

# MASON COUNTY BOARD OF COMMISSIONERS

## OPERATING GUIDELINES



Adopted May 20, 2014

**MASON COUNTY BOARD OF COMMISSIONERS OPERATING GUIDELINES**

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# MASON COUNTY BOARD OF COMMISSIONERS OPERATING GUIDELINES

## 1. PURPOSE

The purpose of this policy is to:

- Provide Guidelines to assure that the “Rules of the Board” (County Code Chapter 2.88) are carried out with efficiency and unity and are responsive to the public;
- Inform County Officials and employees of the requirements for submitting items to the Board of Commissioners for consideration;
- Establish clear and consistent processes and formats for submission of items to the Commission;
- Ensure that procedures provide adequate public notice and facilitate public participation in, and knowledge of, Commission deliberations and actions.

## 2. PUBLIC MEETINGS

### 2.1 Meetings - General Rules / Definitions.

Open Meetings. All meetings of the Board of Commissioners shall be open and public in accordance with RCW 42.30 (*The Open Public Meetings Act*). An opportunity for public questions and input by either written message or oral presentation will be provided at all Commission regular business meetings.

The Open Public Meeting Act establishes some basic procedural requirements that apply to all meetings of a governing body, whether they are regular or special meetings. With the narrowly defined exception of Executive or Closed Sessions, all meetings of a governing body are, under the Open Public Meetings Act, either Regular or Special meetings. It does not matter if it is called a "Study Session" or a "Briefing / Work Session" or a "retreat," it is either a Regular or Special meeting. (Please also see Attachment A, “Open Public Meetings Act Overview”)

The Rules of the Board are established by County Code Chapter 2.88 (Ordinance #09-13). These Operating Guidelines pertain to the Commission’s functioning regarding:

- a. Regular Business Meetings. A regular business meeting of the Commission is normally noticed and scheduled for each Tuesday (except the fifth Tuesday) to transact regular business.
- b. Special Meetings. A special meeting may be called at any time by a majority of the members of the Commission by providing appropriate notice at least 24 hours before the time of the special meeting, specifying the time and place of the

special meeting and the business to be transacted. Notice shall be posted at the entrance to the meeting room and posted on the County's web site. Final action shall not be taken on any other matter at such meeting. Notice of such meetings shall be in accordance with RCW 42.30.080 (*The Open Public Meetings Act: Special Meetings*).

- c. Emergency Meetings. The notice required for special meetings may be waived in the event it is called to deal with an emergency involving injury or damage to persons or property or the likelihood of such, consistent with County Code Chapter 2.88.
- d. Briefing or "Work Session". The Commission may meet in weekly briefing/work sessions. Briefings are held at the request of at least two Commissioners and are conducted with a quorum of the Commissioners present. Some will allow for public input and discussion, at the discretion of the Commissioners present. Briefings are scheduled for the purpose of providing the Commission information on topics of interest that will update the Commission on pending issues, provide pertinent policy making information, and/or provide for an initial or final review of matters to come before the Commission at a regular meeting or public hearing. Briefings may involve a single or multiple Departments or Offices and may be held at any time, but are normally scheduled on Mondays, Tuesdays or Wednesdays.
- e. Study Sessions. Study sessions may be scheduled as needed to provide an opportunity for the Commission to consider matters requiring more in-depth study and discussion, items of County-wide interest or impact, or topics on which the Commission desires to provide an opportunity for numerous Department Heads or Elected Officials to provide input. They also can provide time for presentation of information on a variety of topics of interest to the Commission and to citizens.

Study sessions will be held in a variety of formats to best accomplish their purpose. Some will allow for public input and discussion. Others will be internal, informal work sessions for the Commission, with free and open discussion of problems and alternatives, which the public is welcome to hear. The agenda or the presiding officer shall make clear, before each meeting, the format of that meeting.

Typically, Commission action shall not be taken during study sessions; however, as identified in *Section b* above, if previously noticed with an appropriate agenda, a special meeting may directly follow a study session.

