PROCLAMATIONS, AND PRESENTATIONS

- A. Arab American Heritage Month
Mayor Backus to proclaim April 2026 as "Arab American Heritage Month" in the City of Auburn
- B. Sexual Assault Awareness Month
Mayor Backus to proclaim April 2026 as "Sexual Assault Awareness Month" in the City of Auburn
- C. Sikh Heritage Month
Mayor Backus to proclaim April 2026 as "Sikh Heritage Month" in the City of Auburn

- D. National Public Safety Telecommunicators Week
Mayor Backus to proclaim April 12 through April 18, 2026, as "National Public Safety Telecommunications Week" in the City of Auburn
- E. Earth Day
Mayor Backus to proclaim April 22, 2026, as "Earth Day" in the City of Auburn
- F. Arbor Day
Mayor Backus to proclaim April 24, 2026, as "Arbor Day" in the City of Auburn
- G. National Therapy Animal Day
Mayor Backus to proclaim April 30, 2026, as "National Therapy Animal Day" in the City of Auburn

APPOINTMENTS

- A. Parks & Recreation Board
City Council to approve the appointments of Adib Altallal and Kelly Murray to the Parks & Recreation Board for a three-year term expiring December 31, 2028

(RECOMMENDED ACTION: Move to approve the appointments of Adib Altallal and Kelly Murray to the Parks & Recreation Board for a three-year term expiring December 31, 2028.)

AGENDA MODIFICATIONS

PUBLIC COMMENT

This is the place on the agenda where the public is invited to speak to the City Council on any issue.

- A. The public can participate in-person or submit written comments in advance.

Participants can submit written comments via mail, fax, or email. All written comments must be received prior to 5:00 p.m. on the day of the scheduled meeting and must be 350 words or less.

Please mail written comments to:
City of Auburn
Attn: Shawn Campbell, City Clerk
25 W Main St
Auburn, WA 98001

Please fax written comments to:
Attn: Shawn Campbell, City Clerk
Fax number: 253-804-3116

Email written comments to: publiccomment@auburnwa.gov

If an individual requires accommodation to allow for remote oral comment because of a difficulty attending a meeting of the governing body, the City requests notice of the need for accommodation by 5:00 p.m. on the day of the scheduled meeting. Participants can request accommodation to be able to provide a remote oral comment by contacting the City Clerk's Office in person, by phone (253) 931-3039, or by email (publiccomment@auburnwa.gov).

CORRESPONDENCE

CONSENT AGENDA

All matters listed on the Consent Agenda are considered by the City Council to be routine and will be enacted by one motion in the form listed.

- A. Minutes from the February 19, 20, and 25, 2026, Special City Council Meetings
- B. Minutes from the March 2, 2026, Regular City Council Meeting
- C. Minutes from the March 9 and 23, 2026, Study Session Meetings
- D. Claims Vouchers (Thomas)
Claims voucher list dated March 11, 2026, which includes voucher numbers 483011 through voucher 483141, in the amount of \$7,506,208.74, fourteen electronic fund transfers in the amount of \$8,440.53, and two wire transfers in the amount of \$1,151,127.25
- E. Claims Vouchers (Thomas)
Claims voucher list dated March 25, 2026, which includes voucher numbers 483142 through voucher 483170 and voucher numbers 483172 through voucher 483264, in the amount of \$6,576,765.09, nine electronic fund transfers in the amount of \$11,956.75, and two wire transfers in the amount of \$835,325.81
- F. Claims Vouchers (Thomas)
Claims voucher number 483171 dated March 25, 2026, in the amount of \$9,429.12
- G. Payroll Vouchers (Thomas)
Payroll check numbers 539795 through 539801 in the amount of \$87,648.84 electronic deposit transmissions in the amount of \$3,055,652.86, also a special payroll for our Teamster Contract, electronic deposit transmission in the amount of \$64,462.63, for a grand total of \$3,207,764.33 for the period covering February 26, 2026, to March 11, 2026
- H. Payroll Vouchers (Thomas)
Payroll check numbers 539802 through 539806 in the amount of \$827,088.40, electronic deposit transmissions in the amount of \$3,127,891.15, for a grand total of \$3,954,979.55 for the period covering March 12, 2026, to March 25, 2026

(RECOMMENDED ACTION: Move to approve the Consent Agenda.)

UNFINISHED BUSINESS

NEW BUSINESS

RESOLUTIONS

- A. Resolution No. 5898 (Gaub)
A Resolution authorizing the Mayor to execute and administer agreements with the Washington State Department of Transportation accepting grant funds from the Federal Highway Administration for two projects: 1) A Street SE Preservation (17th Street SE to 37th Street SE), and 2) 15th St NW Bridge Decks Preservation

(RECOMMENDED ACTION: Move to adopt Resolution No. 5898.)

B. Resolution No. 5902 (Whalen)

A Resolution authorizing the payment of Mayor Nancy Backus' necessary expenses of defense against recall charges

(RECOMMENDED ACTION: Move to adopt Resolution No. 5902.)

MAYOR AND COUNCILMEMBER REPORTS

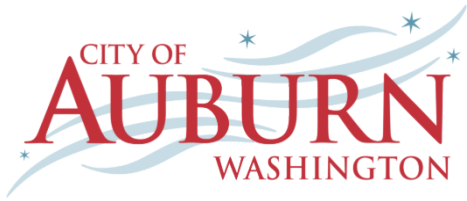
At this time the Mayor and City Council may report on significant items associated with their appointed positions on federal, state, regional and local organizations.

A. From the Council

B. From the Mayor

ADJOURNMENT

Agendas and minutes are available to the public at the City Clerk's Office and on the City website (<http://www.auburnwa.gov>).



AGENDA BILL APPROVAL FORM

Agenda Subject:

Minutes from the February 19, 20, and 25, 2026, Special City Council Meetings

Meeting Date:

April 6, 2026

Department:

City Council

Attachments:

02-19-2025 Special Meeting Minutes, 02-20-2026 Special Meeting Minutes, 02-25-2026 Special Meeting Minutes

Budget Impact:

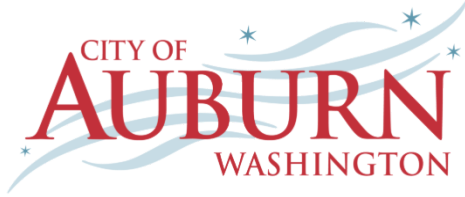
Administrative Recommendation:

Background for Motion:

Background Summary:

Councilmember:

Staff:



**City Council
Special Meeting
February 19, 2026 - 9:00 AM
Muckleshoot Casino Resort
2402 Auburn Way South, Auburn, WA
98002
Prairie Convention Room**

MINUTES

CALL TO ORDER

Mayor Backus called the meeting to order at 9:00 a.m. in the Muckleshoot Casino Resort, 2402 Auburn Way South, Auburn, Prairie Convention Room.

ROLL CALL

Councilmembers present: Deputy Mayor Tracy Taylor, Hanan Amer, Kate Baldwin, Cheryl Rakes, Lisa Stirgus, and Clinton Taylor. Councilmember Brian Lott was excused.

Mayor Nancy Backus and the following staff members present included: Human Services Manager Jody Davison, Director of Human Resources and Risk Management Candis Martinson, Director of Finance Jamie Thomas, City Attorney Jason Whalen, Director of Parks, Arts, and Recreation Julie Krueger, Director of Public Works Ingrid Gaub, Chief of Police Mark Caillier, Director of Innovation and Technology David Travis, Director of Community Development Jason Krum, and City Clerk Shawn Campbell.

2027-2028 BIENNIAL BUDGET LEADERSHIP RETREAT DAY ONE

A. Mayor, Council, and Director Relationship Building

Facilitator Shannon Kelley-Fong with Kelly-Fong Consulting led the Mayor, Council, and Directors in ground rule setting, team-building exercises, collaboration exercises, purpose exercises, and why people serve.

Mayor Backus recessed the meeting for 30 minutes at 12:20 p.m.
Mayor Backus reconvened the meeting at 12:50 p.m.

B. Discussion on Aligning City Vision, Mission, and Goals

Facilitator Kelley-Fong reviewed interview questions and responses, the Core Commitments of Council, and Council's priorities including Safety, Fiscal Sustainability, Community Wellness, and Infrastructure.

C. Discussion of 2027-2028 Biennial Budget Priorities

Council did not discuss the 2027–2028 Biennial Budget Priorities on Day One of the Leadership Retreat.

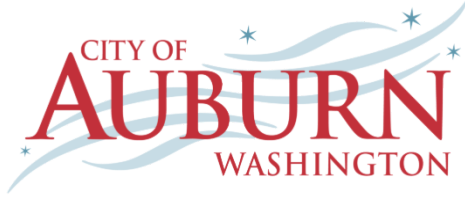
ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned at 2:20 p.m.

APPROVED this 6th day of April 2026.

NANCY BACKUS, MAYOR

Shawn Campbell, City Clerk



**City Council
Special Meeting
February 20, 2026 - 9:00 AM
Muckleshoot Casino Resort
2402 Auburn Way South, Auburn, WA
98002
Prairie Convention Room**

MINUTES

CALL TO ORDER

Mayor Backus called the meeting to order at 9:00 a.m. in the Muckleshoot Casino Resort, 2402 Auburn Way South, Auburn, Prairie Convention Room.

ROLL CALL

Councilmembers present: Deputy Mayor Tracy Taylor, Hanan Amer, Kate Baldwin, Cheryl Rakes, Lisa Stirgus, and Clinton Taylor. Councilmember Brian Lott was excused.

Mayor Nancy Backus and the following staff members present included: Human Services Manager Jody Davison, Director of Human Resources and Risk Management Candis Martinson, Director of Finance Jamie Thomas, City Attorney Jason Whalen, Director of Parks, Arts, and Recreation Julie Krueger, Director of Public Works Ingrid Gaub, Chief of Police Mark Caillier, Director of Innovation and Technology David Travis, Director of Community Development Jason Krum, Financial Planning Manager Frank Downard, and City Clerk Shawn Campbell.

2027-2028 BIENNIAL BUDGET LEADERSHIP RETREAT DAY TWO

A. Mayor, Council, and Director Relationship Building

Facilitator Shannon Kelley-Fong from Kelley-Fong Consulting reviewed the ground rules and led those present in team-building exercises.

B. Discussion on Aligning City Vision, Mission, and Goals

Council did not discuss Aligning City Vision, Mission, and Goals on Day Two of the Leadership Retreat.

C. Discussion of 2027-2028 Biennial Budget Priorities

Director Thomas led those present in a discussion on the 2027–2028 Biennial Budget Priorities, including understanding fund types, General Fund Budget, major revenues and constraints, expenditures and pressures, fund balances and reserve policies, long-range projections, future considerations, and Zero-Based Budgeting.

Mayor Backus recessed the meeting for 30 minutes at 12:00 p.m.
Mayor Backus reconvened the meeting at 12:30 p.m.

Facilitator Shannon Kelley-Fong led those present in identifying and ranking priorities for the next Biennial Budget.

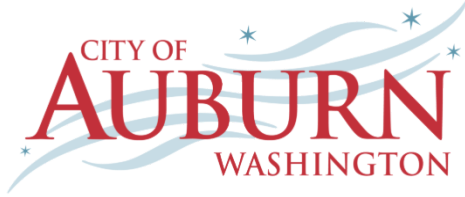
ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned at 2:29 p.m.

APPROVED this 6th day of April 2026.

NANCY BACKUS, MAYOR

Shawn Campbell, City Clerk



**City Council
Special Meeting
February 25, 2026 - 6:00 PM
Muckleshoot Casino Resort
White River, Green River, and Medicine
Convention Rooms
2402 Auburn Way South, Auburn, WA
98002**

MINUTES

CALL TO ORDER

Mayor Backus called the meeting to order at 6:00 p.m. at the Muckleshoot Casino Resort, 2402 Auburn Way South, Auburn, WA 98002, White River, Green River, and Medicine Convention Rooms.

LAND ACKNOWLEDGEMENT

Mayor Backus acknowledged the Federally Recognized Muckleshoot Indian Tribe as the ancestral keepers of the land we are gathered on today.

PUBLIC PARTICIPATION

The Special City Council Meeting was held in person and virtually.

ROLL CALL

Councilmembers present: Deputy Mayor Tracy Taylor, Hanan Amer, Kate Baldwin, Brian Lott, Cheryl Rakes, Lisa Stirgus, and Clinton Taylor.

DISCUSSION ITEMS

A. Mayor Backus' State of the City Address

Maddie McCarthy, Miss Auburn 2026, sang the National Anthem.

Mayor Backus discussed planning for the future, the 2025 atmospheric river flooding event, investing in Auburn's infrastructure, Main Street improvements, the Auburn Avenue Theater and Downtown Park update, Postmark Center for the Arts update, supporting residents with the Auburn Resource Center and various partners, connecting community, Auburn Public Schools update, community engagement, Public Safety update, Municipal Court update, Traffic Safety Plan update, staffing update, and Auburn's resilience.

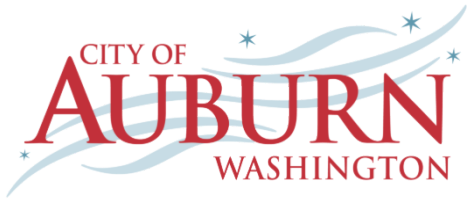
ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned at 7:05 p.m.

APPROVED this 6th day of April 2026.

NANCY BACKUS, MAYOR

Shawn Campbell, City Clerk



AGENDA BILL APPROVAL FORM

Agenda Subject:

Minutes from the March 2, 2026, Regular City Council Meeting

Meeting Date:

April 6, 2026

Department:

City Council

Attachments:

03-02-2026 Meeting Minutes

Budget Impact:

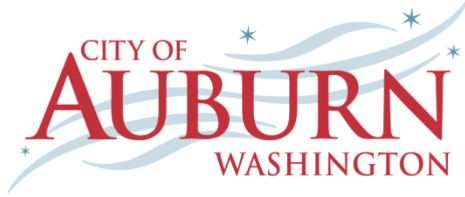
Administrative Recommendation:

Background for Motion:

Background Summary:

Councilmember:

Staff:



**City Council
Regular Meeting
March 2, 2026 - 7:00 PM
City Hall Council Chambers**

MINUTES

CALL TO ORDER

Mayor Backus called the meeting to order at 7:00 p.m. in the Council Chambers of Auburn City Hall, 25 West Main Street.

LAND ACKNOWLEDGEMENT

Mayor Backus acknowledged the Federally Recognized Muckleshoot Indian Tribe as the ancestral keepers of the land we are gathered on today.

PUBLIC PARTICIPATION

The City Council Meeting was held in person and virtually.

PLEDGE OF ALLEGIANCE

Mayor Backus led those in attendance in the Pledge of Allegiance.

ROLL CALL

Councilmembers present: Deputy Mayor Tracy Taylor, Hanan Amer, Brian Lott, Cheryl Rakes, Lisa Stirgus, and Clinton Taylor. Councilmember Kate Baldwin attended the meeting virtually via Zoom.

Mayor Nancy Backus and the following staff members present included: City Attorney Jason Whalen, Director of Public Works Ingrid Gaub, Director of Community Development Jason Krum, Director of Parks, Arts, and Recreation Julie Krueger, and City Clerk Shawn Campbell.

ANNOUNCEMENTS, MAYOR'S PROCLAMATIONS, AND PRESENTATIONS

A. American Red Cross Month

Mayor Backus proclaimed March 2026 as "American Red Cross Month" in the City of Auburn.

Christie Merrill, American Red Cross Community Volunteer Leader, accepted the proclamation on behalf of the American Red Cross and thanked the Mayor and Council for their support and recognition.

AGENDA MODIFICATIONS

There were no modifications to the agenda.

PUBLIC COMMENT

Written Comments:

The City Clerk's Office received written comments from Lora Ferraro, Amanda Hill, Kendall Brown, and Linda Redman which were forwarded to the Mayor and Council prior to the meeting.

In-Person Comments:

Linda Redman, John Pinsker, Sarah Jackson, Amanda Hill, Vicki Bates, and Virginia Haugen provided comments.

CORRESPONDENCE

There was no correspondence for Council to review.

CONSENT AGENDA

- A. Minutes from the February 17, 2026, City Council Meeting
- B. Minutes from the February 23, 2026, Study Session Meeting
- C. Claims Vouchers (Thomas)
Claims voucher list dated February 25, 2026, which includes voucher numbers 482869 through voucher 483010, in the amount of \$1,815,739.11, six electronic fund transfers in the amount of \$6,256.68, and one wire transfer in the amount of \$829,498.05
- D. Payroll Vouchers (Thomas)
Payroll check numbers 539790 through 539794 in the amount of \$841,543.14, electronic deposit transmissions in the amount of \$2,946,791.72, for a grand total of \$3,788,334.86 for the period covering February 12, 2026, to February 25, 2026

Deputy Mayor T. Taylor moved and Councilmember Amer seconded to approve the consent agenda.

MOTION CARRIED UNANIMOUSLY. 7-0

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

There was no new business.

RESOLUTIONS

A. Resolution No. 5890 (Krum)

A Resolution authorizing the duly-appointed administering agency for the South King Housing and Homelessness Partners to execute all documents necessary to enter into agreements for the funding of Affordable Housing Projects, as recommended by the SKHHP Executive Board, utilizing funds contributed by the City to the SKHHP Housing Capital Fund

Councilmember C. Taylor moved and Councilmember Amer seconded to adopt Resolution No. 5890.

MOTION CARRIED UNANIMOUSLY. 7-0

B. Resolution No. 5893 (Gaub)

A Resolution authorizing the Mayor to apply for, and if awarded, accept and administer a grant from the Washington State Department of Transportation relating to Project No. CP2518, Airport T-Hangar Upgrades

Deputy Mayor T. Taylor moved and Councilmember C. Taylor seconded to adopt Resolution No. 5893.

MOTION CARRIED UNANIMOUSLY. 7-0

C. Resolution No. 5896 (Krueger)

A Resolution authorizing the Mayor, or designee, to execute an agreement between the City of Auburn and the Department of Social and Health Services for grant fund acceptance

Councilmember Rakes moved and Councilmember Stirgus seconded to adopt Resolution No. 5896.

MOTION CARRIED UNANIMOUSLY. 7-0

MAYOR AND COUNCILMEMBER REPORTS

A. From the Council

Councilmembers provided reports on the events that they attended.

B. From the Mayor

Mayor Backus provided a report on the events she attended.

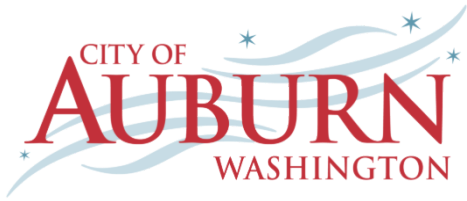
ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned at 7:48 p.m.

APPROVED this 6th day of April 2026.

NANCY BACKUS, MAYOR

Shawn Campbell, City Clerk



AGENDA BILL APPROVAL FORM

Agenda Subject:

Minutes from the March 9 and 23, 2026, Study Session Meetings

Meeting Date:

April 6, 2026

Department:

City Council

Attachments:

03-09-2026 Meeting Minutes, 03-23-2026 Meeting Minutes

Budget Impact:

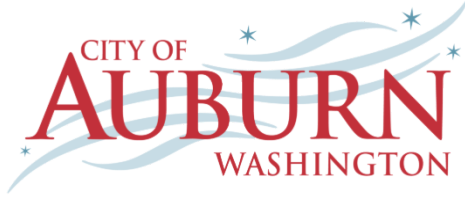
Administrative Recommendation:

Background for Motion:

Background Summary:

Councilmember:

Staff:



**City Council
Study Session
Finance & Internal Services SFA
March 9, 2026 - 5:30 PM
City Hall Council Chambers**

MINUTES

CALL TO ORDER

Deputy Mayor Tracy Taylor called the meeting to order at 5:30 p.m. in the Council Chambers of Auburn City Hall, 25 West Main Street.

PUBLIC PARTICIPATION

The Study Session Meeting was held in person and virtually.

ROLL CALL

Councilmembers present: Deputy Mayor Tracy Taylor, Hanan Amer, Kate Baldwin, Brian Lott, Cheryl Rakes, Lisa Stirgus, and Clinton Taylor.

