

MASON COUNTY BOARD OF COMMISSIONERS

OPERATING GUIDELINES



Original Adoption on May 20, 2014, Resolution No. 29-14
Amended November 7, 2017, Resolution 64-17
Amended January 15, 2019, Resolution 02-19
Amended August 16, 2022, Resolution _____

MASON COUNTY BOARD OF COMMISSIONERS OPERATING GUIDELINES

TABLE of CONTENTS

- 1. PURPOSE 3
- 2. PUBLIC MEETINGS 3
 - 2.1 Meetings - General Rules / Definitions. 3
 - 2.2 Submitting Items to the Commission for Sessions or Meetings 5
 - 2.3 Submitting Documents at Time of Meeting to be Avoided 6
 - 2.4 Agenda Request Form Required 6
 - 2.5 Other Documentation May be Required 6
 - 2.6 Discussion at Briefing Required 7
 - 2.7 Moving an Item from Briefings to a Regular Meeting 7
 - 2.8 Adding Items to Briefing or Regular Agenda after Deadline 8
 - 2.9 Signatures on Documents 8
 - 2.10 Documents to be Maintained/Official File 9
- 3. PUBLIC HEARINGS 9
 - 3.1 Submission of Notice of Public Hearing Prior to Hearing Date 9
 - 3.2 Conducting the Public Hearing 10
 - 3.3 Hearings Where the Commission is Acting in A Quasi-judicial Capacity 10
- 4. PUBLIC NOTICE REQUIRED ON SOME ITEMS 11
- 5. RESOLUTIONS AND ORDINANCES 11
- 6. PROCLAMATIONS 12
- 7. MEETING MINUTES 12
- Attachment A **Error! Bookmark not defined.**

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” (Mason 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 Mason County 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 Mason County Commissioners shall be open and public in accordance with RCW 42.30 (*The Open Public Meetings Act*). An opportunity for public questions, testimony, and comment by either written message or oral presentation will be provided at all regular Commission business meetings.

The Open Public Meeting Act establishes some basic procedural requirements that apply to all meetings of a governing body. 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", "Briefing / Work Session", or "retreat", it is either a Regular or Special meeting.

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 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 that a meeting is called to deal with an emergency involving injury or damage to persons or property or the likelihood of such injury or damage.
- 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 Elected Offices and may be held at any time, but are normally scheduled on Mondays.
- 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, 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 shall be closed to the public for the specified purposes as identified within the enabling RCW.

- 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*).
- h. All meetings are subject to cancellation or rescheduling.

2.2 Submitting Items to the Commission for Sessions or Meetings

Documents submitted to the Commission for consideration at either briefing, regular, or special 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.

- Briefing, regular, or special items require an Agenda Request Form (Attachment A)
- If applicable, it is the Department's responsibility to have their documents reviewed by the following: budget, human resources, and legal. Please check the appropriate boxes on the Agenda Request Form.

As a general rule, all documents should be submitted with the Agenda Request Form on Wednesday. However, if the Clerk of the Board has been given notification, documents may be accepted after the aforementioned deadline. Commissioners' Office staff must have time to prepare the agenda, review documentation, and have the agenda and documentation packets ready for review in a timely manner.

Note: Sufficient copies mean the required original documents and one printed copy, three-hole punched.

Items not submitted by the deadlines may be retained for the next briefing or regular business meeting. Additionally, items may be postponed due to time constraints, to allow for sufficient time to 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 Meetings except Executive or Closed Sessions.

Most items are required to be briefed with the Commission before being placed upon the Action Agenda with very narrow exceptions.

Additionally, a single briefing does not ensure that an item will be advanced or placed upon the Action Agenda. In all instances, the Commission reserves the discretion to provide for time for legal review, to gather additional information, or to 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 to be prepared for discussion at briefings, regular, and special meetings. The documents are also made available on the County's web site for public review prior to the meeting.

