



## **AGENDA**

### **CHARTER REVIEW COMMISSION**

**223 East 4<sup>th</sup> Street, Room 160**  
**Port Angeles, Washington**  
**January 13, 2025 – 5:30 p.m.**

#### **Notes for the Audience**

- Assistive listening devices are available. Please notify Clerk before the meeting if you would like a personal listening device.
- Please utilize the public comment sign-up sheets located at the front door.

#### **\*\*ATTENTION\*\***

Charter Review Commission meetings will also be available virtually at:

If you would like to participate in the meeting via Zoom audio only, call 253-215-8782 and use meeting ID: 875 561 7844 and passcode: 12345

If you would like to participate in the meeting via Zoom video conference, visit <https://zoom.us/j/8755617844> and use meeting ID: 875 561 7844 and passcode: 12345

This meeting can be viewed on a live stream at this link: <https://www.clallamcountywa.gov/669/Live-Archived-Meetings-Online>

Public comment can be directed to the Clerk at 360-417-2256 or [Loni.Gores@clallamcountywa.gov](mailto:Loni.Gores@clallamcountywa.gov)

#### **CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

#### **OATHS OF OFFICE**

- Administered by Loni Gores, Clerk of the Board, Notary

#### **ROLL CALL/INTRODUCTIONS OF COMMISSIONERS**

#### **ELECTION OF OFFICERS**

- Chair
- 1<sup>st</sup> Vice Chair
- 2<sup>nd</sup> Vice Chair
- Parliamentarian

#### **MODIFICATIONS/APPROVAL OF AGENDA**

#### **PUBLIC COMMENT ON AGENDA ITEMS – Please limit comments to three minutes**

#### **INTRODUCTION OF STAFF**

- Legal Counsel – Prosecuting Attorney Office
- Commissioners Office – Todd Meilke, County Administrator
- Clerk – Loni Gores, Clerk of the Board
- Budget – Mark Lane, Chief Financial Officer

**AGENDA for the Meeting of January 13, 2025**  
**CHARTER REVIEW COMMISSION**  
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**DISCUSSION ITEMS**

- Open Public Meetings Act (OPMA) – Prosecuting Attorney’s Office
- Public Records Act (PRA) – Public Records Office
- Discussion regarding Charter, Code and Policy differences – Prosecuting Attorney’s Office
- Bylaws and Rules of Procedures
- County Email Update – Loni Gores, Clerk
- 2025 Meeting Schedule
- Discussion Items for Next Meeting

**PUBLIC COMMENT – Please limit comments to three minutes**

**ITEMS FOR THE GOOD OF THE ORDER**

**ADJOURNMENT**

**INSTRUCTIONS FOR SPEAKING AT A  
CHARTER REVIEW COMMISSION MEETING:**

- Members of the public wishing to address the Commission on general items may do so during the designated times on the agenda.
- Members of the public wishing to comment at the public hearing are asked to sign in on the sheet provided giving their name, address and topic.
- Public comment is limited to 3 minutes for each speaker subject to the Commissions concurrence.
- Speakers, generally, will be heard in the order they signed up. All comments must be made from the speaker’s rostrum and any individual making comments shall first state their name and address for the official record.
- General comments, applause, booing from members of the audience are inappropriate and may result in removal.

These guidelines are intended to promote an orderly system for conducting a public hearing so that each person has an opportunity to be heard and to ensure that exercising their right of free speech embarrasses no one.

**Note:** Written testimony presented by members of the public during the meeting is considered a public document and must be submitted to the Clerk of the Charter Review Commission. Copies of public documents from meetings are available by contacting the Public Records Department.

# **CHARTER REVIEW COMMISSION**

**Open Public Meetings Act**

**And**

**Public Records Act**

**Training**

# CLALLAM COUNTY PUBLIC RECORDS OFFICE (PRO)

*Public Records Requests  
and  
Records Management*

Updated 12/20/2024

# PUBLIC RECORDS TEAM

**Every County Employee!!**

Public Records Officer

Deputy Public Records Officer

Public Records Deputies (CCSO)

Legal Counsel to Public Records Office

Public Records Specialists (PRSs) in every  
Department

A writing

Containing information relating to the conduct of government or the performance of any governmental or proprietary function that is...

Prepared, owned, used, or retained by any state or local agency

Format doesn't matter!

# WHAT IS A PUBLIC RECORD?

# WRITING MEANS...

"Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation including, but not limited to, letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, motion picture, film and video recordings, magnetic or punched cards, discs, drums, diskettes, sound recordings, and other documents including existing data compilations from which information may be obtained or translated.

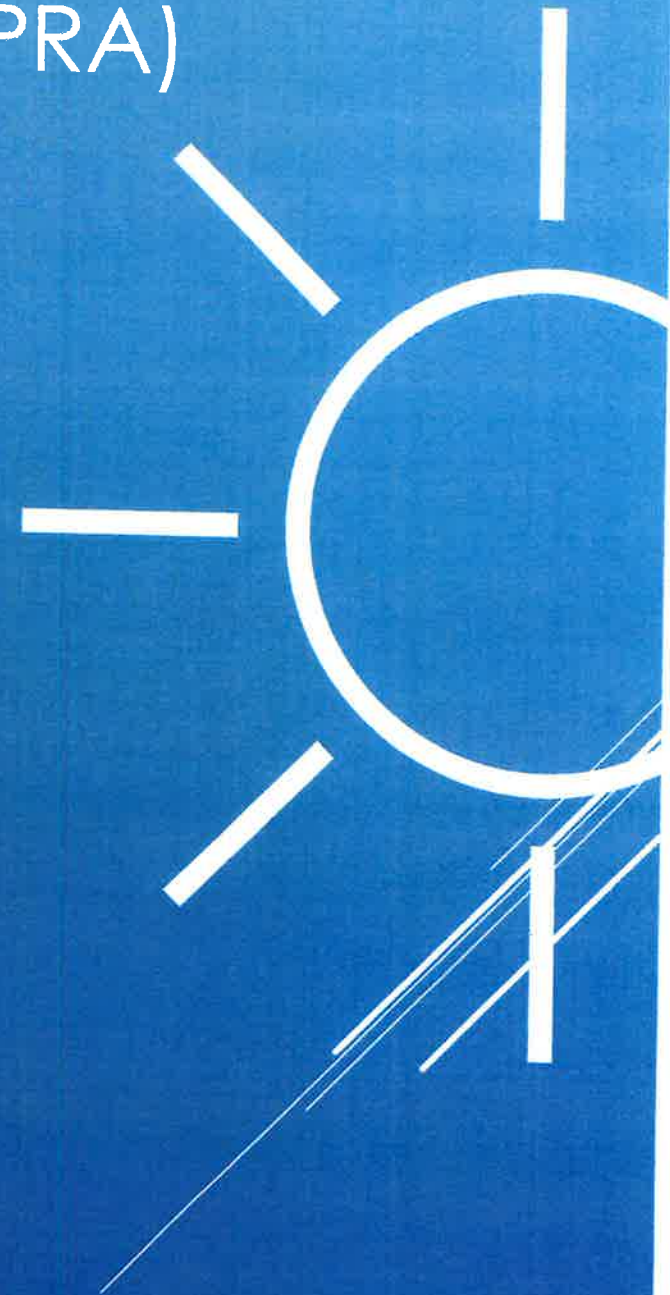
# NOTE: PUBLIC RECORDS INCLUDE...