Mayor Nancy Backus and the following staff members present included: City Attorney Jason Whalen, Assistant Chief of Police Samuel Betz, Director of Public Works Ingrid Gaub, Assistant Director of Community Development Steve Sturza, Planning Services Manager Alexandria Teague, and City Clerk Shawn Campbell.

AGENDA MODIFICATIONS

There were no modifications to the agenda.

ANNOUNCEMENTS, REPORTS, AND PRESENTATIONS

There were no announcements, reports, or presentations.

AGENDA ITEMS FOR COUNCIL DISCUSSION

A. 2026 Community Development Look Ahead (Krum) (20 Minutes)

Manager Teague and Assistant Director Sturza provided Council with the 2026 Community Development Work Plan, including updates on the Growth Management Act Critical Areas Requirements, Battery Energy Storage Systems (BESS) update, Multifamily and Mixed Use Design Standards and Downtown Design Standards per House Bill (HB) 1293, Nonconforming Standards update, Minimum Parking Requirements per Senate Bill (SB) 5184,

childcare centers update per SB 5509 and SB 5655, corner stores update, density bonus within residential uses per HB 1757, live/work and work/live update, Development Agreements update, Zoning Code and map cleanups, Annual Comprehensive Plan and Map Amendments, Multifamily Tax Exemptions, Economic Development update, Copper Gate Development Agreement, and Stuck River Road/Mt. Rainier Vista Development update.

Council discussed Design Standards needs, corner stores, flooding in Copper Gate future development, density increase requirements, tree canopy preservation, Multifamily Tax Exemptions, business input to the Design Standards, Draft Environmental Impact Statement (EIS) Notices for the Mt. Rainier Vista Development, BESS Regulations, Parking Requirements, and Master Builders Plans for the building.

COUNCIL REPORTS

Deputy Mayor T. Taylor, Councilmember Stirgus, Councilmember C. Taylor, and Councilmember Amer provided reports.

EXECUTIVE SESSION

Deputy Mayor T. Taylor adjourned into an Executive Session per RCW 42.30.110(1)(i)(ii) to discuss with legal counsel representing the agency litigation or potential litigation to which the agency is or likely to become a party, when public knowledge regarding the discussion is likely to result in adverse legal or financial consequence to the agency for 10 minutes at 6:23 p.m. Councilmembers, Mayor Backus, City Attorney Whalen, and Director Gaub were required to attend, there was no action following the Executive Session.

Deputy Mayor T. Taylor reconvened the meeting at 6:33 p.m.

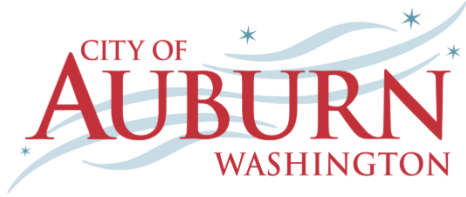
ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned at 6:33 p.m.

APPROVED this 6th day of April 2026.

TRACY TAYLOR, DEPUTY MAYOR

Shawn Campbell, City Clerk



**City Council
Study Session
PW & CD Special Focus Area
March 23, 2026 - 5:30 PM
City Hall Council Chambers**

MINUTES

CALL TO ORDER

Deputy Mayor Tracy Taylor called the meeting to order at 5:30 p.m. in the Council Chambers of Auburn City Hall, 25 West Main Street.

PUBLIC PARTICIPATION

The Study Session Meeting was held in person and virtually.

ROLL CALL

Councilmembers present: Deputy Mayor Tracy Taylor, Hanan Amer, Kate Baldwin, Brian Lott, Cheryl Rakes, Lisa Stirgus, and Clinton Taylor.

Mayor Nancy Backus and the following staff members present included: City Attorney Jason Whalen, Assistant Chief of Police Samuel Betz, Chief of Police Mark Caillier, Director of Public Works Ingrid Gaub, Human Services Manager Jody Davison, Senior Project Engineer Jeffrey Bender, Project Engineer Aleksey Koshman, and Deputy City Clerk Hannah Scholl.

AGENDA MODIFICATIONS

There were no modifications to the agenda.

ANNOUNCEMENTS, REPORTS, AND PRESENTATIONS

A. Facility Master Plan – Police Update (Gaub/Caillier) (30 Minutes)

Director Gaub provided the Council with an overview of the Facility Master Plan (FMP) history, including the Multi-Departmental Study, Council adoption of Resolution No. 5595, Study findings, final recommendations, and budget.

Director Gaub introduced Bernie O'Donnell and Adam Wilson with Rock Project Management. They provided the Council with an overview of the Police Headquarters project, including progress timeline, validation of 2021 recommendations, Facility Condition Assessment, and the Space Needs

Assessment. They discussed the findings of the Space Needs Assessment, test-fit concept designs for the building layout and parking, community outreach and engagement, and next steps.

Council discussed future use of the current Justice Center/Police Headquarters building, design concepts, Facility Needs Assessment, budget, community outreach process, and stakeholder groups.

B. 2025 Housing and Urban Development - Consolidated Annual Performance and Evaluation Report (CAPER) (Davison) (30 Minutes)

Manager Davison provided Council with a presentation on the 2025 Housing and Urban Development Consolidated Annual Performance Evaluation Report (CAPER), including an overview of the CAPER timeline, 2025–2029 goals, 2025 supported programs, available funding, expenditures, and a demographic breakdown. She also discussed the population served by the funding sources and goals, and overall accomplishments.

Council discussed funding reports, accomplishments, affordable housing, and the Housing Repair Program.

PUBLIC WORKS AND COMMUNITY DEVELOPMENT DISCUSSION ITEMS

A. Capital Projects Status Update and Featured Capital Projects (Reservoir 2 Seismic Control Valve) (Gaub) (20 Minutes)

Councilmember Baldwin, Vice-Chair of the Public Works and Community Development Special Focus Area, chaired this portion of the meeting.

Engineer Bender provided Council with an overview of the current status of the 45 active Capital Projects and Capital Project Status report. He highlighted several projects currently in construction including, CP2414/CP2507 - Auburn Avenue Theater Rebuild and Theater Park Plaza, CP1622 - Auburn Way S Widening (Hemlock to Poplar), CP2425 - C Street SW Preservation (GSA to Ellingson), and CP2412 - 2025 Local Street Preservation.

Engineer Koshman provided Council with an overview of the Featured Capital Project: CP2413 - Reservoir 2 Seismic Control Valve, including purpose of project, vicinity map, existing conditions, improvements, budget, and schedule.

Council discussed project CP2413, community coordination, reservoir size, and contract change orders.

COUNCIL REPORTS

Deputy Mayor T. Taylor, Councilmember Baldwin, Councilmember Lott, and Councilmember Stirgus provided reports.

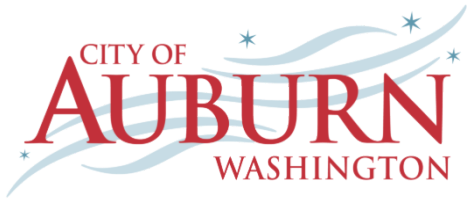
ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned at 7:19 p.m.

APPROVED this 6th day of April 2026.

TRACY TAYLOR, DEPUTY MAYOR

Hannah Scholl, Deputy City Clerk



AGENDA BILL APPROVAL FORM

Agenda Subject:

Claims Vouchers (Thomas)

Claims voucher list dated March 11, 2026, which includes voucher numbers 483011 through voucher 483141, in the amount of \$7,506,208.74, fourteen electronic fund transfers in the amount of \$8,440.53, and two wire transfers in the amount of \$1,151,127.25

Meeting Date:

April 6, 2026

Department:

Finance

Attachments:

None

Budget Impact:**Administrative Recommendation:**

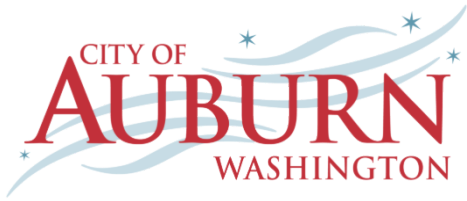
City Council to approve Claim Vouchers.

Background for Motion:**Background Summary:**

Claims voucher list dated March 11, 2026, which includes voucher numbers 483011 through voucher 483141, in the amount of \$7,506,208.74, fourteen electronic fund transfers in the amount of \$8,440.53, and two wire transfers in the amount of \$1,151,127.25.

Councilmember: Hanan Amer

Staff: Jamie Thomas



AGENDA BILL APPROVAL FORM

Agenda Subject:

Claims Vouchers (Thomas)
Claims voucher list dated March 25, 2026, which includes voucher numbers 483142 through voucher 483170 and voucher numbers 483172 through voucher 483264, in the amount of \$6,576,765.09, nine electronic fund transfers in the amount of \$11,956.75, and two wire transfers in the amount of \$835,325.81

Meeting Date:

April 6, 2026

Department:

Finance

Attachments:

None

Budget Impact:**Administrative Recommendation:**

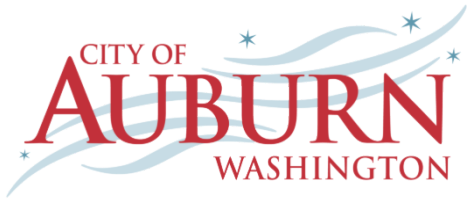
City Council to approve Claim Vouchers.

Background for Motion:**Background Summary:**

Claims voucher list dated March 25, 2026, which includes voucher numbers 483142 through voucher 483170 and voucher numbers 483172 through voucher 483264, in the amount of \$6,576,765.09, nine electronic fund transfers in the amount of \$11,956.75, and two wire transfers in the amount of \$835,325.81.

Councilmember: Hanan Amer

Staff: Jamie Thomas



AGENDA BILL APPROVAL FORM

Agenda Subject:

Claims Vouchers (Thomas)
Claims voucher number 483171 dated March 25, 2026, in the amount of \$9,429.12

Meeting Date:

April 6, 2026

Department:

Finance

Attachments:

None

Budget Impact:

Administrative Recommendation:

City Council to approve Claim Vouchers.

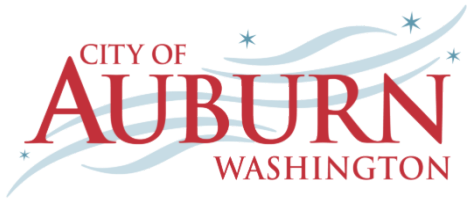
Background for Motion:

Background Summary:

Claims voucher number 483171 dated March 25, 2026, in the amount of \$9,429.12.

Councilmember: Hanan Amer

Staff: Jamie Thomas



AGENDA BILL APPROVAL FORM

Agenda Subject:

Payroll Vouchers (Thomas)
Payroll check numbers 539795 through 539801 in the amount of \$87,648.84 electronic deposit transmissions in the amount of \$3,055,652.86, also a special payroll for our Teamster Contract, electronic deposit transmission in the amount of \$64,462.63, for a grand total of \$3,207,764.33 for the period covering February 26, 2026, to March 11, 2026

Meeting Date:

April 6, 2026

Department:

Finance

Attachments:

None

Budget Impact:**Administrative Recommendation:**

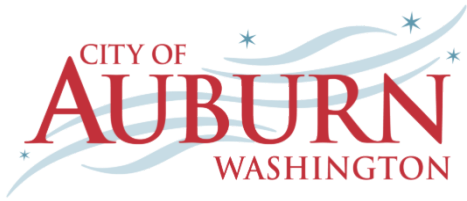
City Council to approve Payroll Vouchers.

Background for Motion:**Background Summary:**

Payroll check numbers 539795 through 539801 in the amount of \$87,648.84 electronic deposit transmissions in the amount of \$3,055,652.86, also a special payroll for our Teamster Contract, electronic deposit transmission in the amount of \$64,462.63, for a grand total of \$3,207,764.33 for the period covering February 26, 2026, to March 11, 2026.

Councilmember: Hanan Amer

Staff: Jamie Thomas



AGENDA BILL APPROVAL FORM

Agenda Subject:

Payroll Vouchers (Thomas)
Payroll check numbers 539802 through 539806 in the amount of \$827,088.40, electronic deposit transmissions in the amount of \$3,127,891.15, for a grand total of \$3,954,979.55 for the period covering March 12, 2026, to March 25, 2026

Meeting Date:

April 6, 2026

(RECOMMENDED ACTION: Move to approve the Consent Agenda.)

Department:

Finance

Attachments:

None

Budget Impact:**Administrative Recommendation:**

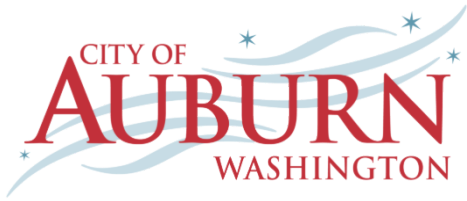
City Council to approve Payroll Vouchers.

Background for Motion:**Background Summary:**

Payroll check numbers 539802 through 539806 in the amount of \$827,088.40, electronic deposit transmissions in the amount of \$3,127,891.15, for a grand total of \$3,954,979.55 for the period covering March 12, 2026, to March 25, 2026.

Councilmember: Hanan Amer

Staff: Jamie Thomas



AGENDA BILL APPROVAL FORM

Agenda Subject:

Resolution No. 5898 (Gaub)

A Resolution authorizing the Mayor to execute and administer agreements with the Washington State Department of Transportation accepting grant funds from the Federal Highway Administration for two projects: 1) A Street SE Preservation (17th Street SE to 37th Street SE), and 2) 15th St NW Bridge Decks Preservation

Meeting Date:

April 6, 2026

(RECOMMENDED ACTION: Move to adopt Resolution No. 5898.)

Department:

Public Works

Attachments:

Resolution No. 5898, Vicinity Map

Budget Impact:**Administrative Recommendation:**

City Council to adopt Resolution No. 5898.

Background for Motion:

This Resolution provides for the acceptance and utilization of Federal Highway Administration funding of \$4.66 million through the Washington State Department of Transportation for the completion of two preservation projects located on A Street SE from 17th Street SE to 37th Street SE and on the 15th St NW bridges over the Union Pacific and Burlington Northern Railroads. The Projects are included in the City's Transportation Improvement Program.

Background Summary:

Resolution No. 5898 authorizes the Mayor to enter into agreements to accept and utilize FHWA grant funding awarded to the City currently totaling \$4,660,000 to support the implementation of the two projects as follows:

1. A Street SE Preservation (17th Street SE to 37th Street SE) in the amount of \$965,000 with 13.5% required local match.
2. 15th St NW Bridge Deck Preservation in the amount of \$3,695,000 with no local match required for the design phase and 13.5% local match (approximately \$392,000) for the construction phase.

The A Street SE Preservation (17th Street SE to 37th Street SE) project will include a grind and overlay of the roadway pavement and will upgrade curb ramps to meet current ADA requirements.

The 15th St NW Bridge Decks Preservation project will re-surface the bridge decks of the 15th St NW bridges over the Union Pacific Railroad and over the Burlington Northern Railroad.

Councilmember: Tracy Taylor

Staff: Ingrid Gaub

RESOLUTION NO. 5898

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, AUTHORIZING THE MAYOR TO EXECUTE AND ADMINISTER AGREEMENTS WITH THE WASHINGTON STATE DEPARTMENT OF TRANSPORTATION ACCEPTING GRANT FUNDS FROM THE FEDERAL HIGHWAY ADMINISTRATION FOR TWO PROJECTS: 1) A STREET SE PRESERVATION (17TH STREET SE TO 37TH STREET SE), AND 2) 15TH ST NW BRIDGE DECKS PRESERVATION

WHEREAS, the City applied for, and has been awarded, grant funding to fund two projects (Projects) that will design and construct improvements to the City's transportation systems; and

WHEREAS, the Projects are included in the City's Transportation Improvement Program (TIP) as follows:

- 1) A Street SE Preservation (17th Street SE to 37th Street SE) (P-8);
- 2) 15th St NW Bridge Deck Preservation (P-1); and

WHEREAS, the total estimated grant funds awarded for the Projects are approximately \$4,660,000; and

WHEREAS, Washington State Department of Transportation (WSDOT) is a state agency responsible for the administration of Federal Highway Administration grant funds; and

WHEREAS, it is in the best interest of the City to use grant monies to finance transportation improvements.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, RESOLVES as follows:

Section 1. The Mayor is authorized to execute and administer grant agreements with the Washington State Department of Transportation for a total of \$4,660,000, or any other amount authorized by WSDOT for the Projects as long as local matching funds are available.

Section 2. The Mayor is authorized to negotiate, enter, and administer agreements to spend the grant funds for the Projects, and to implement other administrative procedures necessary to carry out the directives of this legislation.

Section 3. The City Clerk is authorized to make necessary corrections to this Resolution including, but not limited to, the correction of scrivener's/clerical errors, references, Resolution numbering, section/subsection numbers, and any references thereto.

Section 4. This Resolution will take effect and be in full force on passage and signatures.

Dated and Signed: _____

CITY OF AUBURN

NANCY BACKUS, MAYOR

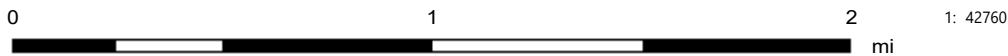
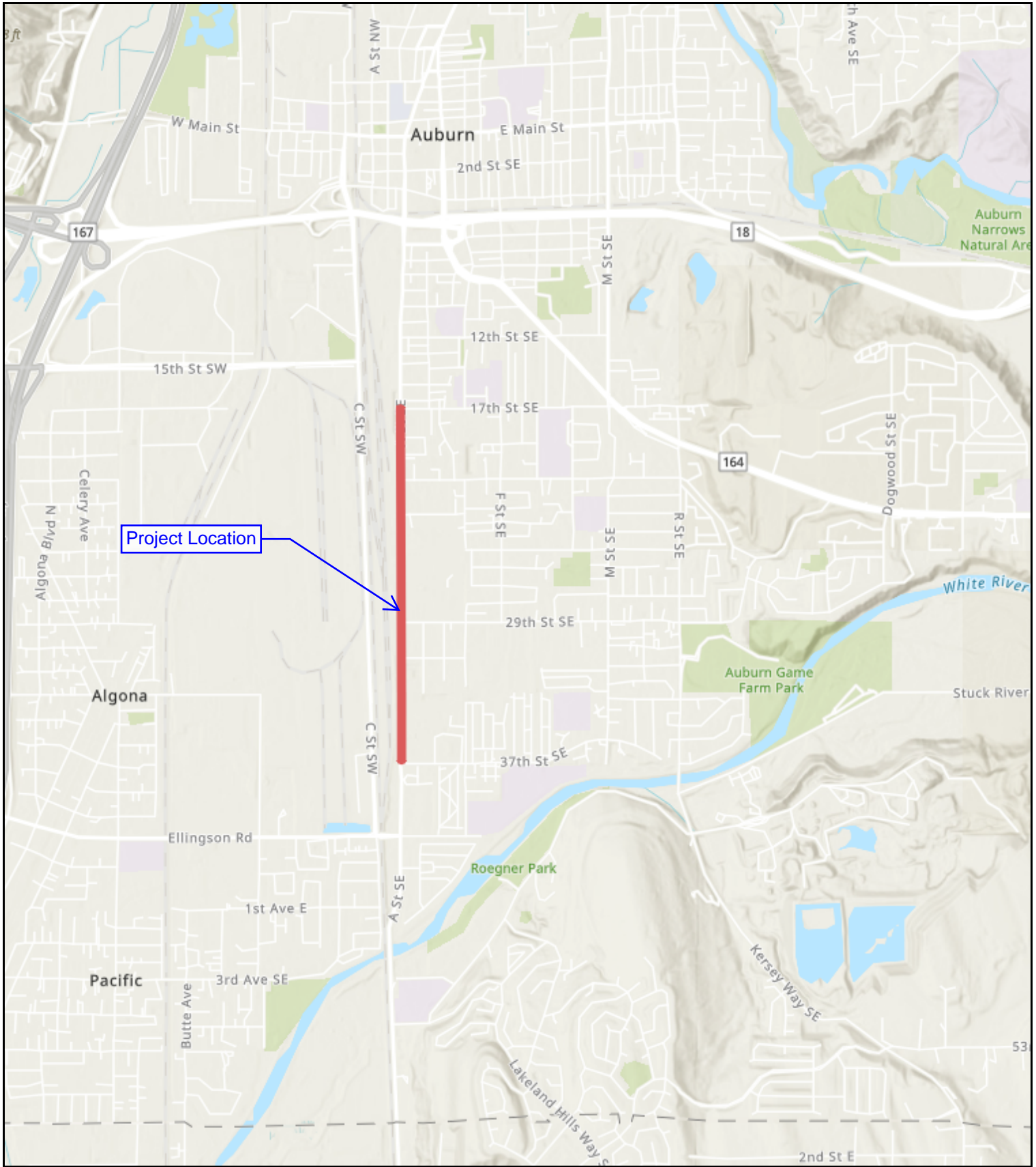
ATTEST:

APPROVED AS TO FORM:

Shawn Campbell, MMC, City Clerk

Jason Whalen, City Attorney

A Street SE Preservation - 17th Street SE to 37th Street SE



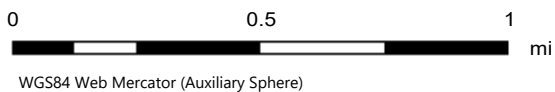
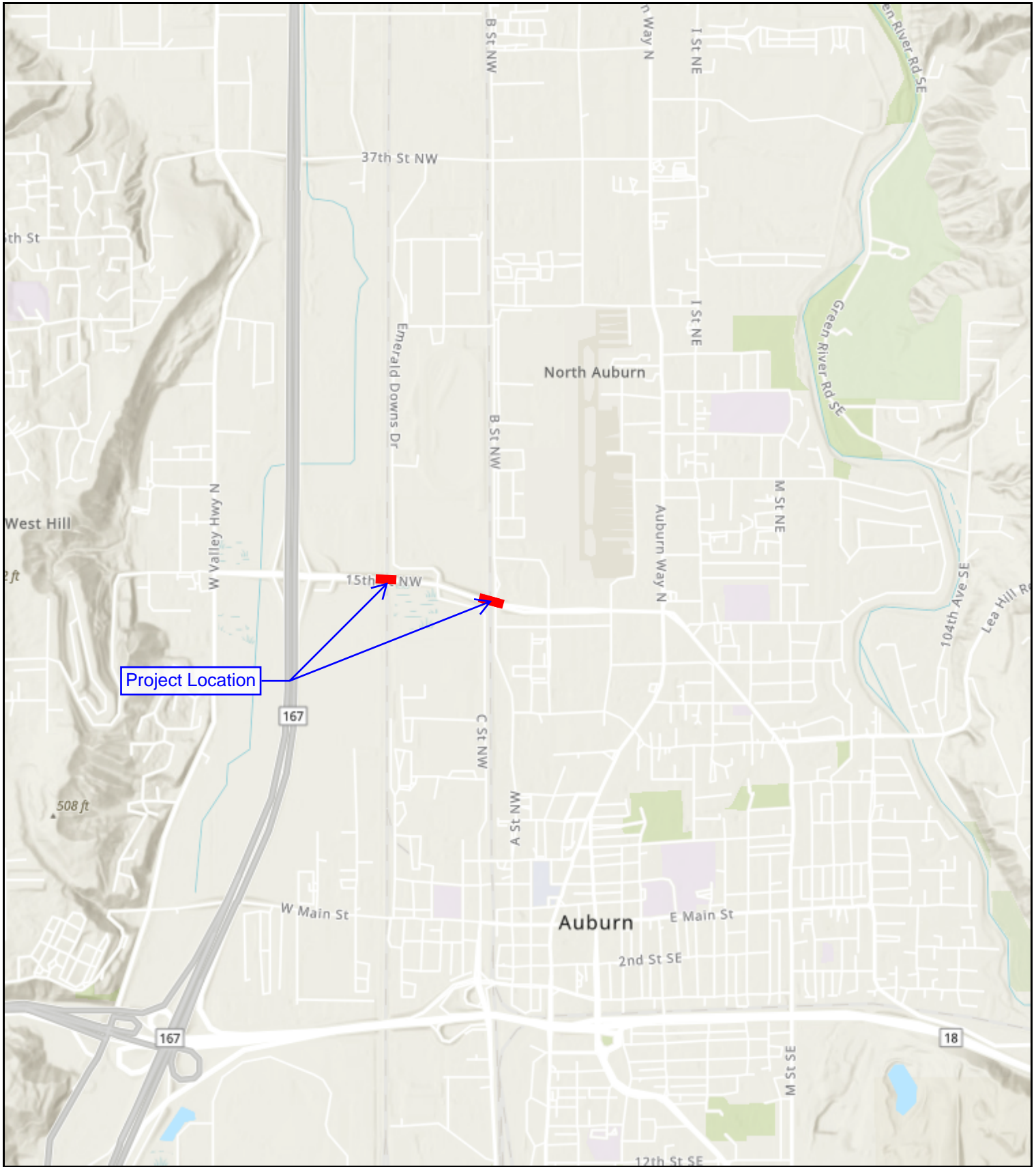
WGS84 Web Mercator (Auxiliary Sphere)

1: 42760



Information shown is for general reference purposes only and does not necessarily represent exact geographic or cartographic data as mapped. The City of Auburn makes no warranty as to its accuracy.

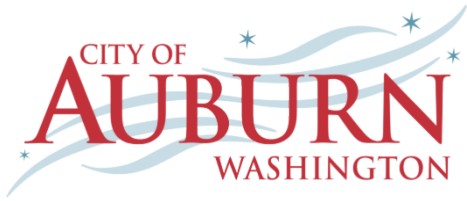
15th ST NW Bridge Deck Preservation Project



1: 36112



Information shown is for general reference purposes only and does not necessarily represent exact geographic or cartographic data as mapped. The City of Auburn makes no warranty as to its accuracy.



AGENDA BILL APPROVAL FORM

Agenda Subject:

Resolution No. 5902 (Whalen)

A Resolution authorizing the payment of Mayor Nancy Backus' necessary expenses of defense against recall charges

Meeting Date:

April 6, 2026

(RECOMMENDED ACTION: Move to adopt Resolution No. 5902.)

Department:

Legal

Attachments:

Resolution No. 5902, Petition to Determine Sufficiency of Recall Charges and Adequacy of Ballot Synopsis, Response to Petition, Order Denying, DM with Prejudice, Discounted Invoice

Budget Impact:

\$45,000.00

Administrative Recommendation:

City Council to adopt Resolution No. 5902.

Background for Motion:

This action authorizes the City to pay the necessary costs and attorneys' fees incurred in defending an elected officer – to wit: Mayor Nancy Backus, against the recall charges that were filed with the King County Department of Elections on January 27, 2026.

Background Summary:

The City is required to pay the necessary costs of defending elected officials when three conditions are met: (1) the officer requests such defense, (2) approval is granted by the legislative authority of the local governmental entity, and (3) approval is granted by the attorney representing the local governmental entity. RCW 4.96.041(3)

On January 27, 2026, Ronnie Morgan III refiled a petition with the King County Elections Department seeking recall of Mayor Backus. On February 10, 2026, following its technical review, the King County Prosecuting Attorney filed a Petition to Determine Sufficiency of Recall Charges and Adequacy of Ballot Synopsis with the King County Superior Court. The Court set the hearing date for February 24, 2026, which was continued by the Court to February 25. At that hearing, the Court determined that all three charges were factually and legally insufficient, under the law, and dismissed all recall charges with prejudice.

As provided by RCW 4.96.041(3), Mayor Nancy Backus has made a request to the City to pay the necessary expenses of defense in the proceedings arising out of the recall charges. The current

invoice for attorneys' fees and costs, discounted, is the sum of \$45,000 (discounted from \$51,000 as invoiced). As required by RCW 4.96.041(3), the attorney representing the City of Auburn, City Attorney Jason Whalen, has reviewed and approved the request. The final condition is approval of the request by the legislative body of the City.

For policy reasons, staff recommends that the reasonable and necessary legal expenses incurred by **any** elected official of the City of Auburn who defends themselves against a recall petition be borne by the City. Adopting this policy is consistent with the intent of Auburn City Code 2.90.020 and supports fundamental democracy. A court's role in the recall process is to act as a gatekeeper to determine whether the charges are both factually and legally sufficient to support the recall "...to ensure the recall process is not used to harass public officials or subject them to frivolous charges." See *In re Recall of Lauser*, 584 P.3d 379 (2026)(slip opinion No. 104342-2, Washington Supreme Court, February 26, 2026). Adopting a policy of paying for necessary costs of defense of a recall petition furthers the policy of not allowing the recall process to be used to harass or intimidate elected officials.

If this Council were to decline to approve the necessary expenses incurred by an elected official in defense of a recall petition, any other elected official within the City of Auburn could also be subject to an equally meritless recall petition and be left with tens of thousands of dollars in legal bills, even if their defensive efforts were successful. Adopting a policy to not protect elected officials from such costs could chill public participation in the democratic process because potential candidates would be more reluctant to run for office out of fear of being bankrupted should they be elected and then face a recall challenge. Advancing such policy would send a message that public offices are only for those wealthy enough to afford costs of defending against legally deficient charges in a recall petition that, by design, could be used to harass and intimidate elected officers.

Councilmember: Hanan Amer

Staff: Jason Whalen

RESOLUTION NO. 5902

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
AUBURN, WASHINGTON, AUTHORIZING THE PAYMENT
OF MAYOR NANCY BACKUS' NECESSARY EXPENSES
OF DEFENSE AGAINST RECALL CHARGES**

WHEREAS, on January 27, 2026, Ronald Morgan filed a statement of three charges with the King County Department of Elections, seeking the recall of Auburn Mayor Nancy Backus. The charges alleged that Mayor Backus committed acts of misfeasance within the scope of her official duties; and

WHEREAS, on February 10, 2026, the King County Prosecuting Attorney's Office filed a Petition to Determine Sufficiency of Recall Charges and Adequacy of Ballot Synopsis with the King County Superior Court; and

WHEREAS, pursuant to RCW 29A.56.140, the King County Superior Court conducted a sufficiency hearing on February 25, 2026, to determine whether or not the acts stated in the charges satisfied the criteria for which a recall petition may be filed and whether the corresponding ballot synopses were adequate; and

WHEREAS, following the hearing, the King County Superior Court (1) found all three charges to be legally and factually insufficient and all corresponding ballot synopses inadequate; and (2) entered an Order Denying the Petition for Recall and Dismissed the Petition for Recall with respect to all three charges, with prejudice. No appeal of the King County Superior Court's decision was filed in the Washington Supreme Court and the Superior Court's decision is final; and

WHEREAS, as provided by RCW 4.96.041(3), the City of Auburn is required to pay the necessary costs of defending Mayor Backus, or any other elected officer, when three conditions are met: (1) the elected officer requests such defense; (2) approval is granted by the City Council, as the legislative authority of the local governmental entity; and (3) approval is granted by the City Attorney, the attorney representing the local governmental entity; and

WHEREAS, as provided by RCW 4.96.041(3), (1) Mayor Backus has made request to the City of Auburn to pay the necessary expenses of defense in the court proceeding arising out of the filed recall charges; and (2) City Attorney Jason Whalen has approved the request. The final condition is approval of the request by the City Council, as the legislative body of the City of Auburn.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, RESOLVES as follows:

Section 1. The City Council approves the request by Auburn Mayor Nancy Backus to pay the necessary expenses of her defense of the recall charges, not to exceed the sum of \$45,000.

Section 2. The Mayor is authorized to implement those administrative procedures necessary to carry out the directives of this Resolution.

Section 3. The City Clerk is authorized to make necessary corrections to this Resolution including, but not limited to, the correction of scrivener's/clerk errors, references, Resolution numbering, section/subsection numbers, and any references thereto.

Section 4. This Resolution will take effect and be in full force on passage and signatures.

Dated and Signed: _____

CITY OF AUBURN

NANCY BACKUS, MAYOR

ATTEST:

APPROVED AS TO FORM:

Shawn Campbell, MMC, City Clerk

Jason Whalen, City Attorney

1 FILED
2 2026 FEB 10 10:52 AM
3 KING COUNTY
4 SUPERIOR COURT CLERK
5 E-FILED
6 CASE #: 26-2-05330-8 SEA

7 SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

8)
9) No.
10) IN RE THE MATTER OF RECALL CHARGES)
11) AGAINST AUBURN MAYOR NANCY BACKUS) PETITION TO DETERMINE
12)) SUFFICIENCY OF RECALL
13)) CHARGES AND ADEQUACY OF
14)) BALLOT SYNOPSIS
15))
16))

17 COMES NOW Leesa Manion, King County Prosecuting Attorney, by and through her
18 deputy, Lindsey Grieve, and petitions the Court pursuant to Chapter 29A.56 RCW to determine
19 the sufficiency of recall charges against Auburn Mayor Nancy Backus and to determine the
20 adequacy of the ballot synopsis formulated from those charges.

21 PROCEDURAL FACTS

22 On January 27, 2026, Ronald Morgan filed a statement of charges seeking the recall of an
23 elected official with King County Elections. The statement of charges sought the recall of
Auburn Mayor Nancy Backus.¹

¹ Morgan initially filed a statement of charges for the recall of Mayor Backus with King County Elections on January 8, 2026. The King County Prosecuting Attorney's Office rejected the initial statement of charges for failing to conform to the statutory requirements of RCW 29A.56.110.

PETITION TO DETERMINE SUFFICIENCY
OF RECALL CHARGES AND ADEQUACY OF
BALLOT SYNOPSIS - 1

Leesa Manion (she/her)
Prosecuting Attorney - CIVIL DIVISION
701 5th Avenue, Suite 600
Seattle, Washington 98104
(206) 477-1120/FAX (206) 296-0191

1 King County Elections transmitted a copy of the statement of charges to the King County
2 Prosecuting Attorney's Office for preparation of the ballot synopsis. The Elections Department
3 proceeded to serve Mayor Backus with a copy of the statement of charges pursuant to the
4 requirements of RCW 29A.56.120. A true and correct copy of the statement of charges for recall
5 of Mayor Backus is attached as Exhibit A and is provided in the same form and order as King
6 County Elections received it from petitioner.

7 King County Elections has determined that the petitioner, Ronald Morgan, is a registered
8 voter in King County. The Declaration of Angela Kubota-Wolbert is attached to this petition as
9 Exhibit B.

10 Pursuant to RCW 29A.56.130(1)(b), Lindsey Grieve, Senior Deputy Prosecuting
11 Attorney, formulated a ballot synopsis based on the recall charges filed against Mayor Backus. A
12 true and correct copy of the synopsis is attached to this petition as Exhibit C.

13 Pursuant to RCW 29A.56.130(2), the exact language of the ballot synopsis will be
14 transmitted to the petitioner and Mayor Backus along with a copy of this Petition.

15
16 CERTIFICATION AND PETITION FOR HEARING

17 Pursuant to RCW 29A.56.130(2), the Prosecuting Attorney, by and through her deputy,
18 hereby certifies and transmits the recall charges and the ballot synopsis to the Superior Court of
19 King County.

20 Pursuant to RCW 29A.56.130(2) and RCW 29A.56.140, the King County Prosecuting
21 Attorney, by and through her deputy, petitions the Court to conduct a hearing within 15 days
22 after receipt of this Petition to determine the sufficiency of the recall charges and the adequacy of
23

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

the ballot synopsis. Pursuant to RCW 29A.56.140, the hearing to determine the sufficiency of the recall charges and the adequacy of the ballot synopses shall be held without cost to any party.

DATED this 10th day of February, 2026.

LEESA MANION (she/her)
King County Prosecuting Attorney


By: 
LINDSEY GRIEVE, WSBA #42951
Senior Deputy Prosecuting Attorney
King County Prosecuting Attorney's Office
Civil Division
701 5th Avenue, Suite 600
Seattle, Washington 98104
(206) 477-1120
Lindsey.Grieve@kingcounty.gov

EXHIBIT A

EXHIBITS TO PETITION

Leesa Manion (she/her)
Prosecuting Attorney - CIVIL DIVISION
701 5th Avenue, Suite 600
Seattle, WA 98104
(206) 477-1120/Fax (206) 296-0191

Every person who signs this petition with any other than his or her true name, knowingly signs more than one of these petitions, signs this petition when he or she is not a legal voter, or makes any false statement on this petition may be punished by fine or imprisonment or both.

Petition for the recall of (Mayor of Auburn Washington Nancy Backus to the Honorable King County Prosecutor Leesa Manion.

We, the undersigned citizens and legal voters of The State of Washington to determine whether or not (Nancy Backus Mayor of Auburn Washington) be recalled and discharged from his or her office, for and on account of her having committed acts of misfeasance while in office, and possibly violating her oath of office as per RCW 42.23.070, in the following particulars:

Evidence of the complex circumstances and the nature of the mayor's actions are attached here to and are as follows:

Auburn Reporter article Entitled Council Settles Mayors Salary issues as part of legal settlement 6/23/2023.

Diveststspd article Entitled State investigating Auburn Trainer for Sexual Harassment, Extremism 07/07/2025.

Auburn Police Department Police Officer's Guild Appeal Letter to Nancy Backus Dated 10/20/22

Letter from Nancy Backus to Officers Guild Dated 10/20/2022

City Of Auburn Iteroffice Memorandum Dated 01/03/2023

Seattle Times Article Entitled Auburn Police Department culture on Trail as much as officer 01/31/2025

Seattle's Morning News Article Entitled Auburn Mayor Knew Pastor Admitted To Child Sex Crime. She asked for No Jail Time Anyway 10/23/2025.

Letter from Nancy Backus on behalf of Joshua Headley 10/12/2022

Letter from Concerned Citizen Dated Thursday 10/23/2025

The Mayor has used undue influence on a number of occasions to grant unwarranted privileges not available to the general public. In June of 2023 Nancy Backus threatened Legal Action against the city for capping her benefits. The city council settled the matter in a closed door executive session. Earlier this year Jason Waylon was hired by Backus as city Attorney. In his application for the position the attorney never stated that he was the same attorney that represented the mayor in her compromise and settlement of benefits

Earlier this year Nancy Backus received an endorsement and donations to her campaign from the 47th Democratic District. Her friend is the President of that organization. In November of 2025 the president of the 47th Democratic District was placed on the Salary commission which determines the Mayor's pay and Benefits after a city council member recused herself citing a possible conflict could exist.

Nancy Backus has repeatedly mishandled sexual assault and even murder cases favoring the perpetrators not the victims.

After an Auburn police SGT who's mother is a personal friend of the Mayor and the CEO of the Auburn Food Bank Allegedly assaulted fellow officers Mayor Backus transferred all Sexual Assault Claims out of the Auburn Police Department Internal Investigations and into a department she has direct control over. Human Resources. The Auburn Police Officer's Guild wrote an appeal letter to the Mayor on behalf of both of the victims. Nancy Backus refused the appeal. The SGT is still under investigation for a number of complaints including harassment, racism, cheating for promotional exam boards, illegal choke holds and not turning on his body camera.

Earlier this year Auburn Officer Jeffery Nelson was convicted of Murder while on Duty. Numerous internal documents indicate that Nelson had a significant history of using excessive force and abusive behavior which was tolerated by the Auburn Police Department and the Mayor. During Sentencing procedures for officer Nelson Nancy chose to sit on the side of the killer instead of the family of the victim. According to a city spokesperson the attendance was to support the Auburn PD and Staff who were present including Nelson's Wife, a current Auburn Officer. The Mayor's official statement that she takes complaints seriously and uses corrective action contradicts the significant volume of evidence that point towards systematic problems of an oppressive culture and abuse of power that have been allowed to persist. The fact that officer Nelson's direct supervisor supported and approved of Nelson's use of force and was later promoted to Chief of Police by Mayor Backus is undeniable proof of this.