- f. Executive Sessions and Closed Sessions. The Commission may meet in executive session to discuss matters set forth in RCW 42.30.110 including, but not limited to pending litigation, site acquisition of real estate and the price thereof, and certain personnel matters. Similarly, the Commission may also meet in Closed Session to discuss matter set forth in RCW 42.30.140. It is noted that RCW 42.30.060(1) provides, however, that "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 therefore no final action may be taken in an Executive or

Closed Session. Executive Sessions and Closed Sessions are that portion of a meeting that may be closed to the public but only for the specified purposes as identified within the enabling RCW. (These purposes are specifically identified in Attachment A).

- g. Adjournment. Any regular, adjourned regular, special or adjourned special meeting may be adjourned in the manner set forth in RCW 42.30.090 (*The Open Public Meetings Act: Adjournments*).

## **2.2 Submitting Items to the Commission for Sessions or Meetings**

Documents submitted to the Commission for consideration at either briefing or regular meetings are due to the Commissioners' office no later than noon on Wednesday of the prior week. All documentation should be submitted on 8.5" x 11" paper. Legal paper should be avoided whenever possible.

- Agenda Items – require an *Agenda Item Summary* (Attachment B)
- Briefing Items – require either a one page Briefing document or a *Briefing Item Summary* for multiple page documents (Attachment C)

As a general rule, all documents should be submitted with the item on Wednesday. However, if notification of an agenda item has been provided by the Wednesday deadline, the accompanying documentation, including sufficient copies, must be submitted no later than 9 a.m. on Thursday. The Commission reviews the agenda at 10 a.m. on Thursday. Commissioners' Office staff must have time to prepare the agenda, review documentation, and have the agenda and documentation packets ready for review by that time.

Note: Sufficient copies mean any required originals and a set of four copies (3-hole punch the copies).

Items and/or documentation not submitted by the deadlines will be retained for the next week's regular business meeting. Additionally, items may occasionally be postponed to the next week due to time constraints, allow sufficient time for review, conflicts with Commissioners' schedules, or other reasons. Departments will be notified by Commissioners' Office staff as soon as possible after the agenda review if items are postponed.

The above applies to all Sessions or Meetings except Executive or Closed Sessions.

Items are required to be briefed with the Commission before being placed upon the Agenda, including the Action Agenda, with very narrow exceptions.

Additionally, a single briefing does not assure that an item will be advanced or placed upon the Agenda. In all instances, the Commission reserves the discretion to provide for time for review, to

gather additional information, or allow for additional internal or public comment.

### **2.3 Submitting Documents at Time of Meeting to be Avoided**

Documents on many different issues are submitted to and reviewed by the Commission each week. All documents for discussion items should be submitted by the deadline. Commissioners typically review the documents in their packets over the weekend so they are prepared for discussion at briefings and regular meeting. The documents are also made available on the County's web page for public review prior to the meeting.

Departments should avoid waiting until the briefing to submit documents. The Commission cannot be expected to review documents during a discussion. Departments that submit documents at the time of the briefing (rather than as above for the briefing packet) may be asked to schedule the item for the next week so Commission members have the opportunity to review the issue. Any documents brought to the Commission at the meeting time must include sufficient copies as defined in this policy.

### **2.4 Agenda Item Summary Required**

The Commission receives a large amount of information from various departments and it is not unusual to have dozens of items in a packet. Agenda summaries provide Commission members and the public with the crux of an issue without wading through pages of documents trying to glean the information. Consistent with section 2.2, an Agenda Item Summary is required for all items for which Commission action is requested. An example is Attachment B.

### **2.5 Other Documentation May be Required**

Certain agenda items may, by this or other policy, require the submission of other documents in order to be considered by the Commission. County Officials are responsible to ensure that required documents are submitted. Failure to submit required documents may result in postponement of the item until documentation is received. Items requiring additional documentation include, but are not limited to:

- a. Contracts and Purchases
  - Copy of completed budget change form if approval of the contract requires a budget change.
  - Bid tabulation form if the contract or purchase requires either informal quotes, formal bids, or an RFP.
- b. Applying for a Grant - Grant application questionnaire.
- c. Proposed Ordinances/Resolutions - Electronic and hard copy of new or amended ordinance/resolution.
- d. Contract Checklist

## **2.6 Discussion at Briefing Required**

Items that require final action by the Commission at a regular meeting, require discussion at briefing.