... records of agency business when they are created or retained by agency employees or officials on:

- Home computers
- Personal cell phones
- Non-agency email accounts
- Personal social media accounts

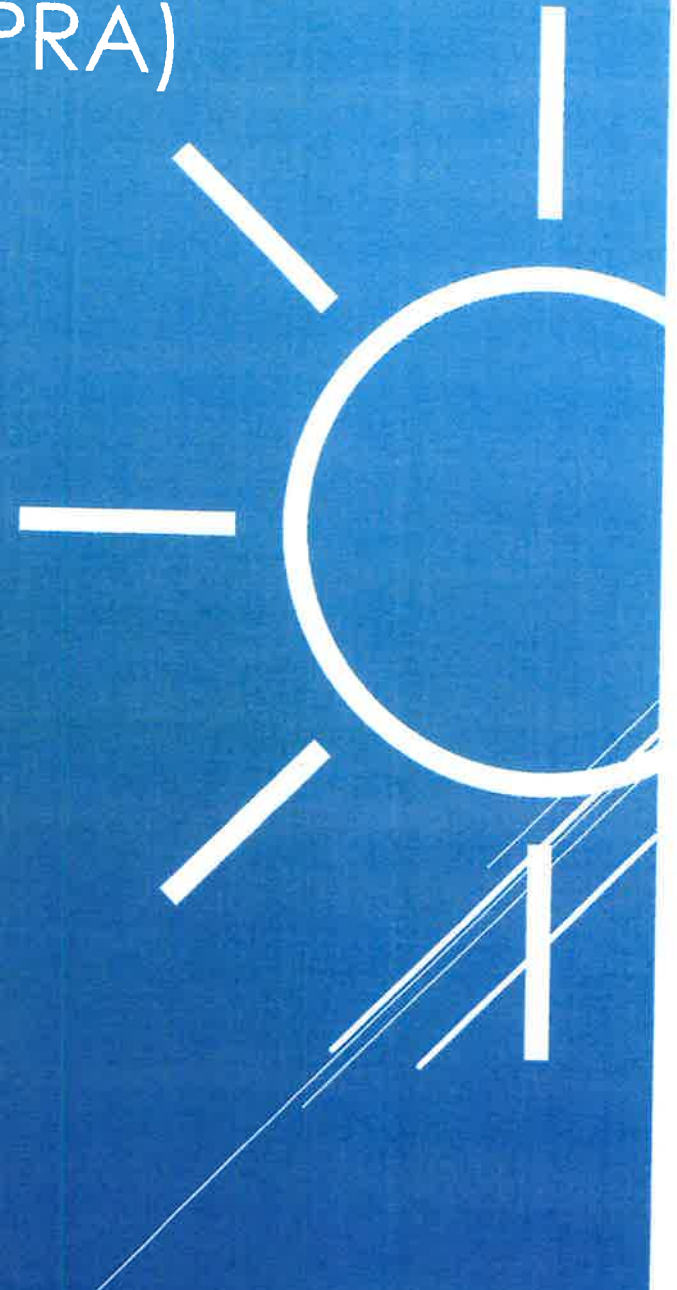
# THE PUBLIC RECORDS ACT (PRA)

- ▶ Passed in 1972 – Initiative 276
- ▶ RCW 42.56 (formerly RCW 42.17)
- ▶ Open Government Laws like the PRA are often called “Transparency Laws” or “Sunshine Laws” because they
  - Shine light on government
  - US Supreme Court Justice Louis Brandeis once famously said, “Sunlight is the best disinfectant.”



# THE PUBLIC RECORDS ACT (PRA)

- ▶ The people of this state do not yield their sovereignty to the agencies that serve them.
- ▶ The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know.
- ▶ The people insist on remaining informed so that they may maintain control over the instruments that they have created. RCW 42.56.030.



# THE PRA HAS STRICT REQUIREMENTS

## RCW 42.56

- ▶ The public has a right to inspect and/or receive copies of public records.
- ▶ County employees are required to assist people seeking public records and to explain how the County's public records process works, in a courteous manner.
- ▶ Each public records request must be logged in by the receiving department per Clallam County Policy 320 – Inspection and Copying of Public Records.
- ▶ **The County MUST initially respond to any public records request within 5 business days of receipt of the request.**

# THE PRA HAS STRICT REQUIREMENTS

## RCW 42.56

- ▶ The County is required to make facilities available for inspection of public records.
- ▶ Some information contained in public records is "exempt" which means the County can withhold it from a person submitting a public records request. If the County determines information in a public record is exempt, that information will be redacted ("blackened out") on the record provided to the records requestor.
- ▶ Any withholding or redacting requires that the County prepare a log exception identifying the record and providing specific reasons for why the information was withheld or redacted, which must be sent to the requestor.

# THE PRA HAS STRICT REQUIREMENTS

## RCW 42.56

- ▶ We are obligated to produce all public records, unless a specific exemption applies. Even if an exemption applies, we are obligated to gather the exempt public records and retain a copy of them in a separate PRR file.
- ▶ We must provide the fullest assistance to the requestor and should apply exemptions sparingly.

- ▶ All employees of a public agency must accept public records requests made during business hours.
- ▶ They do not have to be in writing and can be anonymous.
- ▶ Encourage requesters to put request in writing (request form) or submit requests online at <https://clallamcountywa.nextrequest.com/>.
- ▶ Cannot ask why they want the records.
  - Unless list of individuals is requested-RCW 42.56.070(8).
- ▶ All requests should be forwarded to Public Records Office as soon as possible via email (CC Public Records Policy 8.1).

[pro@clallamcountywa.gov](mailto:pro@clallamcountywa.gov)

## RECEIVING REQUESTS

# REQUEST FORM

**REQUEST FOR PUBLIC RECORDS**  
**CLALLAM COUNTY**

223 E. 4<sup>th</sup> Street, Suite 13, Port Angeles WA 98362  
Phone: 360-417-2423 Fax: 360-417-2550

*Note: All records requests should be directed to the Public Records Office (PRO) located in the Information Technology annex located in the basement of the Clallam County Courthouse. Email address for the PRO is listed below.*

*Did you know that requests for public records can be managed on-line through the Clallam County on-line portal at <https://clallamcountywa.nextrequest.com/requests/new>? Using this portal helps streamline communication and tracks the status of your request. If you have questions using the portal, please contact the Public Records Officer at 360-417-2423.*

Name of Requestor (Print) \_\_\_\_\_ Date of Request \_\_\_\_\_

| Mailing Address | City | State | Zip |
|-----------------|------|-------|-----|
|-----------------|------|-------|-----|

E-mail address \_\_\_\_\_ Phone \_\_\_\_\_

Please select the form in which you want to receive the records. (Records fee schedule on reverse.)

|                                     |                                                                                |
|-------------------------------------|--------------------------------------------------------------------------------|
| <input type="checkbox"/>            | ELECTRONIC FILE(S)                                                             |
| <input checked="" type="checkbox"/> | PRINTED REPORT(S)                                                              |
| <input type="checkbox"/>            | ON-SITE INSPECTION We'll call to set-up an appointment when records are ready. |

Please identify the particular record or class of records that you are seeking to have disclosed. Note: Failure to provide an adequate description of the record(s) that you are seeking to have disclosed may delay the processing time for your request and/or result in your request being denied.