On October 12th 2022 Auburn Mayor Nancy Backus wrote a personal reference letter using her position as Mayor to Advocate for a convicted Child Rapist. In a letter submitted to the City on Thursday October 23rd 2025 a concerned citizen sights a news article released by Kiro News Radio and Mynorthwest.com that outlines dealings with a convicted sex predator, and work that the city has done with the individual over multiple years in full awareness of the individual's convictions as a predator and even continued to do business with the individual after they changed their identity. The perpetrators wife works for the Chamber of Commerce and funneled work and recognition to the convicted sex offender with the knowledge of the Mayor. This citizen called for a restoration of confidence in leadership of the city Stating that these actions are "a breach of trust in the highest order"

Mayor Nancy Backus officially answered to the letter at the end of a city council meeting in November. This petition is a direct result of the lack of trust the city places in our Mayor's ability to run our city according to a code of ethics and accountability.

The Mayor has used undue influence on a number of occasions to grant unwarranted privileges not available to the general public. In June of 2023 Nancy Backus threatened Legal Action against the city for capping her benefits. The city council settled the matter in a closed door executive session. Earlier this year Mayor Backus Hired the same Attorney as the city's Attorney. In his application for the position the attorney never stated that he was the same attorney that represented the mayor in her compromise and settlement of benefits

Earlier this year Nancy Backus received an endorsement and donations to her campaign from the 47th Democratic District. Her friend is the President of that organization. In November of 2025 her friend was placed on the Salary commission which determines the Mayors pay and Benefits after a city council member recused themselves citing a possible conflict could exist.

Nancy Backus has repeatedly mishandled sexual assault and even murder cases favoring the perpetrators not the victims.

After an Auburn police SGT who's mother is a personal friend of the Mayor and the CEO of the Auburn Food Bank Allegedly assaulted fellow officers Mayor Backus transferred all Sexual Assault Claims out of the Auburn Police Department Internal Investigations and into a department she has direct control over. Human Resources. The Auburn Police Officer's Guild wrote an appeal letter to the Mayor on behalf of one of the victims. Nancy Backus refused the appeal. The SGT is still under investigation for a number of complaints including harassment, racism, cheating for promotional exam boards, illegal choke holds and not turning on his body camera.

Earlier this year officer Auburn Officer Jeffery Nelson was convicted of Murder while on Duty. Numerous internal documents indicate that Nelson had a significant history of using excessive force and abusive behavior which was tolerated by the Auburn Police Department and the Mayor. During Sentencing procedures for officer Nelson Nancy chose to sit on the side of the killer instead of the family of the victim. According to a city spokesperson the attendance was to support the Auburn PD and Staff who were present including Nelson's Wife, a current Auburn Officer. The Mayor's official statement that she takes complaints seriously and uses corrective action contradicts the significant volume of evidence that point towards systematic problems of an oppressive culture and abuse of power that have been allowed to persist. Officer Nelson's direct supervisor supported and approved of Nelson's use of force and was later promoted to Chief of Police by Mayor Backus.

On October 12th 2022 Auburn Mayor Nancy Backus wrote a personal reference letter using her position as Mayor to Advocate for a convicted Child Rapist. In a letter submitted to the City on Thursday October 23rd 2025 a concerned citizen sights a news article released by Kiro News Radio and Mynorthwest.com that outlines dealings with a convicted sex predator, and work that the city has done with the individual over multiple years in full awareness of the individual's convictions as a predator and even continued to do business with the individual after they changed their identity. The perpetrators wife works for the Chamber of Commerce and funneled work and recognition to the convicted sex offender with the knowledge of the Mayor. This citizen called for a restoration of confidence in leadership of the city Stating that these actions are "a breach of trust in the highest order"

Mayor Nancy Backus officially answered to the letter at the end of a city council meeting on December 1st 2025. This petition is a direct result of the lack of trust the citizens of Auburn Washington places in our Mayor's ability to run our city according to a code of ethics and accountability. We ask to remove Mayor of Auburn Nancy Backus Forthwith.

I Ronald Leo Morgan III do hereby charge that Nancy Backus, holding the office of Mayor of the City of Auburn, has committed acts of misfeasance in office (wrongful performance of a lawful duty interfering with the faithful discharge of official responsibilities) as follows:

CHARGE 1: Misfeasance in office by using official position to secure special privileges for personal benefit.

In or about June 2023, in Auburn, Washington, Mayor Nancy Backus pursued or initiated legal claims against the City of Auburn alleging discrimination after the City Council capped certain mayoral benefits. This resulted in a settlement agreement adopted by the City Council on June 5, 2023, providing Backus with adjusted salary, benefits, and cash payments not equally applied to prior mayors, constituting wrongful use of official position to secure unwarranted personal privileges.

CHARGE 2: Misfeasance in office by improper use of official position to advocate leniency in criminal sentencing.

In approximately October 2022 (following a guilty plea in June 2022), in Auburn, Washington, Mayor Nancy Backus drafted and provided a declaration or letter to the attorney for Joshua Obadiah Headley (also known as J. Seeley), who had pleaded guilty to third-degree rape of a child. The declaration praised Headley's community contributions, invoked her mayoral responsibility for city safety, and requested treatment-focused sentencing over jail time, despite prior awareness (from May 2022) of the serious nature of the charges. This interfered with the impartial administration of justice and used official position for private advocacy not available to ordinary citizens.

CHARGE 3: Misfeasance in office by failing to maintain impartial oversight of police department accountability.

On January 23, 2025, at the Maleng Regional Justice Center in Kent, Washington, Mayor Nancy Backus attended the sentencing hearing of former Auburn Police Officer Jeffrey Nelson, convicted of second-degree murder for a 2019 on-duty killing with a documented history of excessive force complaints. Backus was seated with and in support of department staff (including Nelson's wife, a current officer), rather than demonstrating impartiality toward victims or public trust, interfering with faithful oversight of public safety responsibilities.

These acts constitute misfeasance in office by improperly performing lawful duties in a manner that affects public trust, impartiality, and faithful execution of official responsibilities.

We ask to remove Mayor of Auburn Nancy Backus Forthwith.

and each of us for himself or herself says: I have personally signed this petition; I am a legal voter of the State of Washington in the precinct and city (or town) and county written after my name, and my residence address is correctly stated, and to my knowledge, have signed this petition only once.

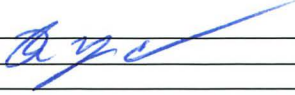
Print First Middle Last Name

Signature

Address number and street

NOT A PO BOX

CITY OR COUNTY CITY

Ronald Leo Morgan III		918 30th St NE #A Auburn WA 98002

I, Ronald Leo Morgan III, being first duly sworn on Tuesday January 27th 2026, say: I am a legal voter of King County Washington.

My address is 918 30th Street NE #A Auburn Washington 98002. I have read and signed the above petition, know the contents thereof, and believe the charges to be true and have knowledge of the alleged facts upon which the stated grounds for recall are based.

From: Megan Keno
Sent: Thu, 23 Oct 2025 10:13:53 -0700
To: crakes@auburnwa.gov; kbaldwin@auburnwa.gov; ttaylor@auburnwa.gov; ytrout@auburnwa.gov; ctaylor@auburnwa.gov; LStirgus@auburnwa.gov; hamer@auburnwa.gov; jwhalen@auburnwa.gov
Subject: Concerned Citizen - Regarding News Report regarding Nancy Backus and Convicted Predator

Good morning Auburn City Council and City Attorney,

I am writing as a concerned citizen, and parent, of Auburn regarding the news reported by Kiro News Radio, and MyNorthwest.com and the story they have just released this morning. This news report outlines Auburn City Mayor Nancy Backus and her and the city's dealings with a convicted sex predator, and work that the city has done with the individual over multiple years, in full awareness of the individuals convictions as a predator.

I am firmly asking for an independent investigation into these allegations, and this report, and a plan to be laid out in how the city will restore confidence in the leadership of the city. As the reporting notes, the mayor was in full awareness of this person's predatory nature, and still continued to allow the City of Auburn to do business with this individual after they were convicted and changed their identity. Along with that, the convicted predator's wife also works for the Chamber of Commerce, who has funneled work and recognition to this individual during the investigatory period, and after conviction. This is a breach of trust in the highest order.

This is an alarming and frightening report for any citizen of Auburn, and parents in this community. A link to the news report is below.

<https://mynorthwest.com/seattles-morning-news/auburn-mayor-pastor/4146027>

Thank you for your time in reading this, and I hope to see this city take significant action to get to the bottom of this, and rectify the breach of trust this has been created.

Best,

Megan Keno
Food & Lifestyle Blogger
www.homemadehome.com
[Pinterest](#) | [Facebook](#) | [Instagram](#)

Author of [Cast Iron Gourmet](#)
[Gordon Ramsay has my cookbook?!](#)
[See what Ree Drummond and Elise Bauer have to say about Cast Iron Gourmet!](#)



Shows	Get the app	Watch	● Listen Live
	Podcasts	Connect	≡ Menu

SEATTLE'S MORNING NEWS

Auburn mayor knew pastor admitted to child sex crime. She asked for no jail time anyway.

Oct 23, 2025, 5:00 AM | Updated: Oct 24, 2025, 10:23 am

BY CHARLIE HARGER
 Host, Seattle's Morning News

	6
--	---

“I have a lot of friends, but no rapist friends,” Pastor LaShund Lambert of Resurrection Church said. “I was blown away that they felt there was so little accountability that they could go on as if it never happened.”

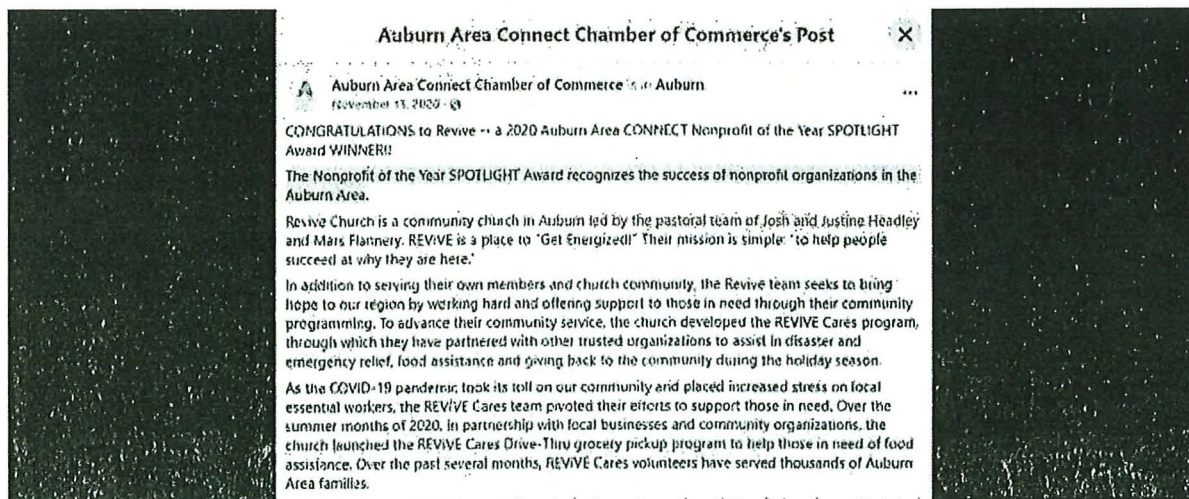
The crime and the community response

To understand the weight of the mayor’s intervention, one must understand the crime. According to the probable cause statement filed by prosecutors, Joshua Headley, then a 27-year-old pastor at Auburn’s Northwest Family Church, groomed and sexually assaulted a 15-year-old girl he was mentoring. Soon after the crime took place, Headley left Northwest Family Church.

The rape was reported to the Auburn Police Department in 2018. But Headley did not lie low. While under active investigation, his audacity peaked: he applied to be a chaplain for the very same police department investigating him. In January 2020, he was formally charged with Rape of a Child in the Third Degree.

Yet even after being charged, his public ascent continued. That same month, January 2020, he filmed the Miss Auburn and Miss Auburn Teen pageants for the Auburn Examiner.

In November 2020, while awaiting trial, the Auburn Area Chamber of Commerce presented his organization, REVIVE Church, with its “Nonprofit of the Year” award.



"I told her, 'I've read the police report. It is horrible. It is sickening,'" Lambert recalled.

He explained to the mayor that this was why other ministers refused to participate in city events alongside Headley.

"She assured me that was not her. She had no knowledge of it... Like, full stop, 'We're going to make sure that we're not affiliated.' And later on, we find out that's not the case," Lambert said.

Just one month later, that assurance would prove hollow.

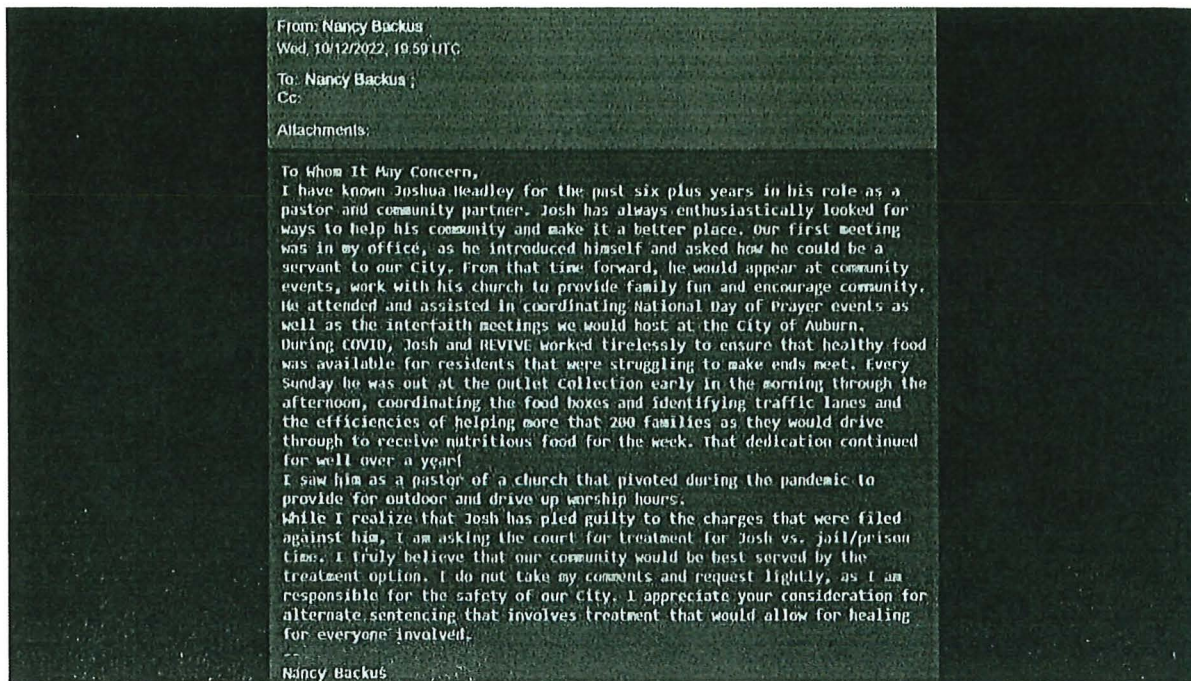
A plea for leniency, a plea for justice

On June 22, 2022, the same day he admitted his guilt, Joshua Headley emailed Backus asking for her personal email for a "more personal" matter. The mayor quickly provided her personal email address.



Josh Headley before sentencing.

Pastor Cheryl Olson of Crossway Church, who obtained the email through a public records request, immediately recognized the calculation behind it.



Nancy Backus' email to defense attorney.

But what we uncovered was a story far more complex than a single letter. It is a story of questionable judgment, apparently coordinated narratives, and a network of civic leaders who appeared to look the other way, allowing Headley to be celebrated by organizations like the Auburn Area Chamber of Commerce before he went to prison, and then again almost immediately after his release as he operated under a new identity.

The investigation itself raised troubling questions about potential coordination. At 4 p.m. on Friday, October 3, KIRO Newsradio sent a confidential list of questions to Backus, and only Backus. The same day, a public records request was filed with the city. Just 29 hours later, at 9:53 p.m. on Saturday, Joshua Headley sent an unsolicited email to this reporter, writing, "I understand there may be a news story coming out."

When asked to explain this timeline, Backus adamantly denied any contact. "I did not contact Mr. Headley – I do not have his contact information, nor did I ask anyone else to contact him in either my personal or official capacity," she stated, adding that "Neither the City nor I have had official contact with him since his release." She said

court directly,” but rather a “declaration that I completed on my individual behalf that was sent to Mr. Headley’s attorney.”

She stated the declaration was “similar to the letter, but not identical.”

However, the draft email represents the mayor’s initial thinking and her own words at the time. In it, she praised his community work extensively:

“I have known Joshua Headley for the past six plus years in his role as a pastor and community partner. Josh has always enthusiastically looked for ways to help his community and make it a better place ... During COVID, Josh and REVIVE worked tirelessly to ensure that healthy food was available for residents that were struggling to make ends meet,” Backus said.

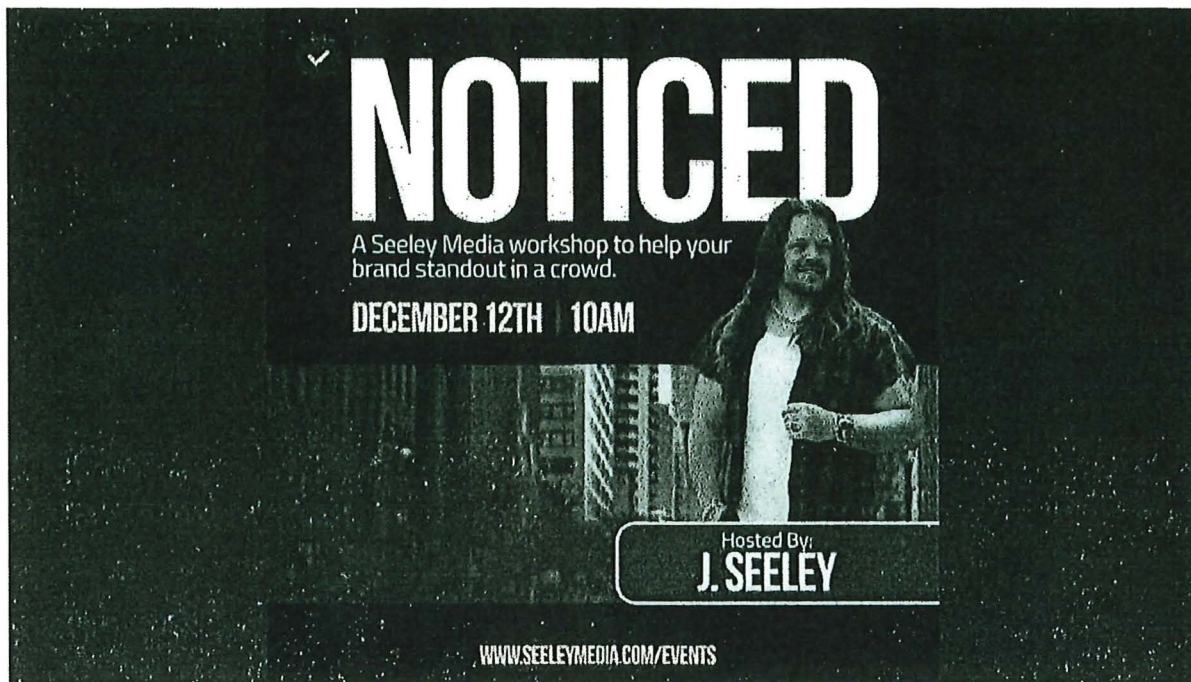
The mayor then made her plea: “While I realize that Josh has pled guilty to the charges that were filed against him, I am asking the court for treatment for Josh vs. jail/prison time. I truly believe that our community would be best served by the treatment option. I do not take my comments and request lightly, as I am responsible for the safety of our City.”

The court heard a starkly different perspective. In her victim impact statement, the young woman wrote, “This case has impacted me by showing me that abusers have more rights than the victims ... I hope Joshua Headley understands the damage he has caused me and my loved ones for life.”

“I was unsurprised that she (the mayor) would write a letter,” Olson said. “But to ask for no jail time, that really shocked me. That part was shocking.”

The judge sentenced Headley to 13 months.

A new name, a familiar network



The Seeley Media post, which is now deleted.

He rebranded himself professionally as "J. Seeley."

Under the Revised Code of Washington (RCW 9A.44.130), registered sex offenders are legally required to report any aliases to law enforcement within three business days of use. Failure to comply is a felony.

