

SPOKANE PARK BOARD

Regular Monthly Study Session - 3:00 P.M. – January 12, 2012 – City Hall Conference Room 5A

AGENDA

1. **Roll Call:** *Jacki Faught*

2. **Discussion Items:**
 - A. Park Board Training on Meeting Protocols and Procedures ~ *Pat Dalton, Assistant City Attorney*

3. **Adjournment**
 - A. Next Park Board Study Session will be joint with City Council: February 9, 2012, 3:00 p.m. or as soon as possible thereafter directly following the Regular Park Board meeting, in the Council Briefing Center

Please Note: Agenda is subject to change

AMERICANS WITH DISABILITIES ACT (ADA) INFORMATION: The City of Spokane is committed to providing equal access to its facilities, programs and services for persons with disabilities. The Spokane City Council Chamber in the lower level of Spokane City Hall, 808 W. Spokane Falls Blvd., is wheelchair accessible and also is equipped with an infrared assistive listening system for persons with hearing loss. Headsets may be checked out (upon presentation of picture I.D.) at the City Cable 5 Production Booth located on the First Floor of the Municipal Building, directly above the Chase Gallery or through the meeting organizer. Individuals requesting reasonable accommodations or further information may call, write, or email Liane Carlson at (509) 625-6703, 808 W. Spokane Falls Blvd, Spokane, WA, 99201; or lcarlson@spokanecity.org. Persons who are deaf or hard of hearing may contact Liane at (509) 625-6703 through the Washington Relay Service at 7-1-1. Please contact us forty-eight (48) hours before the meeting date.

SPOKANE PARK BOARD

Regular Monthly Study Session - 4:20 P.M. – January 12, 2012 – City Hall Conference Room 5A

Notes

1. **Roll Call:** *Jacki Faught*

Park Board Members Present: Ross Kelley, Randy Cameron, Jim Santorsola, Ken Van Voorhis, Susan Traver, Andy Dunau, Martha Lou Wheatley-Billeter, Chris Wright, Sam Selinger, Jim Quigley

Park Board Members Absent Excused: Mike Allen

Staff Present: Leroy Eadie, Jacki Faught, Mike Aho, Taylor Bressler, Rebecca Madany, Tony Madunich, Garrett Jones, Al Vorderbrueggen, Angel Spell, Leesa VanZandt, Carl Strong, Craig Butz, Debby Dodson

2. Ross Kelley advised he is creating a Rules Sub-Committee to review the Rules adopted by the Board in 2010 and to make changes if needed.

Committee Members: Chris Wright, Susan Traver, Sam Selinger, Jim Santorsola and Pat Dalton, Legal Counsel

3. **Discussion Items:** Park Board Training on Meeting Protocols and Procedures ~ *Pat Dalton, Assistant City Attorney*

A. Roberts Rules of Order:

1. The Board received copies of the rules and procedure document adopted by Spokane City Council based on Robert's Rules of Order and another from the Municipal Research and Services Center of Washington (MSRC) on parliamentary procedure and Robert's Rules of Order. MSRC is an organization designed to assist public boards, bodies and commissions in doing their jobs.
2. Roberts Rules of Order are suggestions and the Board is not bound by them unless they really want to be.
3. The idea is a way to give some structure to a meeting.
4. Most important things to remember about Robert's Rules of Order:
 - a. Every Board Member has equal rights during the meeting.
 - b. Only one member should speak at a time, and only after being recognized by the President.
 - c. The Board may consider only one issue at a time.
 - d. The majority rules, but the minority also has rights to have their ideas heard.
5. Not following Robert's Rules of Order has no consequence but dysfunction.

B. Washington State Public Records Act:

1. Every document that you create, receive or refer to is a public record and anybody has a right to look at those. Board members are required to save them and produce them as necessary and if you don't then there are consequences for the City. There is a requirement that public records must be saved for seven

years.

2. Our state courts are very serious about public records.
3. Public records include: emails or text messages sent by or received by a Park Board member that relates to PB business, regardless of whether it is received on the PB members personal home computer, or a personal phone; personal notes taken by PB members during PB meetings; and letters received by PB member about PB business
4. Things that need not be saved: meeting notices; personal messages unrelated to PB business; copies of published materials if the PB member has made no personal notes on the materials; duplicate copies (e.g. material distributed by Parks staff prior to or during a PB meeting to all PB members will be saved by Parks staff); social announcements
5. The Attorney General suggests that all Board members keep copies of all correspondence and periodically transmit them to the City.