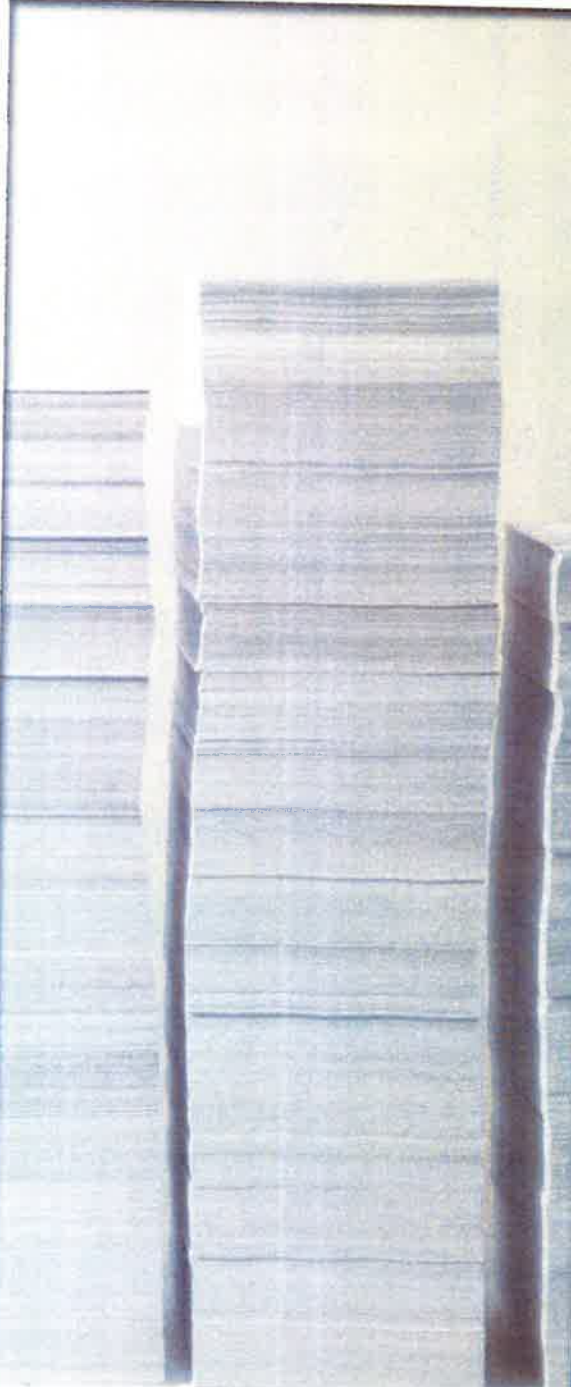
☐ See attached -or-

Signature of requestor \_\_\_\_\_ Date \_\_\_\_\_

Office Use Only:

Received by: \_\_\_\_\_ Date: \_\_\_\_\_

Date forwarded to PRO: \_\_\_\_\_ Date: \_\_\_\_\_  
Email form to [PRO@clallamcountywa.gov](mailto:PRO@clallamcountywa.gov) Updated 8/13/2020



There are many steps to processing a request, including

- ▶ Receiving Request (Every Employee)
- ▶ Acknowledging request within 5 days (PRO)
- ▶ Searching for and gathering records (PRS, PRO, Every Employee)
- ▶ Reviewing and redacting records (PRO)
- ▶ Releasing records to requester (PRO)

## PROCESSING RECORDS REQUESTS



# RESPONDING TO REQUESTS

- ▶ Responding to requester is the responsibility of the Public Records Office (PRO)
- ▶ The five day response must do at least one of the following:
  - Provide Records
  - Deny request
  - Seek clarification
  - Give an estimate of time

Failure to respond within 5 days is a violation of the PRA and a fine can be imposed.

# SEARCHING FOR RECORDS

- ▶ Public Records Office will work with department PRSs on initializing a search.
- ▶ PRS to coordinate with department staff.
- ▶ Staff must search all locations where the records are “reasonably likely to be found.”
- ▶ Includes desks, drawers, filing cabinets, current and former employees’ records, local drives, network drives, emails, handheld devices, archives, and ALL OTHER LOCATIONS WHERE A RECORD MIGHT BE!
- ▶ Employees may need to search their own personal devices and email accounts.

|                                                                                                       |                       |                       |
|-------------------------------------------------------------------------------------------------------|-----------------------|-----------------------|
| Desktop/Documents folders)                                                                            | <input type="radio"/> | <input type="radio"/> |
| All applicable file servers/department shared: (Home or mapped drives, such as H:/, J:/, K:/ etc.)    | <input type="radio"/> | <input type="radio"/> |
| Former employee(s) files searched                                                                     | <input type="radio"/> | <input type="radio"/> |
| Removable media: (external hard drives, USB flash drives, CD-DVD, SD Cards)                           | <input type="radio"/> | <input type="radio"/> |
| Email (If PRO/IT is performing the email search, please forward keywords to PRS/PRO if needed.)       | <input type="radio"/> | <input type="radio"/> |
| County-owned handheld devices: (texts/messages, cell Phones, PDA's like iPads, tablets, laptops, etc. | <input type="radio"/> | <input type="radio"/> |
| Personal devices (cell phones, computers, etc.)                                                       | <input type="radio"/> | <input type="radio"/> |
| Hardcopy documents (paper documents, hardcopy files, etc.)                                            | <input type="radio"/> | <input type="radio"/> |
| Clallam County internet/database resources: (Website, SharePoint, PACS, etc.)                         | <input type="radio"/> | <input type="radio"/> |
| Archives (basement, offsite, other)                                                                   | <input type="radio"/> | <input type="radio"/> |
| Messaging apps (such as Messenger, Signal, WhatsApp, Snapchat etc.)                                   | <input type="radio"/> | <input type="radio"/> |

## SEARCH FORM

- ▶ Form to be completed for every search.
- ▶ Link to form is provided with each request and is also available online here: <https://forms.office.com/g/KGQVqyk0Bv>

# SEARCHING FOR RECORDS (CONT.)

- The focal point of the judicial inquiry is the agency's search process, not the outcome.
- The agency bears the burden of proof to show the adequacy of the search. RCW 42.56.520; Neighborhood Alliance; Hobbs.
- A Search Form should be completed for every search. Public Records forms and documents can be found on the intranet.
- Records should be uploaded to NextRequest by the Public Records Specialist or an authorized staff member.
- Hard copies of records should be scanned.
- Electronic records should be saved in native format.

# REVIEWING RECORDS

- ▶ Not all gathered records are given to requester. Records may be withheld or redacted, but the requester must be informed of withheld records and redactions must be explained.
- ▶ All relevant records should be given to the Public Records Office unredacted.
- ▶ Input from department staff about possible exemptions contained in the records is extremely helpful.
- ▶ Redacting and withholding records is the responsibility of the Public Records Office. A log must be maintained.

# RELEASING RECORDS

- ▶ Records are provided to the requester in the format they prefer. Can be electronic or paper.
- ▶ Fees for records are set out in Clallam County Code.
- ▶ Log of withheld documents and explanations for redactions are given to requester.
- ▶ Documents can be provided in installments.
- ▶ Collection of fees and transfer of records is the responsibility of Public Records Office.