It appears there were nearly two years between when Headley began using the "Seeley" alias and when it was added to the registry. According to an email from Brandyn Hull with the King County Sheriff's Office, the "Seeley" and "J. Seeley" aliases were not added to the sex offender registry until March 17, 2025, after a tip was received.

"They were no longer going by their name that was on the registered sex offender registry," Olson observed. "And so that part for me was just like, how does no one have a problem with this?"

Under this new identity, he immediately began monetizing his old connections. Public Disclosure Commission filings confirm Seeley Media received payments from more than a dozen political campaigns and committees.

WE'RE GRATEFUL t° WORK WITH INCREDIBLE CLIENTS.



The Seeley Media client list from seeleymedia.com, which is now deleted.

Perhaps most concerning, his work brought him back into proximity with children. Seeley Media was hired to record videos and handle social media for the “Yes 4 Yelm Schools” levy campaign, which included producing videos with teenage students. In social media posts, he appeared on school grounds near school buses, despite his sentence explicitly barring him from unsupervised contact with minors.



Seeley Media's Instagram post.



Information for the Auburn Area Connect Chamber of Commerce Spotlight Awards.

The idea that the Chamber's leadership was unaware that "J. Seeley" was actually Joshua Headley strains credibility. This was the same organization that had awarded him "Nonprofit of the Year" while he awaited trial. The same civic network. The same small city. Did the Chamber know that this media company, run by a familiar face just back from prison, was their former award recipient operating under a different name? If they knew, why did they platform him again? If they didn't know, what does that say about their vetting process? For the political clients who may not have known his true identity, the Chamber's endorsement provided a veneer of legitimacy.

KIRO Newsradio reached out to Chamber CEO Kacie Bray via email, asking whether the Chamber knew "J. Seeley" was Joshua Headley when nominating Seeley Media for the 2024 award, what vetting process exists for sponsors and nominees, and whether members were ever informed of his identity and criminal history. Bray did not respond by our publication deadline. She did reach out with a limited response, which is noted at the end of this story.

"One of the things about platforms, right, is that they legitimize somebody," Olson explained, referring to how organizations like the

From: [Nancy Backus](#) on behalf of [Nancy Backus](#) <nancy.kbackus@gmail.com>
To: [Nancy Backus](#)
Date: Wednesday, October 12, 2022 12:59:19 PM

To Whom It May Concern,

I have known Joshua Headley for the past six plus years in his role as a pastor and community partner. Josh has always enthusiastically looked for ways to help his community and make it a better place. Our first meeting was in my office, as he introduced himself and asked how he could be a servant to our City. From that time forward, he would appear at community events, work with his church to provide family fun and encourage community. He attended and assisted in coordinating National Day of Prayer events as well as the interfaith meetings we would host at the City of Auburn.

During COVID, Josh and REVIVE worked tirelessly to ensure that healthy food was available for residents that were struggling to make ends meet. Every Sunday he was out at the Outlet Collection early in the morning through the afternoon, coordinating the food boxes and identifying traffic lanes and the efficiencies of helping more that 200 families as they would drive through to receive nutritious food for the week. That dedication continued for well over a year!

I saw him as a pastor of a church that pivoted during the pandemic to provide for outdoor and drive up worship hours.

While I realize that Josh has pled guilty to the charges that were filed against him, I am asking the court for treatment for Josh vs. jail/prison time. I truly believe that our community would be best served by the treatment option. I do not take my comments and request lightly, as I am responsible for the safety of our City. I appreciate your consideration for alternate sentencing that involves treatment that would allow for healing for everyone involved.

--

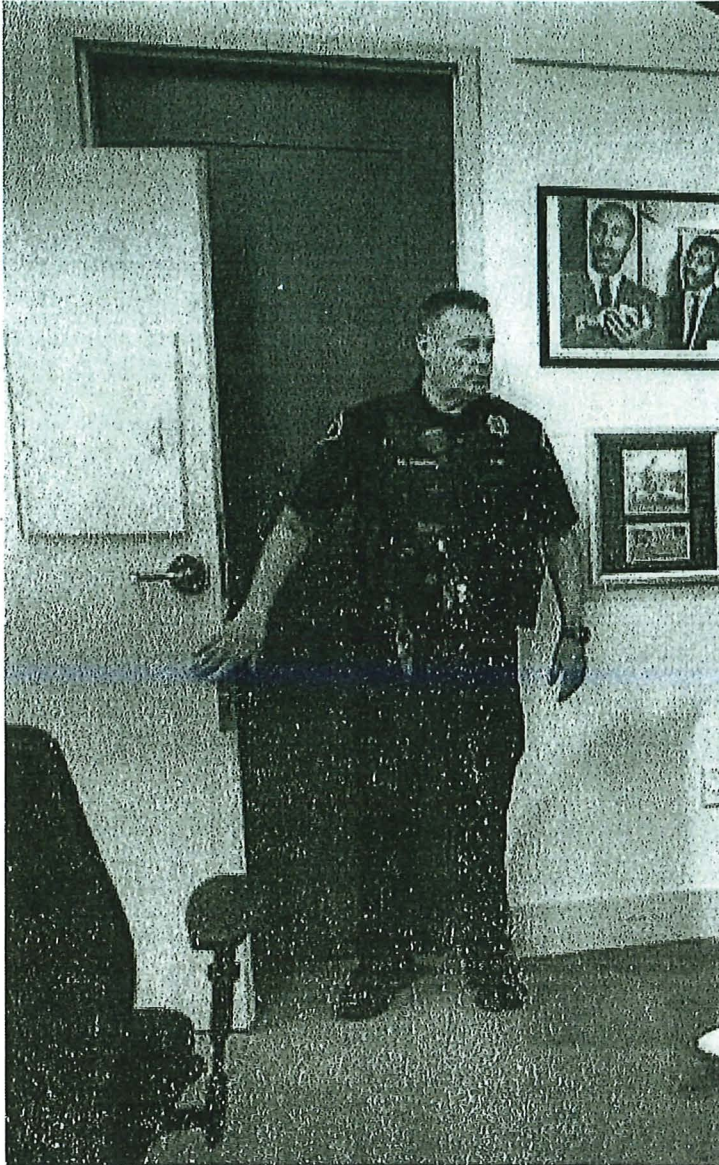
Nancy Backus
206-459-9680

Opinion

The Seattle Times

Auburn Police Department culture on trial as much as officer was

Jan. 31, 2025 at 3:15 pm



Former Auburn police officer Jeffrey Nelson leaves the courtroom during a break at his sentencing at the King County Maleng Regional Justice Center in Kent on Jan. 23, 2025. Nelson is the first police officer to be convicted... (Karen Ducey / The Seattle Times)

[More](#) ▾

By Mark Larson, Kathy Van Olst and Jim Pugel

Special to The Seattle Times

To many readers, this case may by now feel like old news. But what is new is that in sentencing Nelson, King County Superior Court Judge Nicole Gaines Phelps sharply called out the culture of Nelson's employer, the Auburn Police Department, which for years allowed Nelson's violence to go unchecked.

Pretrial evidence in Nelson's case, taken from Auburn's own police records, documented Nelson's history of excessive force as an officer. The jury did not hear this evidence for legal reasons. But Judge Phelps was well aware of it, and in sentencing Nelson she was free to consider what she knew to be his predilection for violence when his authority was questioned and his willingness to cover up his unlawful actions by filing false police reports.

As a part of this pretrial evidence, a police expert reviewed and wrote a report detailing Nelson's history of using force in the years leading up to Sarey's murder. The expert — one of our authors, Jim Pugel — highlighted 17 episodes in which Nelson had clearly used excessive force by deploying his police dog, using his Taser and rendering people unconscious with a neck restraint, in addition to fatally shooting two people before he murdered Sarey. The report showed an unmistakable pattern that should have been obvious to Nelson's superiors.

One of the excessive force events Pugel identified involved a young man who testified during a pretrial hearing about his encounter with Nelson. Judge Phelps repeatedly highlighted this incident in sentencing Nelson. On a summer day in 2014, the young man and Nelson traded insults on an Auburn street. The man had committed no crime, but Nelson nonetheless said to his patrol partner, Cristian Adams, "You want to (expletive) him up? I want to (expletive) him up." Nelson did not know he was being recorded. Moments later, Nelson shocked the young man with a Taser and choked him unconscious as Adams assisted. Perhaps most telling, Nelson was then recorded boasting to fellow officers, "I'll take the biggest and the baddest and make an example of them."

Astonishingly, Nelson's supervisor approved this use of force, merely cautioning Nelson to watch his language. Even more remarkably, Auburn Mayor Nancy Backus promoted that supervisor, Mark Caillier, to serve as the Auburn police chief while Nelson's homicide trial was still pending.

ranks ultimately led to the commissioning of the McGrath Report that substantiated many of these issues. Yet no action was taken to address the issues. The department even featured Nelson's photograph prominently on its recruiting posters after Sarey's killing.

People who study police science and policy often repeat the axiom that "culture eats policy for lunch" — even the best policies cannot fix a culture that overlooks, and even rewards, excessive force.

So many signs pointed to a broken culture in the Auburn Police Department and yet it does not appear that any meaningful corrective action was taken. After Nelson was charged, the Police Department refused to review the Sarey shooting, even though it was within its purview as his employer.

Instead, Auburn taxpayers kept paying Nelson's full salary and benefits for *years* while he was on house arrest awaiting trial. Other police departments have taken disciplinary action against officers when they are under a criminal charge. But no one at Auburn was willing to do so. It likely would have exposed some difficult truths.

During closing arguments in Nelson's trial, and even later as the verdicts were being read, Chief Caillier — the highest-ranking police official in the city — and other officers prominently arrayed themselves behind Nelson, wearing their police uniforms and badges in a show of solidarity. Faced with guilty verdicts, the department and the city issued a statement claiming to "respect the verdict."

However, rather than "respecting the verdict" of 12 jurors who reviewed the crime video and heard the evidence at trial, multiple Auburn police officers, including current Auburn police Assistant Chief Sam Betz and Patrol Commander Adams, complained to the court at Nelson's sentencing that the prosecution had portrayed Nelson unfairly. All attested to his good character and endorsed him as an example of good policing. Notably, not a single one of them expressed the slightest remorse or regret over Sarey's death. They hardly mentioned that someone lost their life. To them, it was about Nelson being "bullied" by the prosecution.

Although the city pledged a review of the Sarey homicide after the verdicts, it is not clear that review has begun. But even if the department does investigate, that work will presumably be done by the same people who vouched for Nelson at sentencing.

Auburn needs to look not only at Nelson's use of force against Sarey but also at a departmental culture that tolerated and, at times celebrated, the police practices of an officer who has now been convicted of murdering an Auburn citizen. The Auburn Page 59 of 103


the other community members who found themselves on the wrong side of Nelson, a man with a badge who used violence against Auburn citizens who challenged his authority. It owes it to the entire community as well.

All views expressed in this op-ed are the opinions of the authors.

Mark Larson: *was chief criminal deputy prosecutor with the King County Prosecuting Attorney's Office for 28 years and worked on the Nelson case in its pretrial stages.*

Kathy Van Olst: *was senior deputy prosecuting attorney for the King County Prosecuting Attorney's Office for 23 years and worked on the Nelson case in its pretrial stages.*

Jim Pugel: *was Seattle Police chief from 2013-14 and chief deputy of the King County Sheriff's Office from 2014-18 before his retirement after 37 years in law enforcement.*

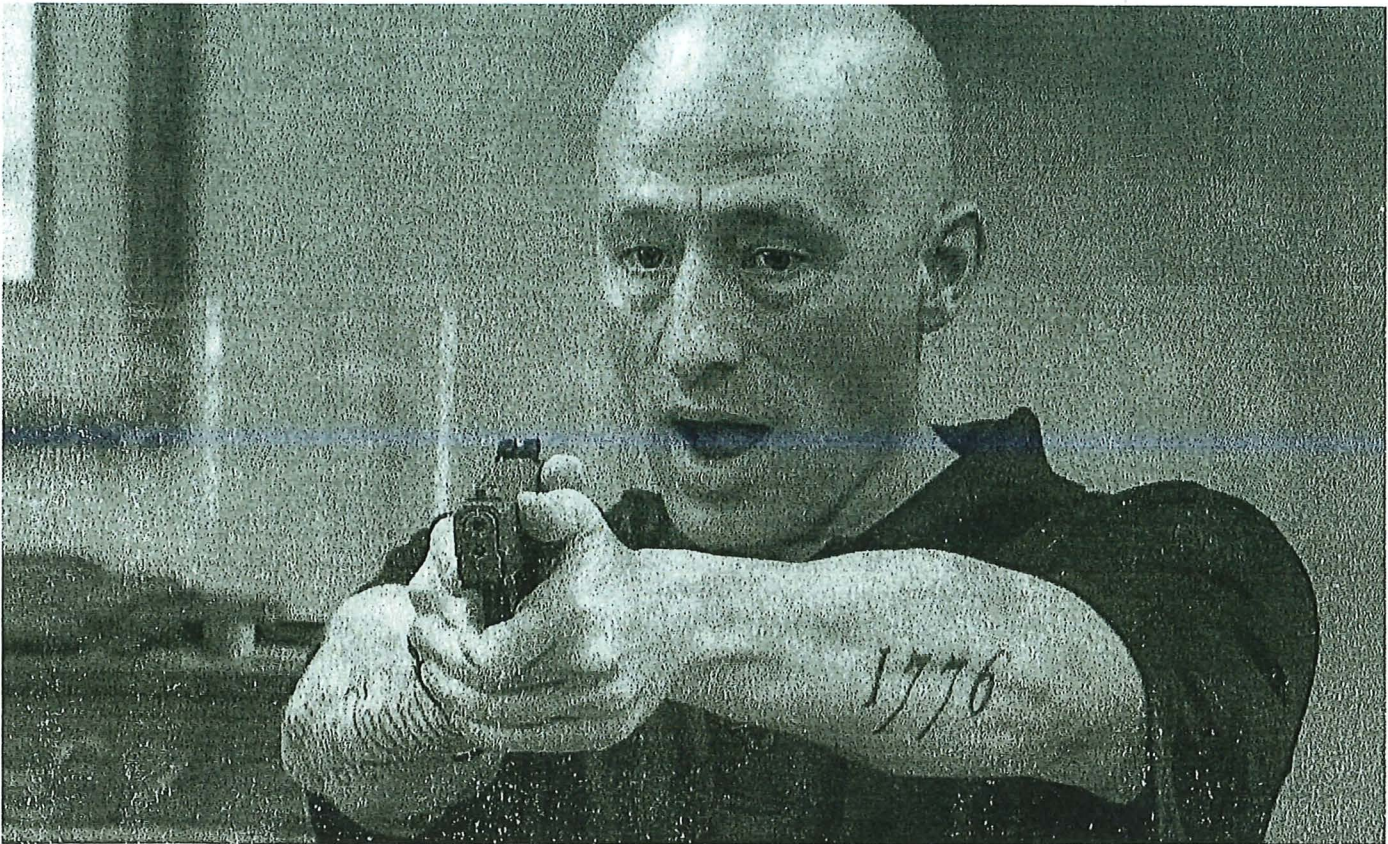
 View 41 Comments / 41 New

State investigating Auburn trainer for sexual harassment, extremism

Sgt. Tyler Christian, who trained convicted murderer Jeffrey Nelson, preaches "Killology" and has a history of getting hands-on with male and female officers alike.



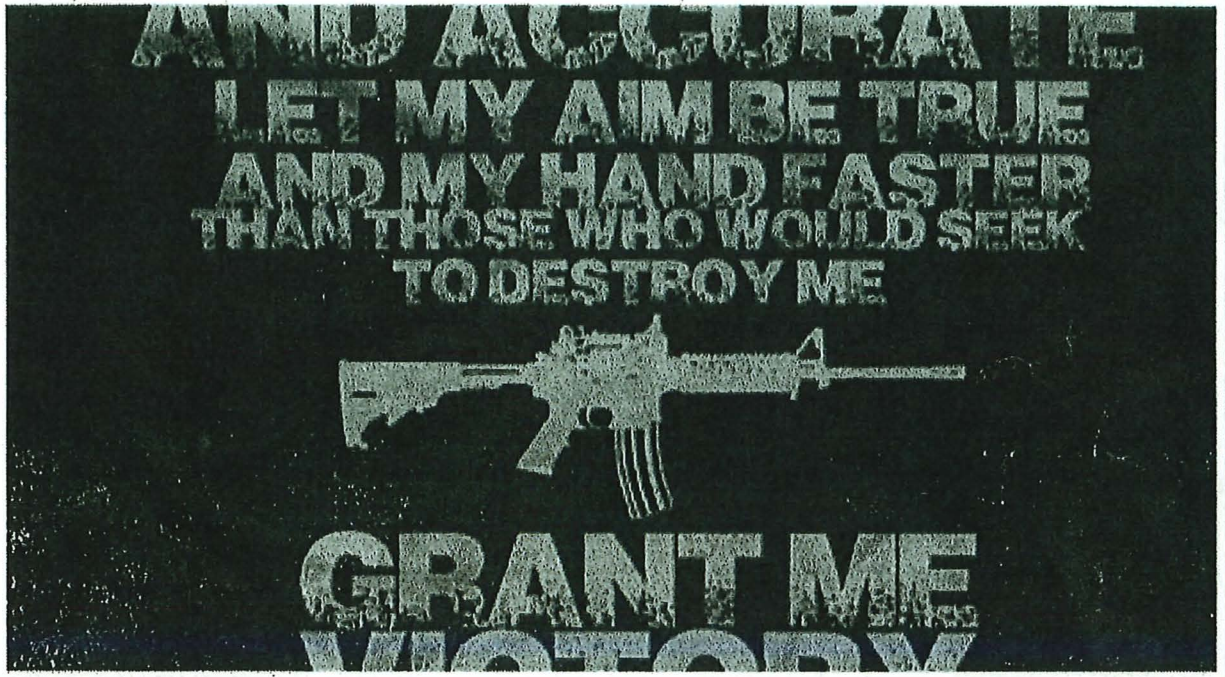
DIVESTSPD
JUL 07, 2025



The state police certification body is currently investigating a complaint against Auburn police firearms trainer Sgt. Tyler Christian, alleging that he sexually harass officers and promoted right-wing extremism on the blog of his private business. The complaint to the Washington Criminal Justice Training Commission is supported by a substantial cache of documents, including video, internal and external investigator files, and Christian's online writings.

Grossman, who teaches officers to kill without hesitation or remorse. For example, using one of Grossman's favorite metaphors, Christian wrote in a now-deleted post "The mantle of the Sheepdog is heavy and comes with great responsibility."

SKILL at ARMS: Part II



Sgt. Christian has been with the department since 2002 and worked as a trainer for most of that time. One of his students was Officer Jeffrey Nelson, the first cop to be convicted of murder under I-940. Nelson killed three people and seriously injured several others in his 12 years on the job. Christian testified at Nelson's trial that Auburn's training went "above and beyond."

Groping Investigations

5		
6	Sgt. Pete Johnson-LPD	I did-I did have one more question?
7		
8	Ofcr. [Victim] [Victim]-APD	Yah.
9		
10	Sgt. Pete Johnson-LPD	Did you feel like it was an object or his finger? Or what was he poking you with?
11		
12		
13	Ofcr. [Victim] [Victim]-APD	Ah, I think it was he's ah, his finger. Um, obviously didn't turn around quite in time to-to verify that, but yah...
14		
15		
16	Sgt. Pete Johnson-LPD	He wasn't holding anything or?
17		
18	Ofcr. [Victim] [Victim]-APD	Not that I saw, no. I think it was, I think it was his finger. Um, which for a multitude of reasons is just a very strange to me.
19		
20		
21		

Christian was also investigated twice for separate incidents in 2022. In one instance male officer claimed that Christian put his finger between his bare cheeks while they were in the locker room. The officer confronted Christian, who said something to the effect of “I didn’t know how else to do it.”

An investigation by Lakewood police and an outside law firm ended in “inconclusive findings. Bafflingly, the external investigators argued that they couldn’t prove that Christian put his finger there intentionally because the officer was standing up, not bending over:

If Officer [Victim] had been bent over, I likely would have presumed that Sergeant [Christian] saw an opportunity to intentionally engage in childish, harassing conduct in violation of the policy. But with Officer [Victim] standing up straight such motivation is not as apparent.

