

Welcome to Washington

A Guidebook for City Managers

Governance Models & Open Government

PRESENTED BY:

JOHN MAURO



Morning schedule

8:30 Introduction - David Cline, Senior Advisor

8:40 Forms of Government - John Mauro, Port Townsend/Bainbridge Island City Manager

9:20 Budgeting/Finance - Tracey Dunlap - Kirkland Deputy City Manager of Operations

10:00 Break

10:10 Land Use - Eric Baker - Gig Harbor Community Development Director

10:50 Employment Law/Labor relations - David Cline - Senior Advisor

11:30 End

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Overview

- Forms of City Government
- Other Governments and Districts
- Government Transparency

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)

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

Special and Public Districts

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

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!

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)

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 adopts the Act to ensure its compliance. This page provides a checklist of the requirements.	
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 public records requests. It is the PRO's responsibility to ensure that the agency's records are properly maintained and that the agency's records are accessible to the public.	☐
Adopt a Local Public Records Act Policy The local PMA policy should outline the agency's responsibilities for the handling of public records requests. It should also outline the agency's response process when it receives a records request. The policy must be approved by the agency's governing body.	☐
Publish a List of Exemptions and Prohibitions From Release the PMA Publish a list of exemptions and prohibitions to disclosure of records that are not subject to the PMA. The list should be published on the agency's website and in the agency's public records policy.	☐
Maintain an Index of Public Records Maintain a current index of the agency's records that are subject to the PMA. The index should be published on the agency's website and in the agency's public records policy.	☐
Adopt a PMA Fee Schedule Adopt a fee schedule for the agency's records that are subject to the PMA. The fee schedule should be published on the agency's website and in the agency's public records policy.	☐
Provide for a Review Procedure for any Denial of Records The agency must provide for a review procedure for any denial of records. The review procedure should be published on the agency's website and in the agency's public records policy.	☐
PMA Training Requirements The agency must ensure that all employees who are responsible for the agency's public records are trained in the PMA. The training should be published on the agency's website and in the agency's public records policy.	☐



WCMA
Washington City/County
Management Association
A State Affiliate of ICMA

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**

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

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

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

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

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

Questions and Discussion