# PRA COMPLIANCE ISSUES

- ▶ Ignored Requests.
- ▶ Incomplete Searches.
- ▶ Poor records management, organization, and retention.
- ▶ Monetary penalties of up to \$100 per day per record may be imposed for public records act violations. RCW 42.56.550.
- ▶ Aggravating factors include – lack of staff training, lack of supervision for PRA compliance, bad faith, requester deadline ignored, personal loss because of denial.
- ▶ Mitigating factors – helpful and well trained staff, reasonableness, good faith. **TRAINING IS KEY!**

# YOUR ATTENTION PLEASE

Examples of Public Records Act penalty orders, judgments and settlements following lawsuits by requesters alleging PRA violations by a public agency:

- ▶ \$600,000 – Snohomish County
- ▶ \$575,000 – Snohomish County
- ▶ \$550,000 – Clallam County
- ▶ \$502,827 – Department of Labor & Industries
- ▶ \$500,000 – Board of Accountancy
- ▶ \$488,000 – Bainbridge Island
- ▶ \$110,000 – Snohomish County (2020) \*inmate also gains freedom!
- ▶ \$70,000 – King County (2020)
- ▶ \$100,000 – Employment Security Department (2021)
- ▶ \$97,000 – University of Washington (2021)
- ▶ \$12,500 – City of Port Townsend (2021)



Forward new public records requests to the PRO promptly.



Stay in the know by continued training.



Help train new staff and remind current employees of records retention policies and PRR process.



Invite the PRO to a department meeting for a short (15 min.) presentation every year.



Search for records in good faith and track your searches.

# WHAT CAN YOU DO?

# RECORDS MANAGEMENT

Duties as defined in the Clallam County Public Records Policy

- ▶ “Each department shall *adopt and enforce* reasonable procedures to protect public records from damage, disappearance, disorganization, or premature destruction.” (321-9.9)
- ▶ Public Records Officer: “*Facilitate* the management of departmental records with Public Records Specialists including destruction and/or transfer to the Washington State Archives.” (321-6.1)
- ▶ Public Records Specialist (PRS): “Act as the *go-to* person in the Department by managing and maintaining all public records.” (321-7.1)

- ▶ Managed records are accessible records!
- ▶ Enables our agency to fulfill its mission.
- ▶ Improves integrity of Public Records Request searches.
- ▶ Reduces liability
  - Organized files make the search process more efficient.
  - Large volume and messy files are NOT good excuses for poor searches.
- ▶ Implement a plan for stored records, including maintaining a records inventory to track retention and destruction.
- ▶ Clear records management guidelines empower employees and boosts confidence in the management of their records.

## BENEFITS OF MANAGING RECORDS

# RECORDS MANAGEMENT

- ▶ **RCW 40.16.010 Injury to public record**
- ▶ Every person who shall willfully and unlawfully remove, alter, mutilate, destroy, conceal, or obliterate a record, map, book, paper, document, or other thing filed or deposited in a public office, or with any public officer, by authority of law, is guilty of a class C felony and shall be punished by imprisonment in a state correctional facility for not more than five years, or by a fine of not more than one thousand dollars, or by both.

# RECORDS MANAGEMENT

- ▶ **RCW 40.16.020 Injury to and misappropriation of record**
- ▶ Every officer who shall mutilate, destroy, conceal, erase, obliterate, or falsify any record or paper appertaining to the officer's office, or who shall fraudulently appropriate to the officer's own use or to the use of another person, or secrete with intent to appropriate to such use, any money, evidence of debt or other property entrusted to the officer by virtue of the officer's office, is guilty of a class B felony and shall be punished by imprisonment in a state correctional facility for not more than ten years, or by a fine of not more than five thousand dollars, or by both.

# SUBSTANTIVE COUNTY RECORDS

- ▶ Provide evidence of a county business transaction/function.
- ▶ Provide information on actions related to county projects and activities.
- ▶ Document legal or audit issues.
- ▶ Retain according to the applicable Secretary of State's Records Retention Schedules located here:  
<https://www.sos.wa.gov/archives/recordsmanagement/managing-county-records.aspx>

# TRANSITORY COUNTY RECORDS

- ▶ Definition: Records that have minimal retention value that can be destroyed as soon as they are no longer needed for agency business.

- Short-term value
- Not needed as evidence of a business transaction
- Not covered by a particular records series

- ▶ Remember that these records are still subject to disclosure while they exist.

# RETENTION SCHEDULE EXAMPLE

<https://www.sos.wa.gov/archives/recordsmanagement/managing-county-records.aspx>



## Local Government Common Records Retention Schedule (CORE) Version 4.0 (May 2017)

### 5.4 PUBLIC DISCLOSURE

*The activity of responding to requests for access to the public records of the local government agency in accordance with chapter 42.56 RCW.*

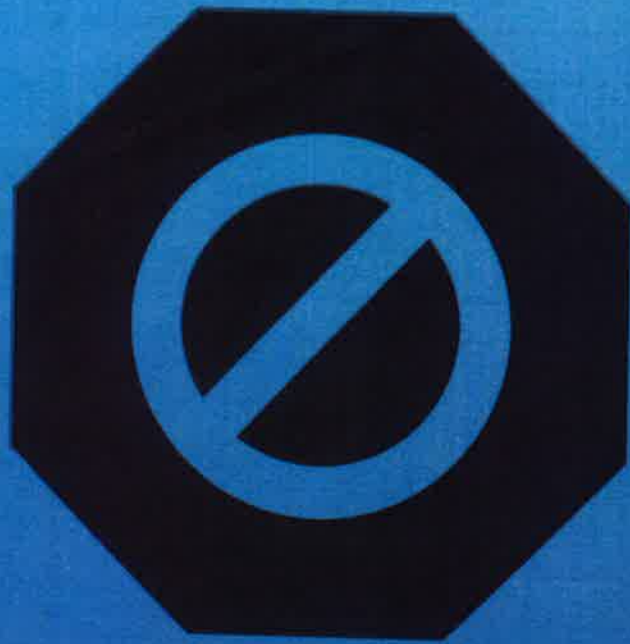
| DISPOSITION<br>AUTHORITY<br>NUMBER (DAN) | DESCRIPTION OF RECORDS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | RETENTION AND<br>DISPOSITION ACTION                                                                         | DESIGNATION                                   |
|------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------|-----------------------------------------------|
| GS2010-014<br>Rev. 3                     | <p><b>Public Disclosure/Records Requests</b></p> <p>Records relating to requests from the general public for access to the agency's public records in accordance with <u>chapter 42.56 RCW</u>.</p> <p>Includes, but is not limited to:</p> <ul style="list-style-type: none"> <li>• Internal and external correspondence relating to the request;</li> <li>• Legal advice/opinions;</li> <li>• Records documenting the public records provided to the requestor (copies or lists of the records provided, etc.);</li> <li>• Records documenting the public records (or portions) withheld (exemption logs, copies of portions redacted, etc.);</li> <li>• Records documenting administrative reviews relating to the request;</li> <li>• Tracking logs.</li> </ul> <p>Excludes the records that are the subject of the public records request (which must be retained in accordance with the applicable records series).</p> | <p><b>Retain</b> for 2 years after public records request fulfilled<br/><i>then</i><br/><b>Destroy.</b></p> | <p>NON-ARCHIVAL<br/>NON-ESSENTIAL<br/>OPR</p> |

# DESTROYING RECORDS

- ▶ Refer to Records Retention Schedule.
- ▶ Set up a recurring destruction schedule.
- ▶ Keep a Destruction Log.