Departments should avoid waiting until the meeting to submit documents. The Commission cannot be expected to review documents during a discussion. Departments that submit documents at the time of the meeting may be asked to reschedule the item for a later date so Commission members have the opportunity to review the issue in its entirety. Any documents brought to the Commission at the meeting time must include sufficient copies.

2.4 Agenda Request Form Required

An Agenda Request Form is required for all items submitted to the Commission. The Commission receives a large amount of information from various Departments and it is not unusual to have dozens of items in a packet. This form provides the Commission and the public with the a summary of an issue.

2.5 Other Documentation May be Required

Certain agenda items may require the submission of supplemental documents in order to be considered by the Commission. County staff 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
 - An original contract preferably already signed by any additional party(ies)
 - Copy of completed budget change form if approval of the contract requires a budget change
 - Bid tabulation if the contract or purchase requires either informal quotes, formal bids, or an RFP
- b. Grant Application
 - Grant application questionnaire
- c. Proposed Ordinances/Resolutions
 - Original signed by legal
 - Electronic Word copy
- d. Notice of Hearing
 - Electronic Word copy
- e. Appointment/Re-appointment
 - Hard copy letter

- Addressed and stamped envelope

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 – renewals, extensions, or amendments; grants; or purchases that require a budget change.
- b. Grant applications - prior to the application submission a grant application questionnaire is 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.
- i. News Releases/Proclamations

Only very narrow exceptions to the above will be considered. 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 Board or legal 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.

No item will be placed on a Regular Business Meeting Agenda without consent of a majority of the Commission.

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

2.7 Moving an Item from Briefings to a Regular Meeting

Typically, items are scheduled for briefing discussion one week and then for the regular meeting one or two weeks out. 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.

For efficiency, and at the Board's discretion, items that are briefed may be added to the next regular meeting action agenda.

Items that are briefed and approved to move to a regular meeting action agenda will automatically move to the regular agenda for final action, provided that any necessary documentation has been provided by the requesting staff to the Clerk of the Board.

- a. 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, have not been reviewed by the legal, human resources, 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, proclamations, and news releases. Documents prepared by other agencies that come to the County with all Commission members' signature lines do not require the document to be revised.

It is the responsibility of the submitting Department/Elected Office to obtain the appropriate legal review and signature from the Prosecuting Attorney's Office. This must occur before being approved by the Commission.

2.10 Documents to be Maintained Electronically

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 an electronic file containing one copy of all documents considered during each public meeting. Agenda packets are filed by meeting date and are archived and transferred to State Archives in compliance with applicable retention schedules.

If documents are exempt from public disclosure, the documents exempt must be clearly and prominently marked at the top of the front page by the submitting Department/Elected Official.

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. Examples include changes to Mason County Code, proposed ordinances or amendments, adoption of the County budget, budget emergencies, purchase or sale of properties, and road vacations. It is up to the Department/Elected Official requesting the public hearing to know the public hearing notice requirements and provide the appropriate documents for publication.

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 and must allow time to comply with applicable notice requirements.

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 website as soon as practical after the approval of the Notice of Hearing. This is done as a courtesy and is not intended to create any additional legal requirements. It is the responsibility of the Department/Elected Official requesting the public hearing to post the appropriate documents on the website.

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 general location for 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 disruptive or 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 or 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 public 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 shall 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

4.1 Budget 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/Elected Official 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.

5.2 Requests for Proposals, Requests for Qualifications, and Calls for Bids

County Officials are responsible for tracking notice requirements for Requests for Proposals, Requests for Qualifications, and Calls for Bids so that notice can be made in compliance with applicable State and Federal law and comply with County policy.

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/Elected Official is responsible to be aware of the appropriate format and for any required legal review and signature of the document prior to presentation to the Commission. Items requiring a written resolution or ordinance include, but is not limited to: Mason County Code additions or amendments, adoption of the budget or budget changes, sale or purchase of land, road vacations, and adoption or amendment of County policy.

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 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, 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.