The following is an illustrative list of items requiring briefing and is not intended to be all-inclusive:

- a. Any action that will have an impact to the budget, including contracts, contract renewals or extensions, grants or purchases that require a budget change.
- b. Grant applications - prior to the application submission. Grant application questionnaire required.
- c. Proposed ordinances/resolutions.
- d. Proposed purchase or sale of real property or granting of easements (may require Executive Session).
- e. Administrative Policy proposals.
- f. Any item requiring a notice of public hearing.
- g. Any issue that is, or the County Official believes may become, an item of high public awareness or create a high level of public opinion.
- h. Interlocal agreements.

Only very narrow exceptions to the above will be considered. Please note, however, that the lack of having a briefing on a topic may increase the likelihood that the item will NOT be acted upon when presented for final action on the agenda. It may be necessary to provide for time for review, to gather additional information, or allow for additional internal or public comment. Exceptions to the requirement to brief may include:

- a. Items of an urgent matter where information or process was reasonably not available.
- b. Increased risk to County operations or services without expedient action.
- c. Executive or Closed Session items which require a final action in an open meeting.
- d. Emergency session items are exempt, by definition.

Please note, however that it shall be the responsibility of the presenting party to create an Agenda Item Summary Form (Attachment B) and to be available at the meeting for questions or discussion.

## **2.7 Moving an Item from Briefings to a Regular Meeting**

Items that need to be discussed with the Commission prior to becoming an action item on a regular meeting agenda should not be scheduled for the regular meeting during the same week they are discussed at briefing.

Typically, items are scheduled for briefing discussion one week and then for the regular meeting the following week. This scheduling gives the Commission the opportunity to ask questions, make

modifications, and request more information, etc., without the matter already being on the published agenda for the regular meeting.

Items that are briefed do not automatically move to the regular agenda for final action.

- a. Departments are responsible to separately schedule items for briefing and/or regular meeting. Occasionally the Commission may desire further consideration of an item at a later date. Even though discussion may occur during the briefing about a future date, departments are responsible to schedule the item according to this policy.
- b. Items that may need further discussion, do not have all required paperwork, documents that have not been reviewed by the prosecutor, etc., are the responsibility of the department to complete the follow-up required.

## **2.8 Adding Items to Briefing or Regular Agenda after Deadline**

Occasionally items are received by departments and/or the Commission that are time sensitive and must be considered at the next meeting. It is the policy of the Commission to add items after the agenda deadline only if waiting until the next week causes significant impact to Mason County citizens. Adding items after the deadline can decrease public knowledge and participation since the item is not published as part of the agenda. Additions to either briefing or the regular meeting agenda may be made only with permission of a majority of the Commission.

## **2.9 Signatures on Documents**

Except as noted below, the Commission Chair signs all documents requiring the signature of the Commission, and the Chair's signature, is as legal and binding as if all members had affixed their names, provided the signature is authorized by the Commission. Only the signature line of the Commission Chair is required on these documents. In case the Chair is absent at any meeting of the Commission, all documents requiring the signature of the Commission are signed by the Vice Chair.

Certain documents require signature lines for all Commission members. These include resolutions, ordinances, and proclamations. Documents prepared by other agencies that come to the County with all Commission members' signature lines do not require the document to be revised.

## **2.10 Documents to be Maintained/Official File**

Departments are responsible to maintain the official record and file of any documents submitted to the Commission. The Commissioners' office does not create a file on each issue or item submitted for consideration. The Commissioners' office will maintain a file containing one copy of all documents considered during each public meeting. Those documents are filed by meeting date and are archived in compliance with applicable retention schedules.



Documents submitted to briefings are not automatically retained by Commissioners' staff for placement on a later meeting agenda. In order to reduce copying costs, departments should maintain any copies that require re-submission for the regular agenda.

### **3. PUBLIC HEARINGS**

Public hearings provide an opportunity for citizens to give direct input to the Commission on matters being considered. It is the policy of the Commission to conduct public hearings in a manner that allows input from the maximum number of citizens possible and respects the opinion of all those wishing to testify.