Clallam County Treasurer's Public Records Destruction Log

| RECORDS SERIES                                            | INCLUSIVE DATES | DISPOSITION AUTHORITY | DATE OF DISPOSAL |
|-----------------------------------------------------------|-----------------|-----------------------|------------------|
| Ad Valorem - Special Purpose District Budgets - secondary | 2011            | GS50-03D-01           | 1/23/2018        |
| Annual Report of Collections                              | 2011            | CT01-05-18            | 1/23/2018        |
| Application for Duplicate Instrument Affidavit            | 2011            | GS50-03B-10           | 1/23/2018        |
| Audits of Internal Cash Counts                            | 2011            | GS2011-184            | 1/23/2018        |
| Budget Resolutions - secondary copies                     | 2011            | GS50-05S-16           | 1/23/2018        |
| Budget Workpapers                                         | 2011            | CT01-03-03            | 1/23/2018        |
| Finance Committee Graphs                                  | 2011            | GS2011-184            | 1/23/2018        |
| Finance Committee Meetings - secondary                    | 2011            | GS2011-175            | 1/23/2018        |
| Hotel/Motel                                               | 2011            | GS2011-184            | 1/23/2018        |
| Jefferson County Remittance Advice                        | 2011            | GS2011-184            | 1/23/2018        |
| REET Statement of Taxes Collected                         | 2011            | GS2011-184            | 1/23/2018        |
| School Association                                        | 2011            | GS2011-184            | 1/23/2018        |



► There are times when you must hang on to records even if their retention requirements have been met:

- Litigation holds
- Open public records request

DO NOT  
DESTROY

# SOS HELPFUL LINKS

- ▶ WA State Archives-Records Management:  
<https://www.sos.wa.gov/archives/recordsmanagement/managing-county-records.aspx>
- ▶ Local Records Grants:  
<https://www.sos.wa.gov/archives/recordsmanagement/local-records-grant-program.aspx>
- ▶ Local Records Grants awarded!  
[https://www.sos.wa.gov/\\_assets/archives/recordsmanagement/grant-program-map-funding-by-leg-district-24.pdf](https://www.sos.wa.gov/_assets/archives/recordsmanagement/grant-program-map-funding-by-leg-district-24.pdf)

# THANK YOU

- ▶ Please follow up with the PRO if you have any questions.

Jesse Major, Public Records Officer

360-417-2423

[jesse.major@clallamcountywa.gov](mailto:jesse.major@clallamcountywa.gov)

Jennifer Lindquist, Deputy Public Records Officer

360-417-2234

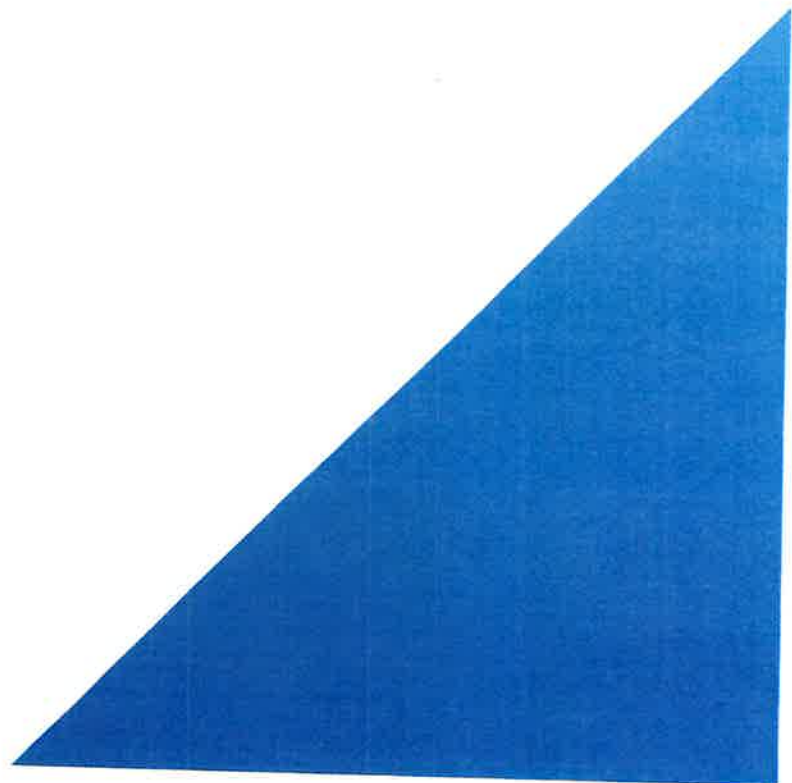
[Jennifer.lindquist@clallamcountywa.gov](mailto:Jennifer.lindquist@clallamcountywa.gov)

# OPEN PUBLIC MEETINGS ACT TRAINING

January, 2025

Dee Boughton, Civil DPA

Clallam County Prosecuting Attorney's Office



All meetings of the governing body of a public agency shall be open and public and all persons shall be permitted to attend any meeting of the governing body of a public agency, except as otherwise provided in this chapter. RCW 42.30.030



THE BASICS

A meeting generally occurs whenever a quorum is present and action is taken

- ▶ Regular and Special meetings can be in person or remote, but **MUST** have a physical location
- ▶ Problems with email and serial meetings
- ▶ Carpooling and attending trainings with colleagues



# WHAT IS A MEETING?

The minutes of all regular and special meetings . . . Shall be promptly recorded and such records shall be open to public inspection. RCW 42.30.035



MINUTES

A member of the public shall not be required, as a condition to attendance at a meeting of a governing body, to register his or her name and other information, to complete a questionnaire, or otherwise to fulfill any condition precedent to his or her attendance.

RCW 42.30.040



NO CONDITIONS TO  
ATTENDANCE

In the event that any meeting is interrupted by a group or groups of persons so as to render the orderly conduct of such meeting unfeasible and order cannot be restored by the removal of individuals who are interrupting the meeting, the members of the governing body conducting the meeting may order the meeting room cleared and continue in session or may adjourn the meeting and reconvene at another location selected by majority vote of the members. In such a session, final disposition may be taken only on matters appearing on the agenda. Representatives of the press or other news media, except those participating in the disturbance, shall be allowed to attend any session held pursuant to this section. Nothing in this section shall prohibit the governing body from establishing a procedure for readmitting an individual or individuals not responsible for disturbing the orderly conduct of the meeting.

RCW 42.30.050

## INTERRUPTIONS





No governing body of a public agency shall adopt any ordinance, resolution, rule, regulation, order, or directive, except in a meeting open to the public and then only at a meeting, the date of which is fixed by law or rule, or at a meeting of which notice has been given according to the provisions of this chapter. 42.30.060(1)

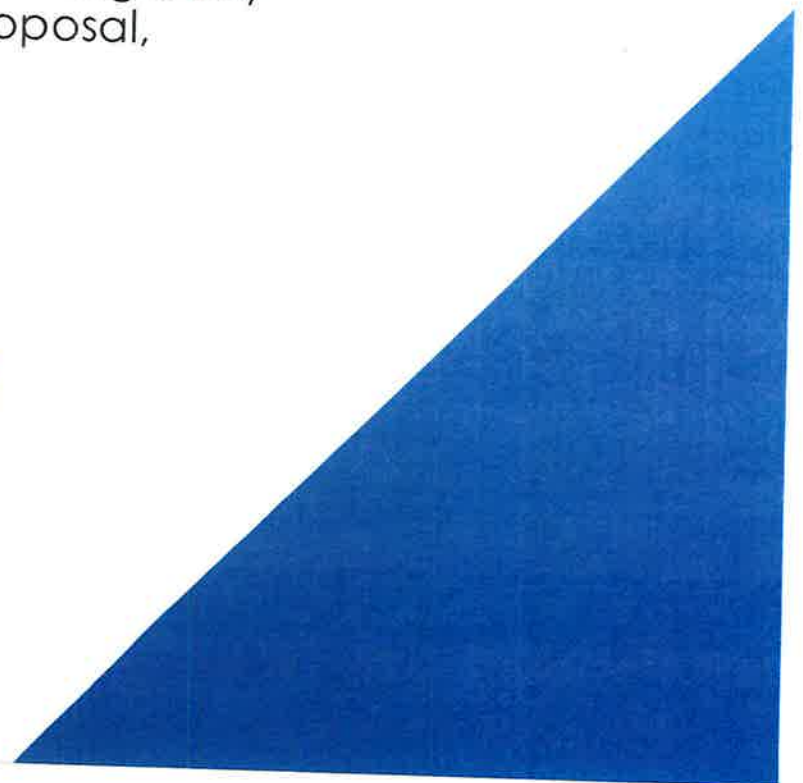
If you were an interested member of the public, could you find the time and location for your Board or Committee's meetings?