However, the officer felt violated and lost sleep over the incident. The alternative explanation — that Christian was trying to get his attention — made even less sense. Why not tap his shoulder?

Later that year, a female officer accused Christian of groping her after he reached into her back pocket without her permission to grab medical gloves during a shoot. Page 63 of 103

Nevertheless, she decided to speak up after learning that another officer was active trying to keep a woman he was training away from Christian.

When she finally spoke up, other senior officers said they “weren’t surprised.”

In WACJTC’s Jurisdiction?

Most of these incidents occurred a few years ago and have already undergone internal and external investigations that did not substantiate the allegations — at least on paper— so it’s curious that the WACJTC is initiating another investigation.

Technically, the commission is empowered to initiate decertification investigations independent of departments, but it rarely does. Most are launched after an officer is terminated, criminally convicted, or found to have committed a serious ethical violation. Otherwise, complaints are kicked down to the agencies to handle.

In this case, the WACJTC may be taking over because Christian is an instructor.

DivestSPD is a reader-supported publication. To receive new posts and support our work, consider becoming a free or paid subscriber.

Type your email...	Subscribe
--------------------	-----------



3 Likes · 1 Restack

Discussion about this post

Comments Restacks

Write a comment...

Mayor Nancy Backus,

The purpose of this letter is to notify you of Auburn Police Officer [Victim] [Victim]'s appeal to a recent decision of Candis Martinson, Director of Human Resources and Risk Management. This appeal is specifically against the findings of a recent workplace harassment investigation involving Officer [Victim] and Sergeant [High] [Highly].

This appeal is intended to comply with City policy 200-04, 6.3, which states, "It is the right of all employees to seek redress at any time through the Washington State Human Rights Commission, the Equal Employment Opportunity Commission, or through a court of law. Employees should attempt to exhaust their administrative remedies as outlined in this policy before outside agencies are consulted."

Officer [Victim] (with the support of the Auburn Police Officer's Guild) request that this appeal be considered under City of Auburn Policy 200-04 (Workplace Harassment), section 6.1.4 (Complaint Procedure): "If either party objects to the Department Head's decision, the matter shall be referred to the Mayor for resolution. Members of collective bargaining units may grieve the decision in accordance with the terms of the collective bargaining agreement."

In reviewing the documents provided by Director Martinson on October 17th 2022, there are numerous concerns as to the conclusion reached. A review of those documents are as follows:

- The findings memorandum states that the City retained an independent Investigator, Kathleen Haggard, who reached "inconclusive" findings. Kathleen Haggard's report regarding her investigation and conclusion was dated October 9th 2022. She found that Officer [Victim] was "credible" and she "does not doubt the sincerity" of his concerns.
 - Due to the independent investigator reaching the inconclusive results, Director Martinson appears to have agreed and used the investigator's opinion. In the documentation provided to Officer [Victim], Director Martinson took no further action in determining whether the allegation was unfounded or founded.
- Officer [Victim] provided consistent details of the allegation to Officer Matt Wilkinson, Sergeant Chris Boldman, Assistant Chief Sam Betz, Lakewood Police Sergeant Peter Johnson, as well as during his interviews on two occasions with Kathleen Haggard:
 - The alleged incident occurred in the Auburn Police Department Men's locker room on August 9th 2022, where Officer [Victim] was changing his clothes after a workout. Officer [Victim]'s back was to the entry of the aisle, and he felt a "stern" "poke" between his buttocks. He believed it was "...straight on" toward his anus, but the act did not penetrate his anus or cause pain.
 - According to Kathleen Haggard's report, Sergeant Boldman recalled that Officer [Victim] said he was bent over at the time of the act. This information was relayed to Assistant Chief Betz, who also documented that Officer [Victim] was bent over at the time. However Officer [Victim] maintains that he had not been bent over at the time, and did not report that he had been bent over throughout each phase of the reporting and interview process. Whether or not Officer [Victim] was standing or bent over should be immaterial as to whether the allegation occurred.
 - According to Kathleen Haggard's report, and Assistant Chief Betz's memorandum, Officer [Victim] said words to the effect of, "What the fuck!?" and turned to see Sergeant [Highly].

- There was insufficient evidence that Sergeant [Highly] “intentionally” made contact with Officer [Victim], but added, “Had there been sufficient evidence that Sergeant [Highly] intentionally poked Officer [Victim] as alleged, that conduct would constitute a violation of the harassment policy.”
 - Kathleen Haggard did not define what the additional evidence would be, given that there were no witnesses or surveillance.

Concerns:

By Kathleen Haggard’s own standard, her conclusion was to be based on whether or not the allegation was “more probably true than not true based on the available evidence.” As there were no witnesses and no surveillance cameras in the men’s locker room, the only available evidence to her was the statements of Officer [Victim] and Sergeant [Highly]. During six different documented conversations or interviews, Officer [Victim] provided consistent statements about the event.

Additionally, both Kathleen Haggard and Sergeant [Highly] describe Officer [Victim] as a credible source without motive to fabricate this accusation. Sergeant [Highly] denied the accusation, and claimed not to recall many of the other specific details provided by Officer [Victim]. Applying Kathleen Haggard’s own standards, and the information documented in her report, it is concerning that she would state there was insufficient evidence to say Sergeant [Highly] violated the workplace harassment policy.

It is concerning that Kathleen Haggard would introduce subjective opinion as to the possible intent of Sergeant [Highly], based on whether Officer [Victim] was either standing or bent over: *“it seems far less likely that someone would intentionally poke someone in the rear end, in order to harass them, when the recipient is standing in an upright posture.”* Whether or not Officer [Victim] is standing or bent over should have no bearing on whether Sergeant [Highly]’s act violates the workplace harassment policy. Additionally, whether or not Officer [Victim] could speak to Sergeant [Highly]’s intent behind this act should have no bearing on whether it violated the workplace harassment policy.

It is concerning that because there was *“no reported history of hazing, teasing, or harassment by Sergeant [Highly] against Officer [Victim]”* Kathleen Haggard included in her report that the claim *“...lacked any context of harassment.”* It seems unreasonable that the first time sexual harassment occurs, an Investigator should believe it lacks merit without a pattern of behavior.

City of Auburn policy 200-04 clearly states that *“...the City expects all employees to work in a manner that respects the feelings and dignity of their co-workers [section 4.0]...Examples of sexual harassment include, but are not limited to: [section 5.3]...any other similar physical contact considered unacceptable by another individual. [section 5.3.1]”* The investigation and documentation does not support Kathleen Haggard’s “inconclusive” decision, or Director Martinson’s lack of further investigation or action.

City of Auburn policy 200-04 clearly states that *“It is the policy of the City of Auburn to provide a work environment for its employees that is harmonious and free from intimidation and harassment. [section 4.0]”* while highlighting that, *“Workplace harassment, including sexual harassment, negatively affects morale, motivation, and job performance. The City will not tolerate any form of workplace harassment, including sexual harassment, toward its employees by other employees or other individuals. [section 4.0]”*



Interoffice Memorandum

DATE: January 3, 2023

TO: [REDACTED] HR Active Harass

FROM: Nancy Backus, Mayor

SUBJECT: Appeal

[REDACTED] HR Active Harass

I have carefully reviewed your appeal and given it serious consideration. I also provided a copy of your appeal to the Investigator to have her answer the questions you posed and consider whether further investigation or a change of findings is warranted based upon the arguments raised. After reviewing the totality of circumstances, she concluded that further investigation is not warranted and confirmed her original findings. A copy of her Supplemental Report is attached for your information.

This is a very unique and difficult situation. There is no doubt you felt something poke you. The evidence, however, was not sufficient to conclude that [REDACTED] HR Unfounded caused the contact. You admittedly did not see him contact you and he adamantly denies it. The Investigator found you both credible. Without sufficient evidence that he intentional engaged in some action that caused the contact with you, the Investigator felt compelled to make an inconclusive finding.

[REDACTED] HR Active I can only guess how frustrating this experience has been. While I am unable to grant your appeal, I want you to know how much I appreciate the opportunity to further review the process and Investigator's findings to confirm compliance with the policy. I also want to emphasize how important you are to the Department and how much the City values you. I personally value and appreciate you and hope your future experience with the City is positive.

Thank you.

Redaction Log

Total Number of Redactions in Document: 4

Redaction Reasons by Page

Page	Reason	Description	Occurrences
1	HR Active Harass	RCW 42.56.250(1)(f). Investigative records compiled by an employing agency conducting an active and ongoing investigation of a possible unfair practice under Washington Law Against Discrimination (chapter 49.60 RCW) or a possible violation of other federal, state, or local laws prohibiting discrimination in employment are exempt.	3
1	HR Unfounded Inves	RCW 42.56.230(3); RCW 42.56.050. Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy. See also City of Tacoma v. Tacoma News, Inc. 65 Wn.App 140, 145, 827 P.2d 1094 (1992); Bellevue John Does 1-11 v. Bellevue Sch. Dist. #405, 164 Wn.2d 199, 217, 189 P.3d 139 (2008); Bainbridge Island Police Guild v. City of Puyallup, 172 Wn.2d 398, 412, 259 P.3d 190 (2011)	1

Redaction Log

Redaction Reasons by Exemption

Reason	Description	Pages (Count)
HR Active Harass	RCW 42.56.250(1)(f). Investigative records compiled by an employing agency conducting an active and ongoing investigation of a possible unfair practice under Washington Law Against Discrimination (chapter 49.60 RCW) or a possible violation of other federal, state, or local laws prohibiting discrimination in employment are exempt.	1(3)
HR Unfounded Inves	RCW 42.56.230(3); RCW 42.56.050. Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy. See also City of Tacoma v. Tacoma News, Inc. 65 Wn.App 140, 145, 827 P.2d 1094 (1992); Bellevue John Does 1-11 v. Bellevue Sch. Dist. #405, 164 Wn.2d 199, 217, 189 P.3d 139 (2008); Bainbridge Island Police Guild v. City of Puyallup, 172 Wn.2d 398, 412, 259 P.3d 190 (2011)	1(1)

Haggard & Ganson LLP

Municipal Law • Investigations • Neutral Services

19125 North Creek Pkwy, Suite 120, PMB 337, Bothell, Washington 98011

haggardganson.com • 425.329.2611

December 15, 2022

Ms. Beth Kennar
Summit Law Group
315 Fifth Avenue South, Ste 1000
Seattle, WA 98104

**Re: City of Auburn, [HR Unfounded Inves] harassment investigation
Supplemental report**

Dear Ms. Kennar:

In September and October of 2022, I investigated a complaint from [HR Active Harass] that [HR Unfounded Inves] harassed him in the locker room by poking him in the rear end. My October 9 investigative report found that the evidence was inconclusive. Based on my report, Human Resources Manager Candis Martinson communicated to [HR Active Harass] that his claim is not substantiated.

On behalf of [HR Active Harass] Guild President Michael Mabis and Guild Vice President Patrick Douglas appealed the City's determination to Mayor Nancy Bakkus. I was asked to consider whether the appeal letter alters my findings or indicates a need for additional investigation. The Mayor specifically asked whether I see a need to interview [HR Active Harass] [HR Active] who is one of the officers [HR] told about the locker room incident.

I have considered the appeal letter and determined that it does not present a basis to alter my findings. The letter primarily asserts that [HR Active Harass] posture (standing straight as opposed to bent over) is not a material fact; that the absence of prior harassing conduct by [HR Unfounded Inves] is not a material fact; and that, because I found [HR Active Harass] to be credible, I should have sustained his allegation.

[HR Active Harass] posture at the time of the incident was highly relevant to my conclusion. To find a violation of the City's harassment policy, I must find that the alleged perpetrator intentionally engaged in conduct that violates the policy. [HR Active Harass] posture is relevant to intent. If [HR Active Harass] had been bent over, I likely would have presumed that [HR Unfounded Inves] saw an opportunity to intentionally engage in childish, harassing conduct in violation of the policy. But with [HR Active Harass] standing up straight, such motivation is not as apparent.

Similarly, a prior history of hazing or teasing could have given me a basis to conclude that [HR Unfounded Inves] intentionally poked [HR Active Harass] as such conduct would have been consistent with how [HR Unfounded Inves] typically treats [HR Active Harass]

Ms. Beth Kennar
December 15, 2022
Page 2

These two facts were so material that, if either of them had been otherwise, I likely would have sustained [HR Active Harass] allegation. But, under the facts I was presented, I lacked sufficient evidence that [HR Unfounded Inves] committed an intentional act.

As I emphasized in my report, I do not question [HR Active Harass] credibility; however, I was also given no basis to question [HR Unfounded Inves] credibility. Where there is no evidence other than the accounts of two parties, to sustain the allegation I must find the complaining party more credible than the accused party. I lacked a basis on which to find that *either* party was not telling the truth.

Moreover, it is possible to conclude that [HR Active Harass] honestly reported his perceptions yet still find insufficient evidence of intentional conduct. As I noted in the report, the incident was instantaneous. [HR] admits he was lost in thought and was not paying attention to his surroundings, and he had his back turned and did not see what happened. Under such facts, perception may not align with reality.

I do not believe the appeal indicates a need for additional investigation. As the incident was not observed by any other witnesses, no one else can provide evidence of [HR] [HR Unfounded] intent. This includes the officers [HR Active Harass] spoke to about the incident, including [HR Active Harass]. I assume [HR Active Harass] will tell me that [HR Active Harass] reported the incident as he described it to me and said he was bothered and felt violated. I fully believe that is the case; however, it does not establish an intentional act by [HR] [HR Unfounded].

If you have any questions or need additional information, please let me know.

Sincerely,

HAGGARD & GANSON LLP



Kathleen Haggard

Redaction Log

Total Number of Redactions in Document: 35

Redaction Reasons by Page

Page	Reason	Description	Occurrences
1	HR Unfounded Inves	RCW 42.56.230(3); RCW 42.56.050. Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy. See also City of Tacoma v. Tacoma News, Inc. 65 Wn.App 140, 145, 827 P.2d 1094 (1992); Bellevue John Does 1-11 v. Bellevue Sch. Dist. #405, 164 Wn.2d 199, 217, 189 P.3d 139 (2008); Bainbridge Island Police Guild v. City of Puyallup, 172 Wn.2d 398, 412, 259 P.3d 190 (2011)	6
1	HR Active Harass	RCW 42.56.250(1)(f). Investigative records compiled by an employing agency conducting an active and ongoing investigation of a possible unfair practice under Washington Law Against Discrimination (chapter 49.60 RCW) or a possible violation of other federal, state, or local laws prohibiting discrimination in employment are exempt.	15
2	HR Unfounded Inves	RCW 42.56.230(3); RCW 42.56.050. Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy. See also City of Tacoma v. Tacoma News, Inc. 65 Wn.App 140, 145, 827 P.2d 1094 (1992); Bellevue John Does 1-11 v. Bellevue Sch. Dist. #405, 164 Wn.2d 199, 217, 189 P.3d 139 (2008); Bainbridge Island Police Guild v. City of Puyallup, 172 Wn.2d 398, 412, 259 P.3d 190 (2011)	6
2	HR Active Harass	RCW 42.56.250(1)(f). Investigative records compiled by an employing agency conducting an active and ongoing investigation of a possible unfair practice under Washington Law Against Discrimination (chapter 49.60 RCW) or a possible violation of other federal, state, or local laws prohibiting discrimination in employment are exempt.	8

Redaction Log

Redaction Reasons by Exemption

Reason	Description	Pages (Count)
HR Active Harass	RCW 42.56.250(1)(f). Investigative records compiled by an employing agency conducting an active and ongoing investigation of a possible unfair practice under Washington Law Against Discrimination (chapter 49.60 RCW) or a possible violation of other federal, state, or local laws prohibiting discrimination in employment are exempt.	1(15) 2(8)
HR Unfounded Inves	RCW 42.56.230(3); RCW 42.56.050. Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy. See also City of Tacoma v. Tacoma News, Inc. 65 Wn.App 140, 145, 827 P.2d 1094 (1992); Bellevue John Does 1-11 v. Bellevue Sch. Dist. #405, 164 Wn.2d 199, 217, 189 P.3d 139 (2008); Bainbridge Island Police Guild v. City of Puyallup, 172 Wn.2d 398, 412, 259 P.3d 190 (2011)	1(6) 2(6)

Mayor Nancy Backus,

The purpose of this letter is to notify you of Auburn Police [HR Active Harass] appeal to a recent decision of Candis Martinson, Director of Human Resources and Risk Management. This appeal is specifically against the findings of a recent workplace harassment investigation involving [HR Active Harass] and [HR Unfounded Inves]

This appeal is intended to comply with City policy 200-04, 6.3, which states, "It is the right of all employees to seek redress at any time through the Washington State Human Rights Commission, the Equal Employment Opportunity Commission, or through a court of law. Employees should attempt to exhaust their administrative remedies as outlined in this policy before outside agencies are consulted."

[HR Active Harass] (with the support of the Auburn Police Officer's Guild) request that this appeal be considered under City of Auburn Policy 200-04 (Workplace Harassment), section 6.1.4 (Complaint Procedure): "If either party objects to the Department Head's decision, the matter shall be referred to the Mayor for resolution. Members of collective bargaining units may grieve the decision in accordance with the terms of the collective bargaining agreement."

In reviewing the documents provided by Director Martinson on October 17th 2022, there are numerous concerns as to the conclusion reached. A review of those documents are as follows:

- The findings memorandum states that the City retained an independent investigator, Kathleen Haggard, who reached "inconclusive" findings. Kathleen Haggard's report regarding her investigation and conclusion was dated October 9th 2022. She found that [HR Active Harass] was "credible" and she "does not doubt the sincerity" of his concerns.

- Due to the independent investigator reaching the inconclusive results, Director Martinson appears to have agreed and used the investigator's opinion. In the documentation provided to [HR Active] Director Martinson took no further action in determining whether the allegation was unfounded or founded.

- [HR Active] provided consistent details of the allegation to [HR Active Harass], [HR Active] [HR Active Harass] [HR Active Harass] Lakewood Police Sergeant Peter Johnson, as well as during his interviews on two occasions with Kathleen Haggard:

- The alleged incident occurred in the Auburn Police Department Men's locker room on August 9th 2022, where [HR Active Harass] was changing his clothes after a workout. [HR Active] [HR Active] back was to the entry of the aisle, and he felt a "stern" "poke" between his buttocks. He believed it was "...straight on" toward his anus, but the act did not penetrate his anus or cause pain.
- According to Kathleen Haggard's report, [HR Active Harass] recalled that [HR Active Harass] said he was bent over at the time of the act. This information was relayed to [HR Active Harass] [HR Active] who also documented that [HR Active Harass] was bent over at the time. However [HR Active] [HR Active] maintains that he had not been bent over at the time, and did not report that he had been bent over throughout each phase of the reporting and interview process. Whether or not [HR Active Harass] was standing or bent over should be immaterial as to whether the allegation occurred.
- According to Kathleen Haggard's report, and Assistant Chief Betz's memorandum, [HR Active] [HR Active] said words to the effect of, "What the fuck!?" and turned to see [HR Unfounded Inves]

- The Lakewood investigation said [HR Active] turned and “verbally confronted” [HR]. [HR] However, [HR Active] in fact said, “what the fuck was that!?”
- [HR Unfounded Inves] was empty handed, leading [HR Active] to believe he used a finger. [HR Active Harass] reported that [HR Unfounded Inves] said words to the effect of, “I didn’t know how else to do it.” [HR Active] understood this to mean [HR Unfounded Inves] wanted to pass him in order to reach his own locker, in the same narrow aisle, and committed the act intentionally.
 - [HR Active Harass] and [HR Unfounded Inves] had limited interactions before this alleged event. [HR Active Harass] had difficulty processing the incident and later sought council with Peer Support, and fellow Officers. He had difficulty sleeping based on the incident, and did not feel comfortable being near [HR Unfounded Inves].
- [HR Unfounded Inves] was interviewed on one occasion by Kathleen Haggard:
 - He denied the allegation, but did not recall if he and [HR Active] were in the locker room at the same time on August 9th 2022. However, [HR Unfounded Inves] said it was not uncommon for him and [HR Active] to be in the locker room at the same time.
 - He confirmed that his locker is on the end of the narrow aisle beyond [HR Active Harass], and it would not be unusual to inadvertently make physical contact with someone when trying to pass. However he did “not recall” if he has ever inadvertently touched [HR Active] while passing him in the locker aisle.
 - [HR Unfounded Inves] maintained that he has never intentionally touched [HR] in order to prompt him to move. He did not recall [HR Active] saying, “What the fuck!?” or having any other conversation during the alleged incident.
 - [HR Unfounded Inves] described [HR Active] as a credible person, and believed they had a good working relationship. He could not “think of any reason why [HR Active] would fabricate the allegation.”
 - Kathleen Haggard documented that her conclusions were based on a preponderance of the evidence standard, and that she would accept the allegation as fact when it is “more probably true than not true based on the available evidence.” Her conclusions included:
 - Due to no reported history of hazing, teasing, or harassment by [HR Unfounded Inves] against [HR Active Harass] the incident “came out of the blue and lacked any context of harassment.”
 - [HR Active] had unequivocally stated that he was standing upright at the time, whereas command staff originally thought he was bent over. Kathleen Haggard noted that if [HR Active] [HR] had been bent over at the time, there would be more reason to conclude that the alleged incident was intentional and harassing in nature. She documented an opinion that it “seems far less likely that someone would intentionally poke someone in the rear end, in order to harass them, when the recipient is standing in an upright posture.”
 - Kathleen Haggard did not discount [HR Active Harass] credibility, providing multiple supporting facts:
 - “He promptly reported the incident and gave a clear description of what he perceived. I could not discern a motive for him to fabricate allegations against [HR Unfounded Inves]. Furthermore, as [HR Active Harass] discussed the incident with a mentor and peer support officers, he was clearly bothered by what he perceived as a physical violation.”