C. Washington State Open Public Meetings Act:

1. This dictates that the Board is supposed to do everything in public and not supposed to have private meetings except in such case as an executive session as defined in the Act.
2. A meeting is anything where an action is taken. An action means the transaction of public business, including receipt of testimony, deliberations, discussions, considerations, evaluations, talking about a Park Board subject, listening to someone talk about it.
3. By Charter anytime there are six or more members present in any way there is a meeting, whether it be physically present, by phone, it doesn't matter if it is a workshop or a study session.
4. The purpose of the Act is to give notice to the public so that they can attend and observe. There is no legal requirement for public to participate but there is a legal requirement for people to be allowed to observe. You cannot require them to give their name and address but you can ask for it; votes must be taken openly; action may be adjourned or continued; may meet in executive session for certain limited reasons; Public has no legal right to speak at the meeting; if people become disruptive you can ask people to leave or have them removed; the date of the meeting must be established by rule; and if a regular meeting date falls on a holiday, the meeting must be held the next business day.
5. Park Board has one regular meeting each month, every other meeting is a special meeting.
6. Special meetings have special notice requirements and requirements as to what can be considered. The Board may consider and take action on anything it wants at its regular meeting whether it is on the agenda or not. At a special meeting you can only take action on what is specifically noticed.
7. An executive session is a special meeting within a regular meeting. The president must say they are adjourning to executive session and the reason and must announce when they will return to the regular meeting. Final action must be taken in the regular meeting and cannot be taken in executive session.
8. There are monetary penalties for violations of this act and any actions taken at that meeting would be null and void.
9. Email exchanges between a quorum of the Board are considered a meeting. The best course is to avoid group emails. Send to individual members only (and

fewer than a majority), send through staff representative and never respond with "reply all."

10. Sub-Committee meetings must be noticed, if a quorum of Park Board shows up then the meeting may legally be a meeting of the Board that is not properly noticed, Spokane City Council meetings are now noticed as Committee meetings and Special meetings of the City Council; and merely sitting and listening to Committee by non-Committee members of the Board can turn a Committee meeting into a Park Board meeting. .

D. Leroy Eadie gave a PowerPoint presentation:

1. Outlining the functions of the Director pursuant to Park Board Rules.
2. Outlining the role of the Board.
3. Reviewing Committee procedures and etiquette emphasizing the need for efficiency within meetings.
4. Outlining 2011 staff support of the Board in number of hours in staff time and associated costs.
5. Highlighting the positive things accomplished this year and emphasizing the importance of focusing and celebrating the positive as well as recognizing needs for improvement.
6. Emphasizing the benefits of trust between the Board and staff.
7. Reviewing the process for Board requests for information.
8. Reviewing the policy on ethics for Board members and staff.
9. Presenting the Annual Work Program/Calendar.

4. **Adjournment:** 5:15 p.m.

- A. Next Park Board Study Session will be joint with City Council: February 9, 2012, 3:00 p.m. or as soon as possible thereafter directly following the Regular Park Board meeting, in the Council Briefing Center

MEMORANDUM

January 11, 2012

To: Spokane Park Board
From: Pat Dalton, Assistant City Attorney
Re: Robert's Rules of Order

The Park Board refers to Robert's Rules of Order to guide the conduct of Park Board meetings. The Board is always free to adopt some or all of Robert's Rules to best meet the needs of the Board in running an effective Board meeting. The Rules themselves are exceedingly complex, but can be easily simplified for Park Board use.

Attached are two documents, one from the Municipal Research and Services Center, and one from the Spokane City Council. The MRSC document is used by Councils and Boards across the state to help with meetings. The City Council document was created to guide the Spokane City Council in the conduct of its meetings. Both will be helpful to Park Board members.

The most important points to take from Robert's Rules of Order are these:

- Every Board member has equal rights during a meeting.
- Only one member should speak at a time, and only after being recognized by the President.
- The Board may consider only one issue at a time.
- The majority rules, but the minority also has rights to have their ideas heard.