#### **3.1 Submission of Notice of Public Hearing Prior to Hearing Date**

Public hearings are required to be held prior to certain legislative actions by the Commission. It is up to the department requesting the public hearing to know the public hearing notice requirements.

In order to hold a public hearing, the county must publish a "Notice of Public Hearing" long enough before the actual hearing to comply with the requirements to advertise the hearing in the designated "Official County Newspaper." Depending on how many times the Notice must be published, the Notice must be adopted at the Commission's regular meeting at least two to three weeks prior to the date of the hearing in order to meet the Newspaper's deadline.

In addition to the required public notice, the Commission, at its discretion, may direct the public hearing to be additionally advertised. In order to maximize the opportunity for public comment, the Commission encourages matters being considered at a public hearing to be posted on the County's web page as soon as practical after the approval of the Notice. However, this is to be done as a courtesy and is not intended to create any additional legal requirements.

#### **3.2 Conducting the Public Hearing**

Public hearings are conducted as regular items on the Commission's published agenda. In order to ensure that the public hearing is conducted in a manner that encourages maximum public participation and respect for varying opinions, the Commission will generally adhere to the following rules:

- a. A sign-up sheet will be available for the public to indicate their desire to testify. Speakers will generally be heard in the order in which they sign up, followed by an opportunity for those who did not sign up to comment. In order to maintain an accurate public record, all citizens testifying will be asked to state their name and address for the permanent record.

- b. The Commission, at its discretion, may limit the comment period for each speaker so that all can be heard.
- c. General comments from audience members, applause, booing, offensive language, threats, or other inappropriate behavior are not allowed and may result in removal of the individual from the public hearing.
- d. Public hearings are intended to provide information and opinions from citizens to the Commission. They are not intended to be a debate between those on opposing sides of an issue, nor to weigh how many on each side of an issue attend. The Chair, at its discretion, may limit testimony that provides no new information and/or comments intended solely to debate another person's position on a particular issue while not providing new information to the Commission.

In most cases, the Commission will also consider testimony and comments made by citizens using written communications, electronic means such as e-mail, and by telephone. Comments directed to the Commission made in any of the above forms between the date of approval of the Notice and the close of the actual public hearing will be considered as testimony. In the case of telephone calls, a record will be made of the caller's name and telephone number and whether the individual is generally for or opposed to the issue being considered. Other comments may be included as time permits. All comments made in writing, by e-mail, or by telephone between the dates above should be directed to the Clerk of the Board for distribution to all Commission members and inclusion in the official record. All such communications shall be noted as part of the record at the public hearing.

### **3.3 Hearings Where the Commission is Acting in A Quasi-judicial Capacity**

In some cases, such as re-zone requests, the Commission is acting in a quasi-judicial capacity, rather than a legislative capacity. In such cases, no person shall communicate ex parte, directly or indirectly, with an individual Commission member concerning the merits of the matter before the Commission or with the Commission as a whole at any time other than the public hearing duly noted for the matter.

Any communication received by the Commissioners' Office, whether intended for the Commission as a whole or for an individual Commissioner, shall be transmitted to the appropriate department for presentation by County staff at the public hearing, if appropriate. All written communication directed to an individual Commission member or the Commission as a whole shall be disclosed and made part of the record or the hearing.

Members of the Commission shall not communicate ex parte, directly or indirectly, with any person concerning the merits of a quasi-judicial matter before the Commission.

If a prohibited ex parte communication is made to or by a member of the Commission, such communication shall be publicly disclosed and guidance shall be sought from the Prosecuting Attorney.

Ex parte communication will not be considered by any member of the Commission as part of his/her decision.

Other processes, such as land use closed record appeals may have specific rules governing receipt of testimony, written communications, and/or ex parte communications.

#### **4. PUBLIC NOTICE REQUIRED ON SOME ITEMS**

Certain items related to the budget process such as supplemental appropriations require specific public notice of the meeting where the matter is to be considered. In those situations, the department is responsible to be aware of public notice requirements and is responsible to submit items far enough in advance for the required public notice to be accomplished.