- There was insufficient evidence that HR Unfounded Inves “intentionally” made contact with HR Active Harass but added, “Had there been sufficient evidence that HR Unfounded Inves intentionally poked HR Active Harass as alleged, that conduct would constitute a violation of the harassment policy.”
 - Kathleen Haggard did not define what the additional evidence would be, given that there were no witnesses or surveillance.

Concerns:

By Kathleen Haggard’s own standard, her conclusion was to be based on whether or not the allegation was “more probably true than not true based on the available evidence.” As there were no witnesses and no surveillance cameras in the men’s locker room, the only available evidence to her was the statements of HR Active Harass and HR Unfounded Inves. During six different documented conversations or interviews, HR Active Harass provided consistent statements about the event.

Additionally, both Kathleen Haggard and HR Unfounded Inves describe HR Active Harass as a credible source without motive to fabricate this accusation. HR Unfounded Inves denied the accusation, and claimed not to recall many of the other specific details provided by HR Active Harass. Applying Kathleen Haggard’s own standards, and the information documented in her report, it is concerning that she would state there was insufficient evidence to say HR Unfounded Inves violated the workplace harassment policy.

It is concerning that Kathleen Haggard would introduce subjective opinion as to the possible intent of HR Unfounded Inves based on whether HR Active was either standing or bent over: *“it seems far less likely that someone would intentionally poke someone in the rear end, in order to harass them, when the recipient is standing in an upright posture.”* Whether or not HR Active is standing or bent over should have no bearing on whether HR Unfounded Inves act violates the workplace harassment policy. Additionally, whether or not HR Active could speak to HR Unfounded Inves intent behind this act should have no bearing on whether it violated the workplace harassment policy.

It is concerning that because there was *“no reported history of hazing, teasing, or harassment by HR Unfounded Inves against HR Active”* Kathleen Haggard included in her report that the claim *“...lacked any context of harassment.”* It seems unreasonable that the first time sexual harassment occurs, an investigator should believe it lacks merit without a pattern of behavior.

City of Auburn policy 200-04 clearly states that *“...the City expects all employees to work in a manner that respects the feelings and dignity of their co-workers [section 4.0]...Examples of sexual harassment include, but are not limited to: [section 5.3]...any other similar physical contact considered unacceptable by another individual. [section 5.3.1]”* The investigation and documentation does not support Kathleen Haggard’s “Inconclusive” decision, or Director Martinson’s lack of further investigation or action.

City of Auburn policy 200-04 clearly states that *“It is the policy of the City of Auburn to provide a work environment for its employees that is harmonious and free from intimidation and harassment. [section 4.0]”* while highlighting that, *“Workplace harassment, including sexual harassment, negatively affects morale, motivation, and job performance. The City will not tolerate any form of workplace harassment, including sexual harassment, toward its employees by other employees or other individuals. [section 4.0]”*

HR Active Harass promptly reported an allegation of sexual harassment by a supervisor of the Auburn Police Department. However, the decision to rely on a third party investigator's inconclusive results, now creates an intimidating, hostile, and offensive working environment in which HR Active is still expected to serve in, for the City of Auburn.

The outcome of this incident causes great concern. If any employee reports workplace harassment, but there is insufficient evidence (no witnesses, camera footage, or injuries, etc) to say the violation occurred, the conclusion will be "inconclusive" if the accused employee simply states they do "not recall."

Again, each investigator and involved party stated HR Active is a credible person with no motive to fabricate the allegation. This can project an image to every employee that if they are known for being honest, it will have no bearing on whether their report of workplace harassment is believed. This practice will disincentivize the reporting of workplace harassment.

In conclusion, this appeal is requesting that you review all available materials relating to this matter to ensure that not only HR Active but all current, and future, City of Auburn employees are protected against any form of sexual harassment. It is also requested that HR Active Harass is able to serve in a work environment that is harmonious and free from intimidation and harassment. This, of course, will be based upon your review. HR Active is willing to sit and speak about this incident and his concerns in person at a time of your choosing.

HR Active Harass

10-20-2022



Officer Michael Mabis
Auburn Police Officer's Guild President
10-20-2022



Officer Patrick Douglas
Auburn Police Officer's Guild Vice President
10-20-2022

Redaction Log

Total Number of Redactions in Document: 86

Redaction Reasons by Page

Page	Reason	Description	Occurrences
1	HR Active Harass	RCW 42.56.250(1)(f). Investigative records compiled by an employing agency conducting an active and ongoing investigation of a possible unfair practice under Washington Law Against Discrimination (chapter 49.60 RCW) or a possible violation of other federal, state, or local laws prohibiting discrimination in employment are exempt.	23
1	HR Unfounded Inves	RCW 42.56.230(3); RCW 42.56.050. Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy. See also City of Tacoma v. Tacoma News, Inc. 65 Wn.App 140, 145, 827 P.2d 1094 (1992); Bellevue John Does 1-11 v. Bellevue Sch. Dist. #405, 164 Wn.2d 199, 217, 189 P.3d 139 (2008); Bainbridge Island Police Guild v. City of Puyallup, 172 Wn.2d 398, 412, 259 P.3d 190 (2011)	2
2	HR Active Harass	RCW 42.56.250(1)(f). Investigative records compiled by an employing agency conducting an active and ongoing investigation of a possible unfair practice under Washington Law Against Discrimination (chapter 49.60 RCW) or a possible violation of other federal, state, or local laws prohibiting discrimination in employment are exempt.	21
2	HR Unfounded Inves	RCW 42.56.230(3); RCW 42.56.050. Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy. See also City of Tacoma v. Tacoma News, Inc. 65 Wn.App 140, 145, 827 P.2d 1094 (1992); Bellevue John Does 1-11 v. Bellevue Sch. Dist. #405, 164 Wn.2d 199, 217, 189 P.3d 139 (2008); Bainbridge Island Police Guild v. City of Puyallup, 172 Wn.2d 398, 412, 259 P.3d 190 (2011)	13
3	HR Active Harass	RCW 42.56.250(1)(f). Investigative records compiled by an employing agency conducting an active and ongoing investigation of a possible unfair practice under Washington Law Against Discrimination (chapter 49.60 RCW) or a possible violation of other federal, state, or local laws prohibiting discrimination in employment are exempt.	10

Redaction Log

Page	Reason	Description	Occurrences
3	HR Unfounded Inves	RCW 42.56.230(3); RCW 42.56.050. Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy. See also City of Tacoma v. Tacoma News, Inc. 65 Wn.App 140, 145, 827 P.2d 1094 (1992); Bellevue John Does 1-11 v. Bellevue Sch. Dist. #405, 164 Wn.2d 199, 217, 189 P.3d 139 (2008); Bainbridge Island Police Guild v. City of Puyallup, 172 Wn.2d 398, 412, 259 P.3d 190 (2011)	10
4	HR Active Harass	RCW 42.56.250(1)(f). Investigative records compiled by an employing agency conducting an active and ongoing investigation of a possible unfair practice under Washington Law Against Discrimination (chapter 49.60 RCW) or a possible violation of other federal, state, or local laws prohibiting discrimination in employment are exempt.	7

Redaction Log

Redaction Reasons by Exemption

Reason	Description	Pages (Count)
HR Active Harass	RCW 42.56.250(1)(f). Investigative records compiled by an employing agency conducting an active and ongoing investigation of a possible unfair practice under Washington Law Against Discrimination (chapter 49.60 RCW) or a possible violation of other federal, state, or local laws prohibiting discrimination in employment are exempt.	1(23) 2(21) 3(10) 4(7)
HR Unfounded Inves	RCW 42.56.230(3); RCW 42.56.050. Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy. See also City of Tacoma v. Tacoma News, Inc. 65 Wn.App 140, 145, 827 P.2d 1094 (1992); Bellevue John Does 1-11 v. Bellevue Sch. Dist. #405, 164 Wn.2d 199, 217, 189 P.3d 139 (2008); Bainbridge Island Police Guild v. City of Puyallup, 172 Wn.2d 398, 412, 259 P.3d 190 (2011)	1(2) 2(13) 3(10)

EXHIBIT B

EXHIBITS TO PETITION

Leesa Manion (she/her)
Prosecuting Attorney - CIVIL DIVISION
701 5th Avenue, Suite 600
Seattle, WA 98104
(206) 477-1120/Fax (206) 296-0191

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

IN RE THE MATTER OF RECALL CHARGES
AGAINST AUBURN MAYOR NANCY
BACKUS

No.

DECLARATION OF ANGELA
KUBOTA-WOLBERT

I, Angela Kubota-Wolbert, declare under penalty of perjury of the laws of the State of Washington that the following is true and correct to the best of my knowledge.

1. I am the Election Services Manager for King County Elections. I am competent to testify and have personal knowledge of the matters herein.

2. On January 27, 2026, a resubmitted statement of recall charges against Auburn Mayor Nancy Backus was filed with King County Elections. The statement of charges was signed by Ronald Morgan. Mr. Morgan previously submitted a similar statement of recall charges against Auburn Mayor Nancy Backus to King County Elections on January 8, 2026.

3. I have reviewed the King County voter registration records and determined that Mayor Backus and Mr. Morgan are registered voters and are eligible to vote for the City of Auburn Mayor.

4. King County Elections caused Mayor Backus to be served with a copy of the statement of recall charges by legal messenger on February 2, 2026.

DECLARATION OF ANGELA KUBOTA-WOLBERT - 1

Leesa Manion (she/her)
Prosecuting Attorney - CIVIL DIVISION
701 5th Avenue, Suite 600
Seattle, Washington 98104
(206) 477-1120/FAX (206) 296-0191

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

Signed this 5th day of February, 2026, at Renton, Washington.


ANGELA KUBOTA-WOLBERT

EXHIBIT C

EXHIBITS TO PETITION

Leesa Manion (she/her)
Prosecuting Attorney - CIVIL DIVISION
701 5th Avenue, Suite 600
Seattle, WA 98104
(206) 477-1120/Fax (206) 296-0191

BALLOT SYNOPSIS OF RECALL CHARGES AGAINST
NANCY BACKUS
CITY OF AUBURN MAYOR

Shall City of Auburn Mayor Nancy Backus be recalled from public office for misfeasance, based on the following allegations:

1. Backus used her official position as Mayor to secure special privileges for her benefit by pursuing legal claims against the City of Auburn alleging discrimination, which resulted in a settlement agreement adopted by the Auburn City Council that provided Mayor Backus with an adjusted salary, benefits, and cash payments.
2. Backus used her official position as Mayor to advocate for leniency in the criminal sentencing of Joshua Headley, AKA J. Seeley, who pleaded guilty to rape of a child in the third degree, by providing a declaration in support of a treatment-focused sentence.
3. Backus failed to maintain impartial oversight and accountability of the Auburn Police Department by sitting with Auburn Police Department staff at the sentencing hearing of former Auburn Police Officer Jeffrey Nelson, who was convicted of murder in the second degree for acts committed while on duty and had a documented history of excessive force complaints while employed as an Auburn Police Officer.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

FILED
2026 FEB 19 03:22 PM
KING COUNTY
SUPERIOR COURT CLERK
E-FILED
CASE #: 26-2-05330-8 SEA

Honorable David Whedbee
Hearing Date: Tuesday, February 24, 2026
Hearing Time: 1:30 p.m.

SUPERIOR COURT FOR THE STATE OF WASHINGTON
IN THE COUNTY OF KING

IN RE THE MATTER OF RECALL
CHARGES AGAINST AUBURN MAYOR
NANCY BACKUS

NO. 26-2-05330-8 SEA

MEMORANDUM IN RESPONSE TO
RECALL PETITION

I. INTRODUCTION AND RELIEF REQUESTED

Petitioner Ronald Lee Morgan (“Petitioner”) asks this Court to repeat an election he lost just last year. Petitioner ran for mayor of Auburn in 2025 and was eliminated when he came in third, receiving 18.7% of the vote in the August primary election.¹ But the law in Washington is clear: while Petitioner may politically disagree with the mayor, such disagreement is insufficient to support a recall. *Cole v. Webster*, 103 Wn.2d 280, 286, 692 P.2d 799 (1984) (allegations based on political disagreement do not support a recall petition). Here, the Petitioner’s three charges amount to an airing of political grievances that Morgan holds against Mayor Backus, which he had every opportunity to argue when he ran against her six months ago. The Petitioner himself concedes his petition “doesn't hold much weight”² but he now asks this Court to look past that, and ignore controlling case law, to give him what the voters of Auburn would not: another chance to remove Mayor Nancy Backus from office. This Court should reject this petition and, with it, the practice of defeated political opponents weaponizing the recall process to harass candidates the voters emphatically re-elected just three months ago.

¹ Mayor Nancy Backus went on to be re-elected in November with over 55% of the vote in the general election.

² See Declaration of Mark Lamb, Exhibit 1.

1 **II. STATEMENT OF RELEVANT FACTS**

2 The ballot synopsis prepared by the Prosecutor reads:

3 1. Backus used her official position as Mayor to secure special privileges
4 for her benefit by pursuing legal claims against the City of Auburn alleging
5 discrimination, which resulted in a settlement agreement adopted by the Auburn
6 City Council that provided Mayor Backus with an adjusted salary, benefits, and
7 cash payments.

8 2. Backus used her official position as Mayor to advocate for leniency in
9 the criminal sentencing of Joshua Headley, AKA J. Seeley, who pleaded guilty
10 to rape of a child in the third degree, by providing a declaration in support of a
11 treatment-focused sentence.

12 3. Backus failed to maintain impartial oversight and accountability of the
13 Auburn Police Department by sitting with Auburn Police Department staff at the
14 sentencing hearing of former Auburn Police Officer Jeffrey Nelson, who was
15 convicted of murder in the second degree for acts committed while on duty and
16 had a documented history of excessive force complaints while employed as an
17 Auburn Police Officer.

18 **III. STATEMENT OF THE ISSUES**

19 1. Should the Court dismiss this recall petition as factually insufficient? **Yes.**

20 2. Should the Court dismiss this recall petition as legally insufficient? **Yes.**

21 **IV. EVIDENCE RELIED UPON**

22 This motion is based on the pleadings and exhibits in this matter to date, and the attached
23 Declaration of Mark Lamb.

24 **V. ANALYSIS**

25 **A. A CHARGE MUST BE FACTUALLY AND LEGALLY SUFFICIENT TO SUPPORT A RECALL
26 ELECTION.**

27 Voters have a constitutional right to petition to recall elected officials who have
28 committed malfeasance, misfeasance, or violated their oath of office. *In re Matter of Weyrich*,
29 3 Wn.3d 614, 620, 554 P.3d 1202 (2024). But that right is not unlimited. *Id.* Recall requires
30 “cause.” *Id.* That means a petition must be both factually and legally sufficient. *Id.* The burden
31 of establishing that the charges alleged in the recall petition are both legally and factually

1 sufficient falls on the proponent of the recall. *In re Recall of Kelley*, 185 Wn.2d 158, 163, 369
2 P.3d 494 (2016).

3 **Factual sufficiency.** To be factually sufficient, a petition must “state in detail” the
4 alleged wrongful acts **and** the petitioner must have knowledge of those facts. RCW
5 29A.56.110; *In re Recall of Sandhaus*, 134 Wn.2d 662, 668, 953 P.2d 82 (1998).³ This requires
6 that a petitioner have more than a belief that the charges are true, but a petitioner must establish
7 a prima facie case of misfeasance, malfeasance, or violation of the oath of office. *In re Recall*
8 *of Ackerson*, 143 Wn.2d 366, 371–72, 20 P.3d 930 (2001). The recall charge as a whole ““must
9 be specific enough to give the elected official meaningful notice of the particular conduct
10 challenged and why it is grounds for recall.”” *In re Recall of Pepper*, 189 Wn.2d 546, 553, 403
11 P.3d 839 (2017) (quoting *Boldt*, 187 Wn.2d at 549). If a petitioner alleges an official violated
12 the law, the facts must show that the official intended to do so. *In re Recall of Pearsall-Stipek*,
13 136 Wn.2d 255, 263, 961 P.2d 343 (1998) (petitioner must demonstrate that the official
14 intended to act unlawfully).

15 **Legal sufficiency.** “Legal sufficiency requires that the charges state with specificity
16 “substantial conduct clearly amounting to misfeasance, malfeasance or violation of the oath of
17 office.” *Chandler v. Otto*, 103 Wn.2d 268, 274, 693 P.2d 71 (1984). The petitioner must
18 identify “the standard, law, or rule that would make the officer’s conduct wrongful, improper,
19 or unlawful.” *Inslee*, 194 Wn.2d at 568 (citation modified).”

20 Here, Petitioner alleges that Mayor Backus committed misfeasance. Misfeasance
21 “means any wrongful conduct that affects, interrupts, or interferes with the performance of
22 official duty.” RCW 29A.56.110(1). And it also “means the performance of a duty in an
23 improper manner.” *Id.*

24 An elected official does not commit misfeasance if they appropriately exercise their
25 discretion. *Chandler*, 103 Wn.2d at 274. For charges based on discretionary acts, the petitioner
26

³ Emphasis added.

1 must show that the “official exercised discretion in a manifestly unreasonable manner.” *In re*
2 *Recall of Shipman*, 125 Wn.2d 683, 685, 886 P.2d 1127 (1995). Discretion is exercised in a
3 manifestly unreasonable manner if it is exercised on untenable grounds or for untenable reasons.
4 *In re Recall of Inslee*, 194 Wn.2d at 572. “If a legal justification exists for the challenged action,
5 the charge is not sufficient.” *In re Recall of Sawant*, 197 Wn.2d 420, 426, 483 P.3d 752 (2021).
6

7 **B. CHARGE ONE CANNOT SUPPORT A RECALL ELECTION.**

8 Charge one alleges that Mayor Backus used her “official position to secure special
9 privileges for her benefit.” It claims that she did this by “pursuing legal claims” that “alleg[ed]
10 discrimination.”

11 Charge one fails for several reasons. First, it is factually insufficient because it does not
12 describe how Mayor Backus used her office to secure any special privilege, and because it does
13 not demonstrate that the Petitioner knew that Mayor Backus pursued legal claims or obtained
14 any special privilege. Second, it is legally insufficient. It identifies no standard, law, or rule
15 that Mayor Backus violated, and it is not unlawful to allege discrimination.