**ATTACHMENT NO. 1
TO
SPOKANE CITY COUNCIL RULES OF PROCEDURE**

Robert's Rules of Order

The following section summarizes important points from Robert's Rules of Order.

- All City Councilpersons have equal rights. Each speaker must be recognized by the Council President prior to speaking. Each speaker should make clear his or her intent by stating, "I wish to speak for/against the motion" prior to stating arguments.
- Only one person may speak at any given time. When a motion is on the floor, the mover of a motion speaks first, so that the City Council understands the basic premise of the motion. The mover is also the last to speak, so that the City Council has an opportunity to consider rebuttals to any arguments opposing the motion.
- Only one subject may be before the City Council at one time. Each item to be considered is proposed as a motion which requires a "second" before being put to a vote. Once a motion is made and seconded, the chair places the question before the City Council by restating the motion.
- Each item presented for consideration is entitled to a full and free debate. Each person speaks once, until everyone else has had an opportunity to speak.
- "Negative" motions are generally not permitted. To dispose of an agenda item, the motion should be phrased as a positive action to take, and then, if the City Council desires not to take this action, the motion should be voted down.
- The rights of the minority must be protected, but the will of the majority must prevail. Persons who do not share the point of view of the majority have a right to have their ideas presented for consideration, but ultimately the majority will determine what the City Council will or will not do.

Motions

Action items are brought before the City Council by motions, a formal procedure for taking actions. To make a motion, a councilmember must first be recognized by the Council President. After the councilmember has made a motion and after the motion is seconded, the Council President must then restate it or rule it out of order, then call for discussion.

Robert's Rules of Order provides for four general types of motions:

Main Motions:

The most important are main motions, which bring before the City Council, for its action, an agenda item. Main motions cannot be made when any other motions are before the City Council.

Subsidiary Motions:

Subsidiary motions are motions which direct or change how a main motion is handled. These motions include:

- **Tabling.** Used to temporarily postpone discussion until the City Council decides by majority vote to resume discussion. By adopting the motion to "table," a majority has the power to halt consideration of the question immediately without debate. A motion to table requires a second, is non-debatable, and is not subject to amendments.
- **Previous Question or Close Debate.** Used to bring the City Council to an immediate vote. It closes debate and stops further amendments. The majority of the City Council decides when enough discussion has occurred, not the Council President. The formal motion is to "call for the question" or "call for the previous question," or simply, "I move to close debate." The motion requires a second, is not debatable and requires a two-thirds majority, i.e. five votes.
- **Limit/Extend Debate.** May be desired if the group has adopted a rule limiting the amount of time that will be spent on a topic, or if the group desires to impose a time limitation.

- **Postpone to a Definite Time.** Similar to tabling, except that the motion directs that the matter will be taken up again at some specific date and time.
- **Refer to Committee.** Directs that a committee will study the matter and report back.
- **Amendment.** Used to "fine tune" a motion to make it more acceptable to the City Council. The amendment must be related to the main motion's intent and cannot be phrased in a way that would defeat the main motion. Two amendments may be on the floor at one time: the first amendment modifies the main motion, and the second amendment must relate to the first amendment. When an amendment is on the floor, only the amendment may be debated. The amendments are voted on in the reverse order in which they were made, as each amendment changes to some degree the intent of the main motion. As each amendment is voted on, an additional primary or secondary amendment may be introduced. A motion to amend requires a second, is debatable, and requires a majority vote.
- **Postpone Indefinitely.** This motion effectively kills a motion, because, if adopted, a two-thirds vote is subsequently required to take the matter up again.

Incidental Motions:

Incidental motions are housekeeping motions which are in order at any time, taking precedence over main motions and subsidiary motions. These motions include:

- **Point of Order.** To bring to the City Council's attention that the rules are being violated. A City Councilperson does not need to be recognized prior to making a point of order. This is not really a motion, but requires the Council President to make a ruling as to whether or not immediate consideration is proper.
- **Appeal from the Decision of the Chair.** The City Council can overrule the Council President on any procedural decision. While the motion must be seconded, it cannot be amended. When this motion is moved and seconded, the Council President immediately states the question, "Shall the decision of the chair stand as the judgment of the council?" If there is a tie vote, the chair's decision is upheld. The motion is not debatable when it applies to a matter of improper use of authority or when it is made while there is a

pending motion to close debate. However, the motion can be debated at other times. Each person may speak once, and the moderator may also state the basis for the decision.