#### **5. RESOLUTIONS AND ORDINANCES**

Some actions to be considered by the Commission must be accompanied by a written resolution or ordinance. Any request for resolution or ordinance will include substantiation of the need, basis or purpose. The department is responsible to be aware of the appropriate format and will be responsible for any required legal review of the document, prior to presentation to the Commission.

#### **6. PROCLAMATIONS**

Proclamations are used to provide a mechanism for a group, organization, office, or department to request that the Commission proclaim a date honoring their achievements; or providing public awareness of their group's issues. In addition, the County may make a local proclamation of any State or Federal proclamation for public awareness of a group or issue.

Proclamations are submitted to the Commission for consideration according to the submission processes outlined in this policy. Commissioners' staff will assist agencies outside County government in formatting and completing proclamations and submittal to the Commission.

#### **7. MEETING MINUTES**

The Commission maintains written minutes of all Commission meetings. Preparation of minutes is the responsibility of the Clerk of the Board. Minutes for previous meetings are adopted by Commission motion at their regular meeting. Minutes will be posted by the Clerk of the Board to the County's

website for access by the public. The minutes shall serve as a summary of the meeting and, at a minimum, will reflect the following:

- a. The date and time the meeting convened and adjourned.
- b. Commission members present.
- c. General topics and items considered (including discussion items).
- d. If a public hearing is held, the names of persons submitting verbal or written testimony, and whether they spoke in favor, or in opposition to the proposal for which the hearing was held. If the individual providing testimony is providing such testimony on behalf of a group, organization, or agency, the agency shall be noted as well.
- e. Commission motions, and the result of any vote taken by the Commission.

The Commission may occasionally meet in joint session with the board or council of another municipal jurisdiction. The Commission may rely on and adopt the official minutes of the other jurisdiction at the Commission's discretion.

Members of the Commission sit as board members on boards and commissions of other agencies at a local, regional, state, and federal level. Mason County relies on those agencies' official minutes and does not maintain separate minutes.

## OPEN PUBLIC MEETINGS ACT OVERVIEW

### Introduction

All meetings of the Board of Commissioners shall be open and public in accordance with RCW 42.30 (*The Open Public Meetings Act*)

The Washington State Open Public Meetings Act requires that all meetings of governing bodies of public agencies, including cities, counties, and special purpose districts, be open and accessible to the public. A meeting generally includes any situation in which a majority of a city council, board of county commissioners, or other governing body (including certain kinds of committees) meets and discusses the business of that body. In order to be valid, ordinances, resolutions, rules, regulations, orders, and directives must be adopted at public meetings. The Act contains specific provisions regarding: regular and special meetings; executive sessions; types of notice that must be given for meetings; conduct of meetings; and penalties and remedies for violation of the Act. <http://www.mrsc.org/subjects/legal/opma.aspx>

The Open Public Meeting Act establishes some basic procedural requirements that apply to all meetings of a governing body, whether they are regular or special meetings. With the narrowly defined exception of Executive or Closed Sessions, all meetings of a governing body are, under the Open Public Meetings Act, either Regular or Special meetings. As noted within these Guidelines, it does not matter if it is called a "Study Session" or a "Briefing / Work Session" or a "retreat," it is either a Regular or Special meeting.

### Executive Sessions

An executive session may be held only for one or more of the purposes identified in RCW 42.30.110(1). A governing body of a county may meet in executive session for the following reasons:

- To consider the selection of a site or the acquisition of real estate by lease or purchase when public knowledge regarding such consideration would cause a likelihood of increased price; [ RCW 42.30.110(1)(b).]
- To consider the minimum price at which real estate will be offered for sale or lease when public knowledge regarding such consideration would cause a likelihood of decreased price. However, final action selling or leasing public property shall be taken in a meeting open to the public; [ RCW 42.30.110(1)(c).]
- To review negotiations on the performance of publicly bid contracts when public knowledge regarding such consideration would cause a likelihood of increased costs; [ RCW 42.30.110(1)(d).]
- To receive and evaluate complaints or charges brought against a public officer or employee. However, upon the request of such officer or employee, a public hearing or a meeting open to the public shall be conducted upon such complaint or charge; [ RCW 42.30.110(1)(f).]