16 **1. Charge one is factually insufficient.**

17 **a. Charge one does not describe how Mayor Backus “used” her office**
18 **to secure any “special privilege.”**

19 A charge must concisely state the alleged wrongful “act” or “acts” and include a
20 “detailed description” of the “nature” of such act. RCW 29A.56.110. Charge one says that
21 Mayor Backus “used her official position to secure special privileges.” *See* RCW 42.23.070(1).
22 But charge one does not describe how Mayor Backus “used” her mayoral position to do that.
23 It says that she “alleged discrimination,” but does not explain how she did that in a way that
24 leveraged her position as mayor, such as initiating claims in her official capacity, or using her
25 position to influence the City Council.
26

1 Additionally, charge one does not describe what “special privileges” Mayor Backus
2 secured. *See* RCW 42.23.070(1). Charge one states that Mayor Backus received “adjusted
3 salary, benefits, and cash payments,” but does not describe what those benefits and payments
4 were or how that amounts to securing “special privileges.”

5 Without describing how Mayor Backus “used” her office improperly to “secure special
6 privileges,” charge one is factually insufficient. *See, e.g., In re Kelley*, 185 Wn.2d 158, 168–
7 69, 369 P.3d 494 (2016) (charge in recall petition was factually insufficient where it did not
8 state “any specific facts” about how elected official acted wrongfully).

9 **b. Charge one does not show how Petitioner knew that Mayor Backus**
10 **“used” her office to secure any “special privilege.”**

11 Factual sufficiency requires that the charge demonstrate that the petitioner “knows of
12 identifiable facts that support the charge.” *In re Recall of Reed*, 156 Wn.2d 53, 58, 124 P.3d
13 279 (2005). This includes facts that indicate the elected official intended to violate the law. *In*
14 *re Recall of Inslee*, 194 Wn.2d at 568. Petitioner has not met his burden.

15 *First*, the charge does not demonstrate that Petitioner knew that Mayor Backus “pursued
16 legal claims” because nothing substantiates that claim. For example, it cites no case number,
17 attaches no lawsuit filings, nor even a demand letter.

18 *Second*, the charge does not demonstrate that Petitioner knew that Mayor Backus
19 received any “special privileges.” Charge one states the City Council adopted a “settlement
20 agreement” on June 5, 2023, that provided her with “adjusted salary, benefits, and cash
21 payments.” But it attaches nothing to substantiate any of those facts or Petitioner’s knowledge
22 of those facts. Nor does it allege facts that Mayor Backus had any intent to use her office to
23 secure any “special privilege.”

24 **c. Public records contradict Petitioner’s characterization of events.**

25 This Court may also go “outside the petition to determine whether there is a factual
26 basis” for charge one. *See In re Anderson*, 131 Wn.2d 92, 95, 929 P.2d 410 (1997).

1 Here, the City Council’s publicly available meeting minutes demonstrate that there is
2 no factual basis for charge one.⁴ On June 5, 2023, City Council enacted Ordinance 6907. That
3 ordinance preserved Mayor Backus’s previously accrued vacation leave already earned *up to*
4 the ordinance’s effective date. After that date, it *reduced* mayoral future non-salary benefits to
5 be consistent with other employees. No settlement agreement is referenced in the council
6 materials attached hereto and cited by the Petitioner.

7 Without facts showing that Mayor Backus used her office to obtain special privileges,
8 the charge cannot meet factual sufficiency. *See, e.g., In re Kelley*, 185 Wn.2d at 168–69.

9
10 **2. Charge one is legally insufficient because it is not unlawful for an elected official to allege discrimination.**

11 A charge must “identify the standard, law, or rule” that would have made Mayor
12 Backus’s conduct “improper” or “unlawful.” *Recall of Pepper*, 189 Wn.2d 546, 555, 403 P.3d
13 839 (2017). Charge one does not. That omission alone defeats legal sufficiency.

14 Moreover, to be legally sufficient, a charge must allege conduct that “clearly amounts”
15 to misfeasance. *Id.* at 554. Charge one does not.

16 Charge one says that Mayor Backus “alleged discrimination” and settled claims with
17 the City as the vehicle to “secure special privileges.” But alleging discrimination, on its face,
18 cannot constitute conduct that “clearly amounts” to misfeasance. An elected official cannot be
19 penalized for exercising legal rights afforded to all individuals. *See, e.g., Sawant*, 197 Wn.2d
20 at 426 (“If a legal justification exists for the challenged action, the charge is not sufficient.”);
21 *see also* RCW 29A.56.110.

22 Moreover, Mayor Backus’s non-salary benefits changes were approved by the City
23 Council. Where an action is legislatively ratified, it cannot “clearly amount” to misfeasance
24 and is legally sufficient. *See, e.g., In re Recall of Davis*, 164 Wn.2d 361, 371–72, 193 P.3d 98
25 (2008) (charge alleging malfeasance related to employment benefits was legally sufficient
26

⁴ *See* Lamb Declaration, Exhibit 2.

1 where “additional moneys were not voted on or approved by the port commissioners at a
2 regularly scheduled public hearing”).

3 A simple analogy: an LGBTQ mayor alleging sexual-orientation discrimination would
4 not be “using her office” to obtain a “special privilege.” She would be merely exercising rights
5 all employees have. The same is true here. Because charge one identifies no unlawful act, it is
6 legally insufficient.

7 **C. CHARGE TWO CANNOT SUPPORT A RECALL ELECTION.**

8 Charge two alleges that Mayor Backus used her “official position” to “advocate for
9 leniency” in a criminal sentencing. It claims that she did this by “providing a declaration in
10 support of a treatment-focused sentence.”

11 Charge two fails for several reasons. First, it is factually insufficient because it does not
12 describe how Mayor Backus used her office to advocate criminal leniency, and because it does
13 not demonstrate that the Petitioner knew that Mayor Backus used her office or submitted any
14 declaration. Second, it is legally insufficient. It identifies no standard, law, or rule that Mayor
15 Backus violated. Finally, it is not unlawful to advocate for leniency in a criminal sentencing.

16 **1. Charge two is factually insufficient.**

17 **a. Charge two does not describe how Mayor Backus “used” her office**
18 **to advocate for criminal leniency.**

19 Again, a charge must concisely state the alleged wrongful “act” or “acts” and include a
20 “detailed description” of the “nature” of such act. RCW 29A.56.110. Charge two says that
21 Mayor Backus “used her official position” to “advocate for leniency.” But charge two does not
22 describe how Mayor Backus “used” her mayoral position to do that. So, without describing
23 how Mayor Backus “used” her office improperly, charge two is factually insufficient. *See, e.g.,*
24 *In re Kelley*, 185 Wn.2d at 168–69.

1 **b. Charge two does not show Petitioner’s knowledge of how Mayor**
2 **Backus “used” her office to advocate for criminal leniency.**

3 Again, factual sufficiency requires that the charge demonstrate that the petitioner
4 “knows of identifiable facts that support the charge.” *In re Recall of Reed*, 156 Wn.2d at 58.
5 This includes facts that indicate an “intention to violate the law.” *In re Recall of Inslee*, 194
6 Wn.2d at 568. Petitioner has not met this burden.

7 *First*, charge two does not demonstrate that Petitioner knew that Mayor Backus intended
8 to “use” her official position to advocate for leniency. For example, no facts suggest that Mayor
9 Backus had hiring or firing authority over the presiding judge, nor does it show that Mayor
10 Backus used her title to advocate leniency. The record before the Court and relied on by the
11 Petitioner suggests the opposite. It includes (1) an email that Mayor Backus sent to herself
12 from to her personal email that did not mention that she was mayor and, (2) a news article that
13 reported that Mayor Backus sent a draft email to herself and then allegedly sent a different
14 declaration to a defendant’s criminal defense counsel on her “individual behalf.” There is
15 neither an allegation, nor any evidence provided, to suggest that this declaration was ever
16 submitted to the Court or considered by a Judge in sentencing.

17 *Second*, charge two does not demonstrate that Petitioner knew that Mayor Backus
18 submitted any such declaration to a defendant’s criminal defense counsel. It only cites a news
19 article, but that is not sufficient to demonstrate Petitioner’s knowledge about the alleged facts
20 supporting the charge. *See id.*; *see also* RCW 29A.56.110 (requiring that a charge be “verified
21 under oath” by a person with “knowledge of the alleged facts”).

22 Without facts showing that Mayor Backus used her office or even “advocated” for
23 criminal leniency, charge two is factually insufficient. *See, e.g., In re Kelley*, 185 Wn.2d at
24 168–69.

1 **2. Charge two is legally insufficient because it is not unlawful for an elected**
2 **official to express their views by submitting a declaration regarding**
3 **criminal sentencing.**

4 Again, a charge must “identify the standard, law, or rule” that would have made Mayor
5 Backus’s conduct “improper” or “unlawful.” *Recall of Pepper*, 189 Wn.2d at 555. Charge two
6 does not. That omission independently defeats legal sufficiency.

7 Moreover, to be legally sufficient, a charge must allege conduct that “clearly amounts”
8 to misfeasance. *Id.* at 554. Charge two does not.

9 Charge two says that Mayor Backus submitted a declaration to advocate for leniency in
10 a criminal sentencing. But that does not “clearly amount” to misfeasance. No statute or ethical
11 rule prohibits elected officials from expressing views in court as private citizens or referring to
12 their experience as an elected official in so doing. And recall is unavailable for expressive acts
13 unless the petition identifies a statute or duty the official violated. *See, e.g., In re Recall of*
14 *White*, 196 Wn.2d 492, 495, 474 P.3d 1032 (2020) (a recall petition “must allege” “an act of
15 misfeasance,” “not merely an unpopular decision or an unpopular stance”).

16 Because charge two identifies no unlawful act nor any “standard, law or rule” that was
17 violated, it is legally insufficient.

18 **D. CHARGE THREE CANNOT SUPPORT A RECALL ELECTION.**

19 Charge three alleges that Mayor Backus failed to “maintain oversight and
20 accountability.” It claims she did this by attending the sentencing hearing of former police
21 officer Jeffrey Nelson and sitting with police department staff.

22 Charge three fails for several reasons. First, it is factually insufficient because it is
23 speculative and does not specifically describe what Mayor Backus allegedly did wrong.
24 Second, it is legally insufficient. It identifies no standard, law, or rule that Mayor Backus
25 violated. Additionally, attending a public court proceeding is perfectly legal; indeed, it is a
26 foundation of our system of justice that courts and judicial proceedings are open to all.

1 **1. Charge three is factually insufficient because it is speculative and lacks**
2 **specificity.**

3 A petition must include reasonably specific and detailed factual allegations, not
4 speculation. *Matter of Recall of Boldt*, 187 Wn.2d 542, 549, 386 P.3d 1104 (2017). Here,
5 Petitioner has not met his burden.

6 *First*, the petition does not include reasonably specific or detailed factual allegations to
7 establish a prima facie case of misfeasance, malfeasance, or violation of the oath of office for
8 Charge Three. For example, the petition does not point to any specific statement the mayor
9 made, any specific attempt to influence the court, or any specific misuse of authority or
10 resources.

11 *Second*, the charge does not demonstrate that Petitioner knew that Mayor Backus failed
12 to “maintain oversight and accountability” because nothing substantiates that claim. It points
13 to Mayor Backus’ attendance at the court hearing and speculates that shows “impartiality
14 towards victims or public trust, interfering with faithful oversight of public safety
15 responsibilities.” And it tries to support that charge with an attached op-ed piece in the Seattle
16 Times and a brief reference to a statement from a mayor’s office spokesperson acknowledging
17 Backus’ attended the sentencing to support the Auburn Police Department. But that does not
18 demonstrate that Petitioner had personal knowledge about these allegations. See *In re Recall*
19 *of Reed*, 156 Wn.2d at 58; see also RCW 29A.56.110.

20 Without facts showing that Mayor Backus failed to maintain oversight and
21 accountability, charge three cannot meet factual sufficiency. See, e.g., *In re Kelley*, 185 Wn.2d
22 at 168–69.

23 **2. Charge three is legally insufficient because attending a public court**
24 **proceeding is lawful and commonplace.**

25 Again, a charge must “identify the standard, law, or rule” that would have made Mayor
26 Backus’s conduct “improper” or “unlawful.” *Recall of Pepper*, 189 Wn.2d at 555. Charge
three does not. That omission independently defeats legal sufficiency.

1 Moreover, to be legally sufficient, a charge must allege conduct that “clearly amounts”
2 to misfeasance. *Id.* at 554. Charge three does not.

3 Charge three alleges that Mayor Backus committed misfeasance in office by attending
4 the January 23, 2025, sentencing of former Auburn Police Officer Jeffrey Nelson and sitting
5 with members of the City of Auburn police department. And it claims that this constitutes a
6 failure to maintain impartial oversight of police department accountability. But there is no duty
7 requiring a mayor to avoid attending court proceedings or to refrain from observing matters
8 involving city employees. In actuality, attendance of public officials at court proceedings and
9 public hearings is commonplace, and a mayor cannot be recalled for discretionary acts.
10 *Chandler*, 103 Wn.2d at 274. Without a breached duty, the charge fails as a matter of law.

11 Further, charge three is an improper use of the recall process. Again, the recall process
12 requires allegations of malfeasance, misfeasance or a violation of the oath of office. *Id.* at 270–
13 71. An elected official cannot be recalled just because they made a politically unpopular
14 decision. *Id.* at 271. Charge three is an improper attempt to do just that; it asks to use the recall
15 process as a mechanism for expressing dissatisfaction with an elected official’s public
16 appearances or perceived sympathies. It does not allege that Mayor Backus interfered with the
17 judicial process, attempted to influence sentencing, misused city resources, or acted outside
18 lawful authority.

19 If applied as Petitioner intends here, the recall process could be used by any political
20 opponent against public officials for any public appearance or support of any issue with which
21 the Petitioner disagrees. For example, this could allow mayors to be recalled for attending
22 Black Lives Matters rallies or Pride parades. Such a result would punish expressive activity
23 and freedom of association, both of which are explicitly protected by the United States and
24 Washington Constitutions. This is clearly not what the recall process is intended for.
25 Accordingly, this Court must dismiss charge three as legally insufficient.
26


1 **VI. CONCLUSION**

2 Petitioner is understandably upset that he did not prevail when he ran against Mayor
3 Nancy Backus last year; however, recall elections are not do-overs and they must be supported
4 by facts and the law. Here the Petitioner has met the burden of neither. Recalls should never
5 be used by vanquished political opponents to harass elected officials they could not defeat in a
6 free and fair election mere months before. None of the three charges in the petition are new; a
7 fact made explicitly clear by the Petitioner’s reliance on news accounts as opposed to his own
8 personal knowledge. These news accounts confirm the voters of Auburn were well aware of
9 Petitioner’s legally and factually insufficient allegations last November when Mayor Backus
10 was re-elected with 55% of the vote.

11 This Court must find all three charges are legally and factually insufficient and dismiss
12 the petition.

13 DATED this February 19, 2026.

14 CARNEY BADLEY SPELLMAN, P.S.

15
16 By 
17 Mark C. Lamb, WSBA No. 30134
18 Kevin P. Hagan, WSBA No. 56637
19 Ashley D. Burman, WSBA No. 58754
20 mlamb@carneylaw.com
21 hagan@carneylaw.com
22 burman@carneylaw.com

23 *Attorneys for Mayor of Auburn Nancy Backus*

24 I certify that this memorandum contains 3840 words,
25 in compliance with the Local Civil Rules.
26

1 **CERTIFICATE OF SERVICE**

2 The undersigned certifies under penalty of perjury under the laws of the State of
3 Washington that I am an employee at Carney Badley Spellman, P.S., over the age of 18 years,
4 not a party to nor interested in the above-entitled action, and competent to be a witness herein.
5 On the date stated below, I caused to be served a true and correct copy of the foregoing
6 document on the below-listed attorney(s) of record by the method(s) noted:

7 Email and court e-filing website, which sends notification of such filing to the
8 following:

9 ***Attorneys for King County Prosecuting Attorney’s Office***

10 Lindsey Grieve, WSBA No. 42951
11 KING COUNTY PROSECUTING ATTORNEY’S OFFICE
12 King County Prosecuting Attorney’s Office (*Civil Division*)
13 701 5th Avenue, Suite 600
14 Seattle Washington 98104
15 Tel.: (206) 477-1120
16 Lindsey.Grieve@kingcounty.gov

17 ***Petitioner***

18 Ronald Morgan III
19 ronnieatthewater1313@gmail.com

20 Legal messenger service, for delivery on _____,
21 to the following:

22 Overnight mail service, for delivery on _____, to
23 the following:

24 Via court e-filing website, which sends notification of such filing to the following:

25 Other _____.

26 DATED this February 19, 2026.

27 
28 _____
29 Alicia E. Macklin, Legal Assistant
30 macklin@carneylaw.com

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

FILED
2026 FEB 27 09:00 AM
KING COUNTY
SUPERIOR COURT CLERK
E-FILED
CASE #: 26-2-05330-8 SEA

Honorable David Whedbee
Hearing Date: February 25, 2026
Hearing Time: 10:00 a.m.

SUPERIOR COURT FOR THE STATE OF WASHINGTON
IN THE COUNTY OF KING

IN RE THE MATTER OF RECALL
CHARGES AGAINST AUBURN MAYOR
NANCY BACKUS

NO. 26-2-05330-8 SEA
ORDER DENYING PETITIONER
RONALD LEE MORGAN'S RECALL
CHARGES AGAINST AUBURN
MAYOR NANCY BACKUS

CLERK'S ACTION REQUIRED

This matter comes before the Court on Petition to Determine Sufficiency of Recall Charges and Adequacy of Ballot Synopsis.

The Court has considered the oral argument from counsel, the pleadings and file in this action, and the following materials:

1. Ballot Synopsis of Recall Charges Against Nancy Backus, City of Auburn Mayor;
2. Petitioner Ronald Morgan III's Petition to Recall Charges Against City of Auburn Mayor Nancy Backus, his supporting memorandum and related materials filed on February 20, 2026, and the accompanying record;
3. Petitioner's Motion to Enlarge Time to file briefing, and Petitioner's Motion to Correct the Ballot Synopsis as to Charge Two.

ORDER DENYING PETITIONER RONALD LEE MORGAN'S
RECALL CHARGES AGAINST AUBURN MAYOR NANCY
BACKUS – 1

Judge David Whedbee
King County Superior Court
516 – Third Avenue, E-201
Seattle, WA 98104

BAC022-0001

**King County Superior Court
Judicial Electronic Signature Page**

Case Number: 26-2-05330-8 SEA
Case Title: IN RE NANCY BACKUS
Document Title: Order
Date Signed: 02/27/2026



Judge: David Whedbee

Key/ID Number: *347850140*
Page Count: This document contains 2 page(s) plus this signature page.

March 10, 2026

Nancy Backus
nbackus@auburnwa.gov

Invoice #: 322884
Client #: BAC022
Matter #: 1
Billing Attorney: MCL

INVOICE SUMMARY

FOR PROFESSIONAL SERVICES RENDERED THROUGH February 28, 2026:

RE: adv. Ronald Morgan

Professional Services	\$ 50,958.00
Courtesy Discount	<u>\$ -6,000.49</u>
Net Professional Services	\$ 44,957.51
Total Costs Advanced	<u>\$ 42.49</u>
TOTAL THIS INVOICE	\$ 45,000.00

March 10, 2026

Nancy Backus
nbackus@auburnwa.gov

Invoice #: 322884
Client #: BAC022
Matter #: 1
Billing Attorney: MCL

REMITTANCE ADVICE

BALANCE DUE THIS INVOICE

\$ 45,000.00

TO PAY BY WIRE OR ACH

Carney Badley Spellman, PS
Northwest Bank ABA#123206956, Acct #0100068440

TO PAY BY CREDIT CARD AND ACH

(CREDIT CARD PAYMENT IS SUBJECT TO A 2.0% SURCHARGE. NO FEES ON DEBIT CARD)

CLICK ON URL LINK:

<https://carneylaw.securepayments.cardpointe.com/pay>

or FILL OUT CARD INFORMATION BELOW:

_____ VISA _____ MASTERCARD Amount: _____

Card# _____ Expiration Date: _____ Security Code: _____

Name on Card: _____ Credit Card Zip Code: _____

Authorized Signature: _____

Or call Accounts Receivable at (206)-607-4143

PAYMENT DUE UPON RECEIPT

Bills not paid within 30 days are subject to a finance charge of 1% per month.