- **Request to Withdraw a Motion.** A request to withdraw a motion requires majority approval and cannot be withdrawn by its mover.
- **Suspension of the Rules.** When matters are to be taken out of order, or a particular task can be better handled without formal rules in place, this motion can be approved by a vote of five members of the City Council.
- **Reconsider.** A motion for reconsideration is available when the City Council needs to discuss further a motion that has already been defeated at the same meeting. A majority of the council must approve taking additional time to debate the motion again. The motion can be made only by a person who voted on the prevailing side earlier on the question.

Other Motions:

- **Point of Privilege.** A Councilperson may assert a point of privilege when there is a matter that concerns the welfare of the City Council. A point of privilege can be raised even when another person is speaking. A point of privilege does not require a second, is not debatable, and no vote is required.



Municipal Research and Services Center of Washington
Working Together for Excellence in Local Government

Updated 08/09

Parliamentary Procedure

Parliamentary procedure provides the process for proposing, amending, approving and defeating legislative motions. Although following parliamentary procedure is not required, it can make council meetings more efficient and reduces the chances of council actions being declared illegal or challenged for procedural deficiencies.

Many city councils and boards of county commissioners have adopted *Robert's Rules of Order*, by reference, for the purpose of providing rules of parliamentary procedure for meetings. However, *Robert's Rules* was drafted primarily for large assemblies and not so much for use by small legislative bodies such as city councils or boards of county commissioners, and they are quite formal and detailed. As a result, some local legislative bodies have found it advantageous to craft their own less detailed and less formal rules of procedure. So, as a practical matter, many councils and boards of county commissioners that have adopted *Robert's Rules* but that prefer to operate less formally use them only where their own rules do not address a particular procedural matter.

The following information on motions and parliamentary procedure is based on Robert's Rules of Order, Newly Revised. Local governments have the authority to adopt whatever rules of procedure they wish and are not required to follow Robert's Rules.

Robert's Rules

The following section summarizes important points from Robert's Rules of Order. Other parliamentary rules or your own council rules of procedure may contain different provisions.

- Only one subject may be before a group at one time. Each item to be considered is proposed as a motion which usually requires a "second" before being put to a vote. Once a motion is made and seconded, the chair places the question before the council by restating the motion.
- "Negative" motions are generally not permitted. To dispose of a business item, the motion should be phrased as a positive action to take, and then, if the group desires not to take this action, the motion should be voted down. The exception to this rule is when a governing body is asked to take action on a request and wishes to create a record as to why the denial is justified.
- Only one person may speak at any given time. When a motion is on the floor, an order of speaking is prescribed by Robert's Rules, allowing the mover of a motion to speak first, so that the group understands the basic premise of the motion. The mover is also the last to speak, so that the group has an opportunity to consider rebuttals to any arguments opposing the motion.
- All members have equal rights. Each speaker must be recognized by the moderator prior to speaking. Each speaker should make clear his or her intent by stating, "I wish to speak for/against the motion" prior to stating arguments.
- Each item presented for consideration is entitled to a full and free debate. Each person speaks once,

until everyone else has had an opportunity to speak.

- The rights of the minority must be protected, but the will of the majority must prevail. Persons who don't share the point of view of the majority have a right to have their ideas presented for consideration, but ultimately the majority will determine what the council will or will not do.

Motions

Business is brought before the council by motions, a formal procedure for taking actions. To make a motion, a councilmember must first be recognized by the mayor. After the councilmember has made a motion (and after the motion is seconded if required), the chair must then restate it or rule it out of order, then call for discussion. Most motions require a second, although there are a few exceptions.

Exact wording of motions and amendments is important for clarity and recording in the minutes. If it's a complex motion, the motion should be written down for the chair to read.

Robert's Rules of Order provides for four general types of motions:

Main Motions

The most important are main motions, which bring before the board, for its action, any particular subject. Main motions cannot be made when any other motions are before the group.

