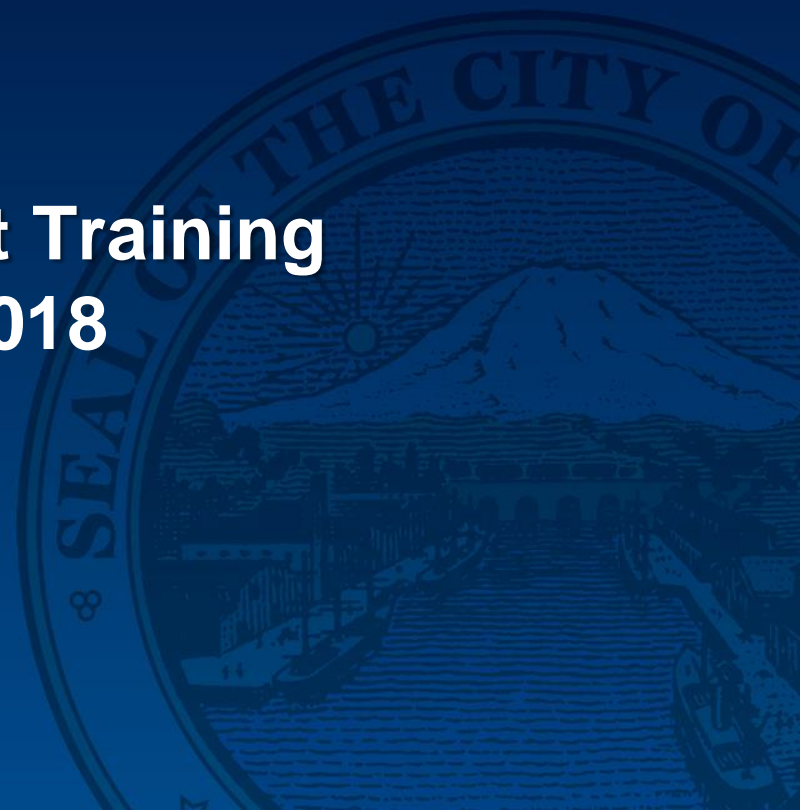


Tacoma Arts Commission

Open Government Training
March 12, 2018



Open Public Meetings Act

- State law, RCW 42.30
- Applies to Committees, Boards, and Commissions of the City
- All meetings public
- All business conducted openly, unless exemption/exception

Open Public Meetings Act

- It is a meeting when a quorum is present and action occurs
- Action is any official business such as discussion, deliberation, receipt of public testimony, consideration, reviews, and evaluations – not only final action
- Can, but need not, also apply to a subcommittee or smaller group of the Commission, even if not a quorum

Open Public Meetings Act

Meeting Requirements:

- Notice to public
- Published agenda
- Public permitted to attend without conditions
 - No requirement that public be able to speak or participate
- Minutes taken
- Topics generally limited to published agenda

Open Public Meetings Act

Meeting Tips:

- E-mail exchanges can be meetings
 - Entire Committee/quorum on e-mails
 - “Reply All”
 - “Serial” e-mails, forwarded from member to member
- Committee member conversations in shared environment can be meetings
 - Blogs, forums, social media
- Best Practice: Staff manages communication