- To evaluate the qualifications of an applicant for public employment or to review the performance of a public employee. However, subject to RCW 42.30.140(4), discussion by a governing body of salaries, wages, and other conditions of employment to be generally applied within the agency shall occur in a meeting open to the public, and when a governing body elects to take final action hiring, setting the salary of an individual employee or class of employees, or discharging or disciplining an employee, that action shall be taken in a meeting open to the public; [ RCW 42.30.110(1)(g).]
- To evaluate the qualifications of a candidate for appointment to elective office. However, any interview of such candidate and final action appointing a candidate to elective office shall be in a meeting open to the public; [ RCW 42.30.110(1)(h).]
- To discuss with legal counsel representing the agency matters relating to agency enforcement actions, or to discuss with legal counsel representing the agency litigation or potential litigation to which the agency, the governing body, or a member acting in an official capacity is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency. [ RCW 42.30.110(1)(i).]  
<http://www.mrsc.org/publications/textopma.aspx#E10E8>

### Closed Meetings

RCW 42.30.140 sets out two situations where a governing body of a County may meet and not be subject to any requirements of the Open Public Meetings Act:

- That portion of a meeting of a quasi-judicial body which relates to a quasi-judicial matter between named parties as distinguished from a matter having general effect on the public or on a class or group;
- Collective bargaining sessions with employee organizations, including contract negotiations, grievance meetings, and discussions relating to the interpretation or application of a labor agreement; or (b) that portion of a meeting during which the governing body is planning or adopting the strategy or position to be taken by the governing body during the course of any collective bargaining, professional negotiations, or grievance or mediation proceedings, or reviewing the proposals made in the negotiations or proceedings while in progress  
<http://www.mrsc.org/publications/textopma.aspx#E10E8>

### References

For an in-depth discussion of the Act, please see the Municipal Research and Services Center (MRSC) publication entitled *The Open Public Meetings Act - How it Applies to Washington Cities, Counties, and Special Purpose Districts* <http://www.mrsc.org/publications/opma12.pdf>

- Ch. 42.30 RCW - Open Public Meetings Act <http://apps.leg.wa.gov/rcw/default.aspx?cite=42.30>
- MRSC – Overview and Act Highlights <http://www.mrsc.org/publications/textopma.aspx>
- MRSC – Frequently Asked Questions <http://www.mrsc.org/askmrsc/pastingsubject.aspx?sid=22>

**MASON COUNTY  
AGENDA ITEM SUMMARY FORM**

<b>TO: BOARD OF MASON COUNTY COMMISSIONERS</b>	
<b>From:</b>	<b>Action Agenda</b> ____ <b>Public Hearing</b> ____ <b>Other</b> ____
<b>DEPARTMENT:</b>	<b>EXT:</b> ____
<b>DATE:</b>	<b>Agenda Item #</b> (Commissioner staff to complete)

<b>BRIEFING DATE:</b>
<b>BRIEFING PRESENTED BY:</b>
<input type="checkbox"/> <b>ITEM WAS NOT PREVIOUSLY BRIEFED WITH THE BOARD</b> Please provide explanation of urgency

**ITEM:**

**EXECUTIVE SUMMARY:** (If applicable, please include available options and potential solutions)

**BUDGET IMPACTS:**

**RECOMMENDED ACTION:**

**ATTACHMENTS:**

**MASON COUNTY  
BRIEFING ITEM SUMMARY FORM**

<b>TO: BOARD OF MASON COUNTY COMMISSIONERS</b>	
<b>FROM:</b>	
<b>DEPARTMENT:</b>	<b>EXT: _____</b>
<b>BRIEFING DATE:</b>	
<b>Previous Briefing Dates:</b> (If this is a follow-up briefing, please provide only new information)	

**ITEM:**

**EXECUTIVE SUMMARY:** (If applicable, please include available options and potential solutions)

**BUDGET IMPACTS:**

**RECOMMENDED OR REQUESTED ACTION:**

**ATTACHMENTS:**