



Klamath County Commissioners

Al Switzer, Commissioner
Position One

Dennis Linthicum, Commissioner
Position Two

Cheryl Hukill, Commissioner
Position Three

April 3, 2012

Alana J. Cox
Compliance Specialist
Secretary of State – Elections Division
255 Capitol Street NE, Suite 501
Salem, OR 97310

**Re: Elections Division Case Number 12-063
Klamath County Board of Directors**

Dear Ms. Cox:

This letter is in response to your letter of March 19, 2012 regarding the above-referenced matter. Pursuant to your request, our answers to your questions are as follows:

1. *Who is responsible for producing the “This Week in Klamath Falls” videos?*

“This Week in Klamath County” is a public affairs program produced by Klamath County Information Technology (IT) and its contractors at the direction of the Klamath County Board of County Commissioners (BOCC). The BOCC has gratefully accepted the volunteer services of Joe Spendolini, in organizing the format and content, and “hosting” the programs. Because he volunteered to organize and host these programs for Klamath County, we have included his answers to your questions with our own.

2. *Who approved posting the videos on the Klamath County website?*

According to Randy Paul, our IT Director, all videos we produce are automatically uploaded to viddler.com, but only Klamath County productions are linked back to Klamath County’s website. (For example, if the Oregon State DEQ or another customer pays for videotaping at our public meeting room facility, part of that service is to make a copy available on the viddler site. Since it is DEQ and not Klamath County, our IT department would not provide a link to such a show from Klamathcounty.org.

3. *Who actually posts the videos on the Klamath County website?*

IT staff posts all video to the internet.



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4. *In videos numbers 52 and 54 there has been some editing to include candidate websites, twitter hands, facebook pages, etc. Who did this editing? Who approved it and/or requested it be done?*

According to Randy Paul, these videos were not edited. As videos are produced live, the contract video technician overlays text related to the discussion. This normally includes the name and title (or other descriptor) of the person speaking. If a web site or email address is mentioned in the discussion, it is often overlaid for convenience of the viewer. At the time these videos were produced, staff was not sensitive to the potential for ethics or election law violations. Since that time, staff has been cautioned to only use names and titles of speakers and to avoid commercial references.

5. *Who invited candidates to attend the “debates?” Were all of the candidates invited?*

Joe Spendolini was responsible for those logistics. According to Spendolini, all candidates were invited by e-mail. Copies of his e-mail invitations are attached.

6. *Who decided to go forward with the “debates” once it was found that some of the candidates were not available or did not want to debate before the candidate filing deadline? Why was this decision made?*

According to Joe Spendolini, he decided that the programs should continue. He has explained to us that he thought it would be unfair to censor those candidates who were available or willing, based solely on the availability or willingness of the other candidates.

7. *Why were the “debates” held before the candidate filing deadline?*

According to Joe Spendolini, the number of contested races, the number of candidates, and the short schedule between the filing deadline and the mailing of ballots affected the program schedule.

8. *Why were videos numbers 52 and 54 removed from the website?*

Videos 52 and 54 were removed by IT at the direct verbal request of Commissioner Dennis Linthicum, BOCC Chair, after Klamath County learned of the election law complaint. Commissioner Linthicum thought it prudent to remove the alleged offending episodes pending the outcome of this inquiry.

9. *Regarding the debate for Klamath County Commissioner Position 1, who decided to limit it to Republican candidates? Was this communicated to all of the candidates in advance of the debate?*

Spendolini began organizing this debate in December of 2011, and each of the candidates that had filed was invited. Only Republican candidates had filed for this position until the day before the debate took place, and there was insufficient time to include the late entry.

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10. Who invited candidates to the Klamath County Commissioner Position 1 debate? If it was done in writing, please include a copy of that invitation.

Spendolini invited all of the candidates, emails attached.

11. Was a debate for Klamath County Commissioner Position 1 organized for the democrat? Is there an intention to hold a democrat debate? If a debate wasn't held or isn't planned because there is only one candidate, what is the distinction between this situation and the one person debates in videos 52 and 54?

Spendolini has not contacted any candidate about appearing on the program for an individual interview because of the complaint that was filed. He informs us he will invite the Democrat running for Commissioner, and the Whitsetts (individually) once the inquiry has concluded, unless doing so is deemed inappropriate.

12. Who approved posting the Klamath County Position 1 debate on the Klamath County website? Who actually posted it?

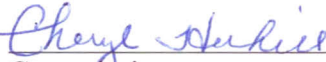
According to Randy Paul, anything Klamath County cablecasts on the government affairs channel is automatically copied to the viddler account. This is at the request of the County Commissioners as most of our citizens do not have access to Charter Cable cablecasts. These videos traditionally were not edited in any way from the original cablecasts.

If you require any further clarification to these questions, please do not hesitate to contact us.

Sincerely,

KLAMATH COUNTY BOARD OF COMMISSIONERS


Chair


Commissioner


Commissioner

ENCLOSURES

C: Joe Spendolini
Randy Paul
Dave Groff, County Counsel

From: Joe Spendolini [Joe.Spendolini@KlamathOnline.com]

Sent: Mon 12/26/2011 12:23 PM

To:

Cc:

Bcc: dennisjefcoat@yahoo.com; JohnJann@msn.com; Mallams Tom; alnvicki@msn.com

Subject: County Commissioner Position #1 Debates

Candidates,

I hope you all had a very Merry Christmas.

As you may have read in the Herald and News, I am the host of a weekly television program called, "This Week In Klamath County". In preparation of our series of candidate debates, I am formally inviting you to participate in a debate for the elected position you have filed for.

Steve Miller, Editor of the Herald and News and the Heraldandnews.com, will be co-moderating the debate with me.

The debate format will be:

- Each candidate will have three minutes for an opening statement, and two minutes for a closing statement.

- Questions from the moderators may be directed at individual candidates or to the entire field of candidates. Responses will be limited to 2 minutes. Any candidate can challenge the response of other candidates, and will be limited to a 1-minute rebuttal. The candidate challenged by a rebuttal, will have 30 seconds to respond to the challenge.

I have scheduled the debate for County Commissioner Position #1 for February 1st. This Week In Klamath County is broadcast live at 6PM on cable channel 14, so please be there no later than 5:45 PM. The program is broadcast from the Commissioner hearing room on the second floor of the county government building at 305 Main Street.

Please reply to this email with any questions or concerns you may have.

From: Joe Spendolini [Joe.Spendolini@KlamathOnline.com]
To: Kelley Minty Morris
Cc:
Subject: County Commissioner Position #1 Debates

Sent: Fri 1/13/2012 4:31 PM

Kelley,

I am formally inviting you to participate in a debate for Klamath County Commissioner position #1 candidates, which will be broadcast live on the program "This Week In Klamath County".

Steve Miller, Editor of the Herald and News and the Heraldandnews.com, will be co-moderating the debate with me.

The debate format will be:

- Each candidate will have three minutes for an opening statement, and two minutes for a closing statement.
- Questions from the moderators may be directed at individual candidates or to the entire field of candidates. Responses will be limited to 2 minutes. Any candidate can challenge the response of other candidates, and will be limited to a 1-minute rebuttal. The candidate challenged by a rebuttal, will have 30 seconds to respond to the challenge.

I have scheduled the debate for County Commissioner Position #1 for March 7th. This Week In Klamath County is broadcast live at 6PM on cable channel 14, so please be there no later than 5:45 PM. The program is broadcast from the Commissioner hearing room on the second floor of the county government building at 305 Main Street.

Please reply to this email with any questions or concerns you may have.