# NO PRIVATE ACTION

Any action taken at meetings failing to comply with the provisions of this subsection shall be null and void. RCW 42.30.060(1)

"Action" means the transaction of the official business of a public agency by a governing body including but not limited to receipt of public testimony, deliberations, discussions, considerations, reviews, evaluations, and final actions. "Final action" means a collective positive or negative decision, or an actual vote by a majority of the members of a governing body when sitting as a body or entity, upon a motion, proposal, resolution, order, or ordinance. RCW 42.30.202(3)

## WHAT IS AN "ACTION"?





No governing body of a public agency at any meeting required to be open to the public shall vote by secret ballot. Any vote taken in violation of this subsection shall be null and void, and shall be considered an "action" under this chapter. RCW 42.50.060(2)

NO SECRET BALLOTS

The governing body of a public agency shall provide the time for holding regular meetings by ordinance, resolution, bylaws, or by whatever other rules is required for the conduct of business by that body. RCW 42.30.070

- ▶ Agenda must be posted online at least 24 hours prior to the meeting. RCW 42.30.077
- ▶ Public comment must be taken at all meetings



When are your Board or Committee's Regular Meetings and what rule requires it?

## REGULAR MEETINGS



A special meeting may be called at any time by the presiding officer of the governing body of a public agency or by a majority of the members of the governing body by delivering written notice personally, by mail, by fax, or by electronic mail to each member of the governing body. RCW 42.30.080

- ▶ Notice must also go to media, be posted online, and be displayed at the Agency and at the meeting site.
- ▶ Notices must be given 24 hours before the meeting and include the business to be transacted.

## SPECIAL MEETINGS

# ADJOURNMENTS

The governing body of a public agency may adjourn any... meeting to a time and place specified in the order of adjournment. RCW 42.30.090

- ▶ Less than a quorum may adjourn a meeting
- ▶ The clerk may adjourn the meeting if no one is present
- ▶ Notice of adjournment must be posted

Public hearings are "continued" not adjourned, but the rules are the same. RCW 42.30.100

# EXECUTIVE SESSIONS

Please consult your Department Advisor and the Prosecuting Attorney's Office before going into any executive session.

- ▶ Limited reasons for going into executive session include:
  - ▶ To discuss litigation with legal counsel
  - ▶ To evaluate qualifications of applicants for public employment
- ▶ Minutes are not required for executive sessions
- ▶ Notice requirements still apply to Executive Sessions

# PENALTIES FOR VIOLATIONS



- ▶ All actions taken in violation of OPMA are null and void
- ▶ Each member of the governing body who attends a meeting of such governing body where action is taken in violation of any provision of this chapter applicable to him or her, with knowledge of the fact that the meeting is in violation thereof, shall be subject to personal liability in the form of a civil penalty in the amount of five hundred dollars for the first violation. RCW 42.30.120
- ▶ \$1000 for a second knowing violation
- ▶ Additional penalties for Agency

▶ (1) Except in an emergency situation, the governing body of a public agency shall provide an opportunity at or before every regular meeting at which final action is taken for public comment. The public comment required under this section may be taken orally at a public meeting, or by providing an opportunity for written testimony to be submitted before or at the meeting. If the governing body accepts written testimony, this testimony must be distributed to the governing body. The governing body may set a reasonable deadline for the submission of written testimony before the meeting.

▶ (2) Upon the request of any individual who will have difficulty attending a meeting of the governing body of a public agency by reason of disability, limited mobility, or for any other reason that makes physical attendance at a meeting difficult, the governing body shall, when feasible, provide an opportunity for that individual to provide oral comment at the meeting remotely if oral comment from other members of the public will be accepted at the meeting.

▶ (3) Nothing in this section prevents a governing body from allowing public comment on items not on the meeting agenda.

▶ (4) Nothing in this section diminishes the authority of governing bodies to deal with interruptions under RCW 42.30.050, limits the ability of the governing body to put limitations on the time available for public comment or on how public comment is accepted, or requires a governing body to accept public comment that renders orderly conduct of the meeting unfeasible.

# PUBLIC COMMENT

# PUBLIC COMMENT

- ▶ When/What/How?
- ▶ At or before every regular meeting at which final action is taken. "Final action" means a collective positive or negative decision, or an actual vote by a majority of the members of a governing body when sitting as a body or entity, upon a motion, proposal, resolution, order, or ordinance. RCW 42.30.202(3)
- ▶ May allow oral comment or Provide opportunity for written comment.
- ▶ If oral comment is allowed at the meeting, must provide accommodations for individuals with disabilities, limited mobility etc. to make oral comment remotely.
- ▶ Limitations can be placed regarding time and how comments are accepted and interruptions can be dealt with under RCW 42.30.050

## RECENT AND COMMON ISSUES

- ▶ When does a Quorum create a Meeting?
- ▶ When are comments required, and do we have to allow comment regardless of relevance?

Open Public Meetings Act:

<https://app.leg.wa.gov/RCW/default.aspx?cite=42.30>

MRSC Checklists:

<https://mrsc.org/Home/Explore-Topics/Legal/Open-Government/OPMA-and-PRA-Practice-Tips-and-Checklists.aspx>

Washington State Attorney  
General OPMA Trainings

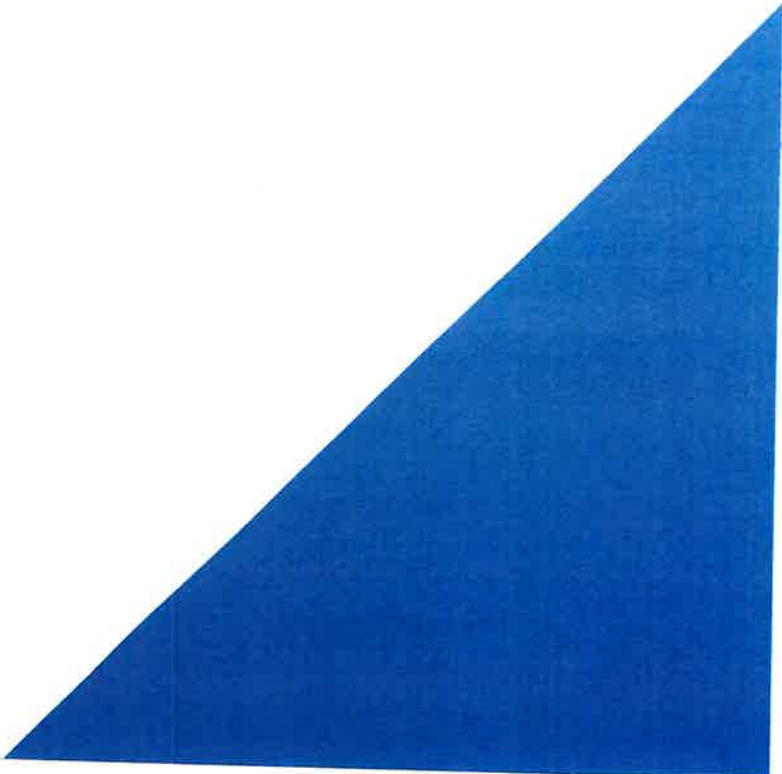
<https://www.atg.wa.gov/public-records-and-open-public-meetings>

## ADDITIONAL RESOURCES

Dee Boughton  
Civil Deputy Prosecuting Attorney  
[Dee.Boughton@clallamcountywa.gov](mailto:Dee.Boughton@clallamcountywa.gov)  
360-565-2720

\*TRACK YOUR ATTENDANCE\*  
[Rachel.Weed@clallamcountywa.gov](mailto:Rachel.Weed@clallamcountywa.gov)

QUESTIONS?