Open Public Meetings Act

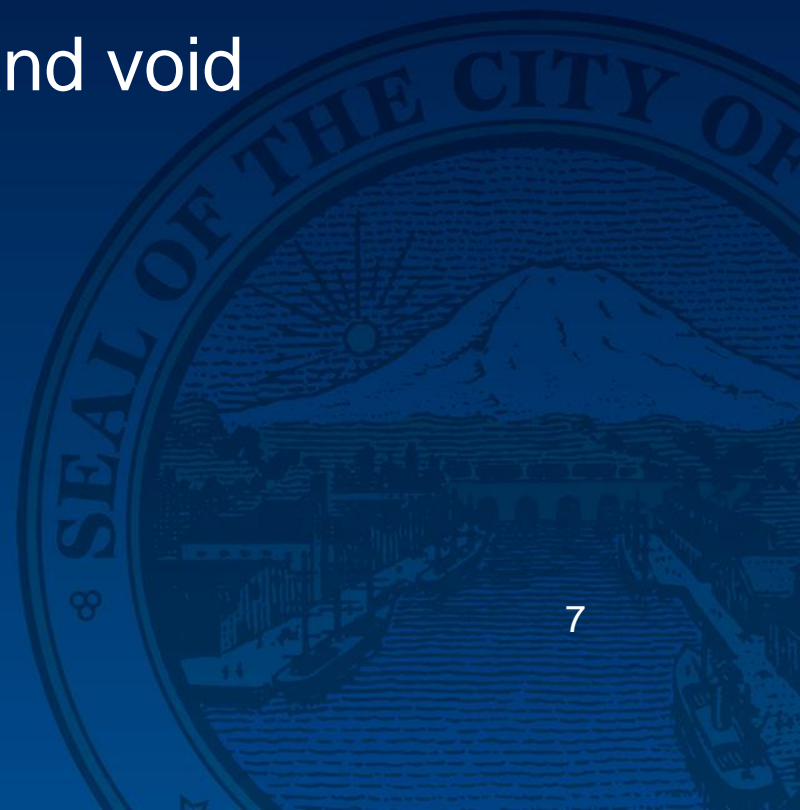
Meeting Tips (continued):

- Meetings can be by telephone, but need proper notice and opportunity for public to participate
 - Speaker phone at designated location
 - Individual members may be able to appear by phone
 - Body may have rules or bylaws about telephone meetings

Open Public Meetings Act

Violation of Open Meeting Laws:

- Individual member liability
 - \$1000 penalty for knowing violation
- Commission action null and void
- Bad Press
- Public Distrust



Public Records

- State law RCW 42.56
- Applies to Commission and individual members for their official actions
- Creates duty to retain, search and produce public records



Public Records

A Record is:

- Information or communication relating to conduct of government, performance of government function
- Owned, used or retained by Commission or Commission members
- Paper, electronic, audio, photos, videos, social media etc.

Public Records

Public Right to Records:

- Upon request by public:
 - All records to be available for inspection and copying
 - Exemptions to production, but narrow
 - Requestor cannot be limited or asked reason for request

Public Records

- **RETAIN IF REQUIRED**
 - Retention periods set by state and City
 - Some records have no retention period
 - “Owner” of record generally keeps
- **MANAGE RECORDS**
 - Discard when retention period ends
 - Informational and secondary copies can be discarded when the business need expires
 - Must be searched and produced if exist, unless exemption

Public Records

Search and Produce Records:

- If records requested
 - Timely search all potential locations
 - Personal computers, personal cell phones, smart phones, lap tops, tablets, paper files
 - Produce all responsive records to staff
 - May be exemptions, staff to determine, so produce all
- Let staff know promptly if receive communication that could be records request

Public Records Tips

- Be aware when acting as commission member
 - Communications (including social media) as Commission Member in the role of Commission Member is public record
- Keep all commission related records in one location
 - Separate e-mail account/separate folders for Commission business
 - Personal contact information not exempt if used for Commission business or intermingled

Public Records Violations

- Penalties to City for not searching, not producing, late producing etc.
- Failure to conduct adequate search could cause a court to order search
 - Including of any location where records may be, could include personal or home or business locations and devices
 - Best practice – keep electronic records in a designated location
- Good faith effort to comply is defense to penalties

Ethics

- City of Tacoma Code of Ethics, TMC 1.46
- Applies to Commission Members
- Purposes
 - Avoid conflicts of interest and undue influence
 - Prevent use of City position and powers for personal gain
 - Avoid improprieties and appearance of improprieties

Ethics

- Prohibited Conduct Includes:
 - Disclosure of confidential information
 - Use of City position for personal benefit or gain or to benefit another
 - Acceptance of gifts
 - Ban on receipt of all “gifts” of any amount
 - Nominal promotional items and awards in recognition of service are allowed
 - Financial conflicts of interest – member of Committee entering into a contract with City

Ethics Violations

- Commission members are “Covered Officials” under jurisdiction of Board of Ethics
- Complaint
 - Review by Board of Ethics
 - Possible investigation/hearing
 - Order of Board of Ethics
- Sanctions for violation found by Board
 - Can include removal from Commission

Questions?

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