

Welcome to Washington

A Guidebook for City Managers

Governance Models & Open Government

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Governance Models

Two Forms of Government

- Mayor-Council (RCW 35A.12)
 - Also called “Strong Mayor”
 - Many have City Administrators
- Council-Manager (RCW 35A.13)
- Formerly had Commission (RCW 35.17)



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Cities by the Numbers

Class	Mayor-Council	Council-Manager	TOTAL
First	6	4	10
Second	5	0	5
Town	68	0	68
Code	147	50	197
Unclassified	1	0	1
CURRENT TOTAL	227	54	281



Cities by the Numbers

Year	Mayor-Council		Council-Manager		Commission		Total No. of Cities	Total Inc. Pop
	No.	% of Inc. Pop.	No.	% of Inc. Pop.	No.	% of Inc. Pop.		
1970	233	57%	24	37%	8	6%	265	1,907,182
1980	230	55%	29	40%	6	5%	265	2,125,392
1990	228	54%	37	45%	3	1%	268	2,287,498
2000	224	50%	54	50%	1	<1%	279	3,387,824
2010	228	58%	52	42%	1	<1%	281	4,196,962
2020	227	58%	54	42%	--	--	281	4,990,730



State and Local Relations

- Washington cities require enabling authority from the State (unlike Home Rule states)
- Counties provide regional services, e.g.
 - Elections
 - Superior Court
 - Property assessments and property tax collection
 - Public Health
 - Felony incarceration
 - Municipal services to unincorporated areas and some cities



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Special and Public Districts

- Created to provide municipal services otherwise provided by cities
 - Utilities
 - Water
 - Sewer
 - Surface water
 - Electric and natural gas
 - Telecom



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Special Districts - continued

- Created to provide municipal services otherwise provided by cities
 - Fire and Emergency Services
 - Fire Districts
 - Regional Fire Authorities
 - Libraries
 - Metropolitan Park Districts
 - Transportation Benefit Districts
 - . . . and many more!



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Separation of Powers – City/Court Relations

Judge

- Appointed – if workload is under 1.0 FTE
- Elected
- In either case, independent with regard to judicial matters

General Rule 29 defines administrative authority and what can be delegated to whom AND All employees of the municipal court are deemed city employees (RCW 3.50.080)

Court revenue is a general revenue for the City

- Courts cannot be required to generate a desired level of revenue
- Fines and forfeits are imposed and collected by the Court
- Cities can set local fines (e.g. parking but cannot interfere with judicial decisions)



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Open Public Meetings Act – Updates and Overview

- MRSC has great resources and checklist to follow
- Most cities have specific policies and procedures
 - Check to see what are ‘best practices’
- State often updates Act

PMA – AGENCY OBLIGATIONS: A STARTING POINT	
Checklist FOR LOCAL GOVERNMENTS	
The Public Access Act (PMA) establishes basic procedural requirements for each agency that must be met in order to comply with the PMA. This checklist is a starting point for agencies to ensure they are in compliance with the PMA.	
Requirement	Compliance
Design and Publicly Identify a Public Records Office (PRO) The PRO is the official office of the agency responsible for the agency's records management. The PRO must be designated by the governing body of the agency. (RCW 42.56.010)	<input type="checkbox"/>
Adopt a Local Public Records Act Policy The local PMA policy should outline the agency's policies and procedures for the handling of public records requests. The policy should be adopted by the governing body of the agency. (RCW 42.56.020)	<input type="checkbox"/>
Publish a List of Exemptions and Prohibitions From Release the PMA Publish a list of exemptions and prohibitions to disclosure of public records. The list should be published in the agency's official records. (RCW 42.56.030)	<input type="checkbox"/>
Maintain an Index of Public Records Maintain a current index of public records. The index should be updated regularly. (RCW 42.56.040)	<input type="checkbox"/>
Adopt a PMA Fee Schedule Adopt a fee schedule for public records. The fee schedule should be published in the agency's official records. (RCW 42.56.050)	<input type="checkbox"/>
Provide for a Review Procedure for any Denial of Records Provide a review procedure for any denial of records. The review should be conducted by the governing body of the agency. (RCW 42.56.060)	<input type="checkbox"/>
PMA Training Requirements Provide training for all agency employees who are responsible for handling public records requests. (RCW 42.56.070)	<input type="checkbox"/>



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Open Public Meetings Act (RCW 42.30)

- Applies to all meetings when a quorum of the members is in attendance
 - City Councils
 - Boards and Commissions
- City Council Committees
- Requirements
 - Public Notice
 - Minutes
 - Access to the public and public hearings
 - **Required Training for all elected officials/records officers – AWC/MRSC online training**



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Open Public Meetings Act – recent updates

- Must have Physical Location –still allows remote meetings
 - Can be fully remote if emergency declared
 - Must provide cost-free option for remote attendance in real-time (phone)
- Legislative Body can attend remotely
- Most agencies must post agendas 24-hours in advance
- Special Meetings clarification
- Must notice change in meeting location



Open Public Meetings Act – recent updates

- Public Comments now required for all meetings for final action (can be written)
- Can create policies of public testimony – in response to online discriminatory language and disruptive behavior – check with attorney
- Executive Session topics must be in minutes
- Must notice change in meeting location
- Can prohibit firearms in actual location of public meetings
 - Must post signs noticing restrictions



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Open Public Meetings

- Executive Sessions (RCW 42.30.110)
 - Limited by topics
 - Acquisition or sale of property **when knowledge of the topic will likely cause a change in price**
 - Performance of a public employee **but not just any personnel matter**
 - Pending or potential litigation
 - Labor negotiations (which is really a “Closed Session”)
 - Discussions and materials must remain confidential
 - Discussions must be confined to the topic of the executive session



The Accidental Meeting

- When can a conversation become a meeting?
 - Email exchanges that involve a quorum of the Council
 - Any meeting when a quorum of the Council is present AND City business is being discussed
 - Participation in social media by a quorum of the Council
 - A series of phone conversations of a quorum (the “Daisy Chain”)
- When in doubt
 - Publicize the meeting
 - Listen to your City Attorney and City Clerk
 - Call MRSC



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Public Records Act

- A Public record is...
 - Any writing or recording **including text messages, voice mails, blog postings**
 - That relates to the conduct of government
 - That is created, owned, used or retained by that government or its employees
- All records are presumed to be subject to disclosure with narrow exceptions



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Public Records Act - continued

- Public disclosure requests
 - Can be in any form
 - Do not have to disclose the purpose of the request
 - Do not require you to create records that don't currently exist
- Agencies must respond promptly or be subject to monetary fines
 - Must respond within five days with requested records and/or with a date when records will be provided



Public Record Pitfalls and Tips

- Do not put it in an email unless you are ready to disclose it (or see it in the newspaper)
- Do not delete it just because you don't want to disclose it
- Understand and abide by retention rules
- Don't keep records beyond their retention period because if you get a PRR it's more records to search



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Public Record Pitfalls and Tips - continued

- Have a policy for participating in social media and a way to save social media posts
- Err on the side of disclosure
- Make sure your staff understands the PRA
- Pick your battles



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Questions?



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