Subsidiary Motions

Subsidiary motions are motions which direct or change how a main motion is handled. These motions include:

- **Tabling.** Used to postpone discussion until the group decides by majority vote to resume discussion. By adopting the motion to "lay on the table", a majority has the power to halt consideration of the question immediately without debate. Requires a second, non-debatable, not amendable.
- **Previous Question or Close Debate.** Used to bring the body to an immediate vote. It closes debate and stops further amendment. Contrary to some misconceptions, the majority decides when enough discussion has occurred, not the moderator. The formal motion is to "call for the question" or "call for the previous question," or simply, "I move to close debate." The motion requires a second, is not debatable and requires a two-thirds majority.
- **Limit/Extend Debate.** May be desired if the group has adopted a rule limiting the amount of time that will be spent on a topic, or if the group desires to impose a time limitation.
- **Postpone to a Definite Time.** Similar to tabling, except that the motion directs that the matter will be taken up again at some specific date and time.
- **Refer to Committee.** Directs that some other body will study the matter and report back.
- **Amendment.** Used to "fine tune" a motion to make it more acceptable to the group. The amendment must be related to the main motion's intent and cannot be phrased in a way that would defeat the main motion. Two amendments may be on the floor at one time: the first amendment modifies the main motion, and the second amendment must relate to the first amendment. When an amendment is on the floor, only the amendment may be debated. The amendments are voted on in the reverse order in which they were made, as each amendment changes to some degree the intent of the main motion. As each amendment is voted on, an additional primary or secondary amendment may be introduced. Requires a second, debatable, majority vote.

- **Postpone Indefinitely.** This motion effectively kills a motion, because, if adopted, a two-thirds vote is subsequently required to take the matter up again.

Incidental Motions

Incidental motions are housekeeping motions which are in order at any time, taking precedence over main motions and subsidiary motions. These motions include:

- **Point of Order.** To bring to the group's attention that the rules are being violated. You don't need not to be recognized prior to making a point of order. This is not really a motion, but requires the moderator to make a ruling as to whether or not immediate consideration is proper.
- **Appeal from the Decision of the Chair.** The group can overrule the chair on any decision. While the motion must be seconded, it cannot be amended. When this motion is moved and seconded, the moderator immediately states the question, "Shall the decision of the chair stand as the judgment of the council?" If there is a tie vote, the chair's decision is upheld. The motion is not debatable when it applies to a matter of improper use of authority or when it is made while there is a pending motion to close debate. However, the motion can be debated at other times. Each person may speak once, and the moderator may also state the basis for the decision.
- **Parliamentary Inquiry.** Not a motion, but a question as to whether an action would be in order.
- **Point of Information.** A person may rise to offer information that is considered necessary for the group. This provision is not used to offer debate.
- **Division of Assembly.** To require a more precise method of counting votes than by a voice vote, such as having persons raise hands, or stand. No second, not debatable, no vote required.
- **Request to Withdraw a Motion.** Contrary to popular misconception, a motion cannot be withdrawn by its mover. This request requires majority approval.
- **Suspension of the Rules.** When matters are to be taken out of order, or a particular task can be better handled without formal rules in place, this motion can be approved by a two-thirds vote of the group. However, until the rules are restored, only discussion can occur; no decisions can be made. Second required, not debatable, not amendable.
- **Object to Consideration of a Question.** When a motion is so outrageous, intended to distract the group from resolving legitimate business. The motion can be objected to and ruled out of order without debate. However, if the chair does not rule the motion out of order, a two-thirds vote of the group can block further consideration.

Renewal Motions

Once the group has taken action, renewal motions require the group to further discuss or dispose of a motion. The motions include:

- **Reconsider.** A motion that enables a majority to bring back for further consideration a motion which has already been voted upon. There are certain limitations that apply to this motion. It can only be made by a member who voted with the prevailing side. In a session of one day, which is the typical city council or county commission meeting, it can only be made on the same day the vote to be reconsidered was taken.
- **Take from the Table.** Unless the original motion to table directed that the motion be brought back

at a specific date and time, a majority of the group must pass a motion to take from the table. Such a motion is non-debatable.

- **Rescind.** When the group wishes to annul some action, a motion to rescind is in order at any time. If prior notice has been given to the group that this action will be considered, the motion to rescind can pass with a simple majority vote; however, if no prior notice has been given, the vote requires a two-thirds majority.