# **CHARTER REVIEW COMMISSION**

## **Differences Between Charter, Code, and Policy**

**Issue:** The Clerk of the Board has requested an explanation of the distinctions between 1) an ordinance, 2) a resolution, 3) codes, 4) policies and 5) the Home Rule Charter for the benefit of the Charter Review Commission, to assist in determining what criteria should be used to determine if a proposal fits into an ordinance, a resolution, a code, a policy or the Charter.

**Response:** The five categories listed above serve different purposes and have different sources. The best way to start is to recall that the federal and state governments have three co-equal branches, legislative, executive and judicial. The County Charter (“Charter”) gives the legislative powers to the Board of Commissioners (§2.30.10) and gives the Board of Commissioners those executive branch powers not given to other elected officials such as the Auditor, Assessor and Director of Community Development per §2.30.20 of the Charter. The judicial branch is not actually impacted by the five categories listed above and is only briefly discussed in the Home Rule Charter at §4.10. See the matrix below for more explanation.

| Category          | Source                                                                                                         | Purpose                                                                                                         | Criteria                                                                                                                                                                                      | Example                                                                                        |
|-------------------|----------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------|
| Home Rule Charter | Vote of the people and as amended by the Charter Review Commission and a subsequent approval by the electorate | To serve as the Constitution for this County                                                                    | Does the proposed text describe who is responsible for a specific government function or describe which body or person is tasked with carrying out an executive power or a legislative power? | There will be three County Commissioners, each elected solely from the district they represent |
| Ordinance         | Approval by a majority vote of the County Commissioners                                                        | To make a law that all County citizens must comply with. Akin to a bill in Congress                             | Does the proposed text regulate the behavior of County citizens?                                                                                                                              | No junk vehicles allowed on smaller parcels.                                                   |
| Resolution        | Same as Ordinance                                                                                              | To reflect the collective sense or opinion of the BoCC w/o mandating certain behavior by the County’s citizens. | Does the proposed text reflect the collective sense of the BoCC on a particular date?                                                                                                         | Next Tuesday is “National Grandparents Day” and BoCC supports this idea.                       |
| Code              | Same as Ordinance                                                                                              | Takes an Ordinance and puts it in County Code, akin to an RCW (state statute)                                   | Does the proposed text regulate the behavior of the citizens of Clallam County?                                                                                                               | Chapter 41.20 of the County Code regulates on-site sewage systems.                             |
| Policies          | Same as Ordinance                                                                                              | To regulate how county employees go about doing the county’s business                                           | Does the proposed text regulate the behavior of County employees?                                                                                                                             | County Policy 230 is entitled “Conduct and Work Rules.”                                        |

For questions, please contact the Clallam County Prosecutor’s Office Civil Division through the Clerk of the Board

# **CHARTER REVIEW COMMISSION**

## **REFERENCE**

### **BYLAWS AND RULES**

## **CLALLAM COUNTY CHARTER REVIEW COMMISSION**

### **2020 BYLAWS**

#### **ARTICLE I – OBJECT**

These Bylaws are for the governance of the Clallam County Charter Review Commission and its committees and members.

#### **ARTICLE II – OFFICERS AND STAFF**

Section 1. There shall be elected from the members of the Charter Review Commission, hereafter referred to as "the Commission," the following officers who shall serve for the period of time necessary to comply with Article XI of the Clallam County Charter.

- a. There shall be a Chair of the Commission whose duties shall be to convene and preside at all regular or special meetings, may act as a member of all committees and make all appointments to committees with the approval of the majority of members present at the regular Commission meeting. The Chair shall perform the duties specified in these Bylaws and other duties as may be found consistent with proper conduct of business.
- b. There shall be a First and Second Vice Chair, one chosen from each commissioner district other than the district represented by the Chair who may act as members of all committees and who may be selected to chair any committee and who shall perform such other duties as may be specified in these Bylaws or as may be assigned by the Commission.
- c. In the absence of the Chair from any meeting or public hearing, the duties and prerogatives of the Chair shall be carried out and performed by the First Vice Chair and in the absence of the Chair and the First Vice Chair, by the Second Vice Chair.

Section 2. There shall be an Executive Committee consisting of the Chair, First and Second Vice Chairs of the Commission, and such additional members selected by the Chair and approved by a majority of the Commission. Duties of the Executive Committee shall be to:

- a. Make monthly status reports on the budget to the Commission.
- b. Oversee the activities of assigned staff to the Commission.
- c. Interview and recommend employment of consultants to the Commission for approval.
- d. Perform other duties as assigned by the Commission for the orderly conduct of the business of the Commission.

#### **ARTICLE III – MEETINGS**

Section 1. Regular meetings of the Commission shall be held as established in the Rules and in compliance with RCW 42.30 (Open Public Meetings Act).

Section 2. Special meetings of the Commission may be called by the Chair or by a majority of the Commission in compliance with RCW 42.30.

Section 3. The Commission and committees may hold other meetings at such time and places as the Commission or committee may decide and which are in compliance with RCW 42.30.

Section 4. The Commission and all committee meetings shall be held in a location accessible to the public.

Section 5. All meetings of the Commission and committees shall be open to the public and to the press; provided, however, that at the direction of the Chair or a majority of the members present, the Commission or committees may at any time meet in or go into closed session or executive session for the purpose of discussion of matters exempted by the state Open Public Meetings Act (RCW 42.30).

Section 6. Non-committee Commission members shall have no vote in committee, but may be allowed to speak on matters before the committee.

Section 7. Two public comment opportunities will be available at each meeting.

Section 8. If a need arises, and with prior approval of the Chair, a member may attend via telephone or similar such means.

Section 9. Commission record shall be maintained at the Clallam County website in compliance with the Open Public Meetings Act.

#### ARTICLE IV – RULES OF ORDER

Except as modified by these Bylaws and when not in conflict with municipal, state, or federal law, all meetings shall be conducted in accordance with the most recent edition of Roberts Rules of Order. The Commission shall elect a parliamentarian from its members to assist it in its proceedings.

#### ARTICLE V – QUORUM, ABSENCES FROM COMMISSION AND COMMITTEES

Section 1. Except as otherwise specifically provided in these Bylaws a simple majority of the Commission shall constitute a quorum for the transaction of business.

Section 2. A simple majority of a committee shall constitute a quorum for the conduct of the business of the committee.

Section 3. An attendance record of all Commission and committee meetings shall be kept.

#### ARTICLE VI – COUNSEL AND RESEARCH STAFF

Section 1. All inquiries or requests for legal opinions or rulings shall be referred to the Prosecuting Attorney's Office at such times and in such manner as the Commission may decide.

Section 2. Questions of review, study, or investigation by the staff of the Commission shall be referred to the staff by a member of the Executive Committee or a majority of the members present at any regular or special meeting of the Commission.

## ARTICLE VII – PARTICIPATION BY THE CHAIR

The Chair may discuss any matter as a member and shall be entitled to vote on all matters. On debate on the adoption of proposed Charter provisions section by section, or on the adoption of the amended Charter as a whole, the Chair shall relinquish the Chair while speaking on the question.

## ARTICLE VIII – VOTING

Section 1. All votes shall be cast by voice, show of hands, or open roll-call vote. Except for those motions noted within Robert's Rules of Order that require two-thirds vote for passage, and except as otherwise provided for within these Bylaws, a majority vote of the members present shall be sufficient for the adoption of the motion

Section 2. Any issues forwarded to the voters shall require a roll-call vote.

## ARTICLE IX – ADOPTION OF PROPOSED AMENDMENTS AND RECOMMENDATIONS TO THE BOARD OF COMMISSIONERS BY THE COMMISSION

Section 1. The following steps must be taken by the Charter Review Commission in order to adopt proposed Charter amendments.

Step 1: GIVE NOTICE TO COMMISSION: Notice, and a draft of the proposed amendment, must be given to the Commission at a meeting that a specific amendment shall be considered at the next meeting. (Bylaws Art 9, Section 1)

Step 2: HOLD MEETING TO CONSIDER AMENDMENT: The CRC adopts specific language for the amendment. Once a final version of the proposed amendment is approved, the Commission votes whether to send the amendment to the next meeting. This can be done as part of a regular meeting or a special meeting.

Step 3: GIVE NOTICE TO PUBLIC: Notice must be given to the public after the meeting at which the amendment was considered and three days before the meeting at which the Commissioners will vote. (Bylaw Art 9, Sec 2)

Step 4: HOLD MEETING TO ADOPT AMENDMENT: Commissioners vote on whether or not to adopt an amendment, which would send it to the Clallam County Voters. Major changes to the underlying content of an amendment would not be acceptable because major changes would render the public notice void. This can be done as part of a regular meeting or at a special meeting. The vote must be taken as a roll call vote on an individual amendment. Approval requires a majority of the Commission. (Bylaws Art 8, Sec 2 and Art 9, Sec 2)

Section 2. Recommendations of the Charter Review Commission may be forwarded to the Clallam County Board of Commissioners by writing if adopted by a simple majority of the Charter Review Commission attending a regular or special meeting. The Commissioner(s) presenting the recommendation on behalf of the CRC, may only speak to the recommendation as voted by the CRC unless the Commissioner explains that she/he is expressing their personal opinion.

## ARTICLE X – PUBLIC HEARINGS

Section 1. It is the desire of the Commission to hold as many public hearings as reasonable.

Section 2. The time and place of public hearings shall be fixed by the Commission. Such hearings will be rotated among the three commission districts as deemed appropriate by the Commission.

Section 3. The Chair, a Vice Chair, or in their absence, the designee of the members present, shall preside at public hearings conducted by the Commission or committees.

## ARTICLE XI – PUBLIC STATEMENTS

Section 1. While any member has a right to express personal views and opinions pursuant to our constitutional guarantee of freedom of speech, statements purporting to represent the views or pronouncements of the Commission or committees thereof shall not be made except as directed or authorized by a majority of the entire Commission at any special or regular meeting or public hearing and provision shall be made for expression of minority views at the same time.

Section 2. The Chair may make public announcements of meetings or public hearings, and may authorize the issuance of fact statements relating to the Commission's work as the Chair may deem necessary.

## ARTICLE XII – VACANCIES

Section 1. Vacancies on the Board occurring pursuant to Article XI of the Clallam County Charter shall be declared by the Chair.

Section 2. Vacancies shall be filled pursuant to Article XI of the Clallam County Charter. Traditionally, the vacancy has been filled by the candidate who received the next highest number of votes in the election in the district in which the vacancy occurs. If that candidate is unable to serve, the position would be offered to the next candidate(s) down the list sequentially by number of votes.

## ARTICLE XIII – COMMITTEES

The Commission may establish such standing committees and ad hoc committees as it deems necessary for the proper execution of the Commission's responsibilities. Members of each committee shall elect a Chair from among their own number unless such Chair is named by the Commission.

Committees that are formed to write "For" and "Against" statements about amendments proposed by the Charter Review Commission which will be included in the Voters Pamphlet, are NOT considered to be committees of the Charter Review Commission even though they may be members of the CRC.

#### ARTICLE XIV – ORDER OF BUSINESS

There shall be an "Order of Business" (Agenda) established in the rules.

#### ARTICLE XV – AMENDMENT OF THE BYLAWS

These Bylaws may be amended at any time by an affirmative vote of a majority but not less than eight (8) of the Commission members present at any regular or special meeting after written notice of the proposed action has been mailed, emailed, or delivered to members of the Commission at least five (5) days prior to the meeting and following posting of such proposed action on the Clallam County website.

Adopted: November 12, 2020

## **CLALLAM COUNTY CHARTER REVIEW COMMISSION**

### **2020 RULES**

#### AGENDA

The agenda shall be prepared by the Chair for each regular or special meeting of the Commission. The agenda shall reflect the order of business as provided in these rules and shall be prepared by the Chair for each regular or special meeting of the Commission.

#### MEETINGS

Meetings shall be held on the second and fourth Thursday of each month, commencing at 6 p.m. Meetings shall not exceed three hours in duration.

#### PUBLIC HEARINGS AND INTERVIEWS WITH PUBLIC OFFICIALS

- A. Public hearings where the public is invited to submit testimony or informational matter concerning the Charter shall be conducted in the following manner:
  - 1. Any person desiring to address the Commission or committee at a public hearing must first sign the speaker's list giving his or her name and address and the name of the persons, government unit, or organization on whose behalf he or she appears and speaks. Speakers will be recognized in the order of signup.
  - 2. The presiding officer may, in the interest of facilitating the business of the Commission or committee, limit the amount of time to be allowed to any person, governmental unit, organization or group and may limit the number of representatives of any group, governmental unit, or organization who shall be allowed to be heard on a particular subject under discussion.
  - 3. Any member of the Commission desiring to address the Commission or committee at a public hearing or meeting must first be recognized by the presiding officer.
  - 4. In order to assure that each Charter Review Commission member has the opportunity to ask questions of the speakers during public meetings, each member shall be allowed to ask one question until all members in attendance have been afforded the opportunity to ask a question. Once all members have been given the opportunity to ask a question, Chair will proceed in order again after the first round.
  - 5. The Chair will explain at the beginning of public hearings, that speakers can choose whether to answer questions; the Commission realizes that not everyone is comfortable speaking in public.
  - 6. All public comment (email, public hearing statements, letters, and telephone calls) shall be distributed to all Commission members by email or hard copy and Clerk will register all public comments retained for the Commission.
- B. Interviews of public officials and public employees may be conducted as a committee of the whole, provided that all testimony, statements, and papers pertaining to the Charter shall be made a part of the Commission's records.
- C. Public notice shall be given for any public hearing per RCW.

### EXPENDITURES

After consultation with county staff, the Chair may expend funds up to \$50 to further the objectives of the commission; PROVIDED the Chair reports on the nature and the amount of such expenditures at the next general meeting of the commission. Any expenditure over this amount must be considered and approved per these rules.

### ORDER OF BUSINESS

The order of business will be determined by the Executive Committee with assurance of two public comment periods not exceeding three minutes each per speaker.

### SUSPENSION OF THE RULES

These rules may be suspended by a two-thirds vote of the members present at any regular or special meeting.

Adopted: January 9, 2020