Questions of Privilege

Finally, there are a few questions of privilege that are in order at any time and must be disposed of prior to resuming discussion on the matter at hand:

- **Fix the Time for Next Meeting.** This is in order at any time, including when a motion to adjourn is pending. Second required, not debatable, amendable.
- **Adjourn.** To bring the meeting to a halt. Second required, not debatable, not amendable. Alternatively, instead of a motion, the chair can ask if there is any further business. If no response, the chair can say, "since there is no further business, the meeting is adjourned."
- **Recess.** A temporary break in the meeting; should state a time at which the meeting will resume. Second required, not debatable, not amendable.
- **Point of Privilege.** A matter that concerns the welfare of the group. Can be raised even when another person is speaking. No second, not debatable, no vote required.
- **Call for the Orders of the Day.** A demand that the group return to the agenda. Can be taken when another person is speaking, no second required, not debatable, no vote required.

Related Resources

[MRSC Index – Council rules and regulations, rules of procedure, parliamentary procedures, sample censure rules](#)

MEMORANDUM

January 11, 2012

To: Spokane Park Board
From: Pat Dalton, Assistant City Attorney
Re: Open Public Meetings Act

The state's Open Public Meetings Act (OPMA) requires that all meetings of governing boards be open to the public and that all members be allowed to attend and witness the decision making process of the boards. To that end, all deliberations, discussions, considerations and decisions must be made in a public meeting, with a few very limited exceptions.

RCW Ch. 42.30.030: All meetings shall be public and all persons allowed to attend.

The Park Board is a "governing body" subject to OPMA, as are PB Committees (because they take testimony/conduct hearing/take public comment)

"Meeting" subject to OPMA is one where "action" is taken. "Action" means the transaction of public business, including receipt of testimony, deliberations, discussions, considerations, evaluations.

- Need a quorum.
- Need not be physically present (phone/e-mail).
- Need not be labeled "meeting"; may be "retreat", "workshop", "study session".

"Regular meeting" is one held pursuant to adopted schedule.

"Special meeting" is any other meeting.

ALL meetings:

- Must be open to the public
- Must allow public to attend without requiring registration of name
- Votes must be taken openly – no secret ballots
- Action may be adjourned or continued
- May meet in executive session for certain limited reasons
- Public has no statutory right to speak at a meeting.
- Date of a public meeting must be established by rule
- If regular meeting date falls on a holiday, meeting must be held next business day

Special Meeting Procedures

- May be called by President or majority of PB

- Written notice must be delivered at least 24 hours before meeting to
 - Each member of PB
 - Each media outlet that has requested notice
 - Written notice may be by fax/e-mail
- Notice must specify time and place & business to be transacted
- PB may take final action only on matters identified in notice
- Don't have to give notice to PB member who is present
- May have meeting w/o notice only to deal with true emergency.

Executive Sessions

- May hold during regular or special meeting
- Persons other than members of PB may attend at invitation of PB, except for discussion of pending/threatened litigation
- To hold executive session, President publicly announces
 - Purpose of executive session (citing one of the statutory reasons) and
 - Time executive session will end and public portion of meeting re-starts
- Purposes for Executive Session
 - National Security issues
 - Selection of a site or acquisition or lease of real estate when public knowledge regarding information would cause an increase in price
 - To consider the minimum price at which real estate will be offered for sale or lease when public knowledge would decrease price
 - To review publicly bid contract performance issues when public knowledge would result in increase in costs
 - To receive and evaluate complaints against a public employee
 - To evaluate the qualifications of an applicant for public employment or to review the performance of a public employee (NOT for discussion of salaries, wages, conditions of employment); final action must be taken in a public meeting
 - To discuss with legal counsel matters relating to PB enforcement actions or actual or potential litigation
 - Attorney MUST be present
 - There must be actual or threatened litigation to which PB or a member is or will become a party
 - May not take any final action in an Executive Session

Penalties for Violation

- \$100/member attending if attend with knowledge of violation.
- Not a criminal offense
- Any citizen may bring action
- PB is liable for all costs and attorney fees of plaintiff
- All actions taken in violation of the act are NULL and VOID

OPMA and E Mail

Simple discussions about a matter are "action" under OPMA

E Mail exchanges ARE a "meeting" where "action" is taken if among a quorum of PB

- Need active participation among a majority of PB
- Mere individual examination of documents prior to a meeting is not forbidden
- Best course: Avoid Group E Mails
 - Send to individual members only (and fewer than a majority)
 - Send through staff representative
 - Never respond with "REPLY ALL"

Sub-Committee Meetings and OPMA

Committee and Sub-Committee meetings are subject to OPMA if created by or work for PB.

- Notice must be given of all regular and special meetings of Committees
- If a quorum of PB shows up at Committee meeting, Committee meeting might legally be a meeting of PB that is not properly noticed
- City Council Committees are now noticed as Committee meetings and special meetings of City Council
- Merely sitting and listening to Committee by non-Committee member of PB can turn Committee meeting into PB meeting, because "action" includes taking testimony.

MEMORANDUM

January 11, 2012

To: Spokane Park Board
From: Pat Dalton, Assistant City Attorney
Re: Public Records Act

The State Public Records Act was enacted for many of the same reasons as the Open Public Meetings Act: the business of governing is to be done in the open with full access by members of the public. Nearly every "writing" produced by a member of the Park Board during his or her term on the Board is a public record, subject to disclosure pursuant to a proper request.

A Public Record is any paper, correspondence, electronic record email or other document regardless of media that has been created or received by the Park Board during the course of public business. Public records include:

- E mails or text messages sent by or received by a Park Board member that relates to PB business, regardless of whether it is received on the PB member's personal home computer, or a business computer, or a personal phone
- Personal notes taken by PB members during PB meetings
- Letters received by PB members about PB business

Park Board members are required to save all public records so that they will be accessible should a Public Records Act (PRA) request be made. PB members should establish a separate, clearly named file within their personal email account and/or on the hard drive of their personal computer to which they file all materials relating to the Park Board.

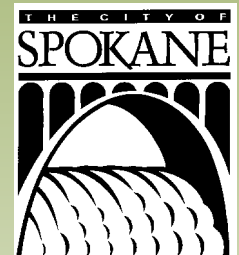
The City must provide the fullest assistance in response to a PRA disclosure request. The City's public records officer and the City Attorney's office will review any documents subject to disclosure to determine whether any of a small number of exemptions may apply. The City public records officer will provide the necessary explanations of the exemptions to the requestor if access to particular records is denied in part or in full. PB members will be required to provide all potentially responsive documents to the City's public records officer upon request.

Public records are the property of the City and must be managed (preserved, stored, transferred, destroyed, etc.) only according to the law. Park Board members should consider copying all electronic documents in their possession and periodically giving a copy to Park Department staff. This should always be done at the conclusion of a PB member's term in office.

Things that need NOT be saved include:

- Meeting notices
- Personal messages unrelated to PB business
- Copies of published materials if the PB member has made no personal notes on the materials
- Duplicate copies (e.g., material distributed by Park staff prior to or during a PB meeting to all PB members will be saved by Park staff)
- Social announcements

Park Board 2012



City Charter Section 48 Park Board Powers

- To lay out, establish, purchase, procure, accept and have the care, management, control and improvement of.....
- To lay out, establish and improve boulevards & parkways....
- To exercise supervision over all shade trees.....
- To make rules and regulations for the use of parks.....
- To prohibit or determine the place and manner of making excavations
- To improve and adorn parks and park property
- To grant concessions, leases and privileges

Rules of the Park Board

- Section 17. Duties of the Committees
- Advisory to the Board – fact find, provide information, recommend
- Task Director by providing info with majority vote
- Chairman in consultation with Director to establish the agenda
- Chairman to present info and minutes to Park Board
- Changes to Rules for 2012? Committee or non Committee members voting?

Rules of the Park Board

- Section 18. Administration
- Director responsible for department management
- Director to assign lead staff to standing committees

Rules of the Park Board

- Section 19. Functions of the Director
- Chief executive officer of the Board & under direct supervision of the Mayor
- Responsible to carry out Board established policies, rules, and regulations
- Park employees report to the Director
- Administer department to make policies of the Board effective & may delegate authority to subordinates
- Prepare and submit budget by working with the Finance Committee
- Prepare and submit to Board monthly and annual report on the operation of Parks and Recreation
- Keep inventory of property, furniture, material, and supplies
- Draw all requisitions against the budget, handle funds, keep record of expenditures, and funds available
- Keep abreast of technical advances, techniques, participate in professional organizations, attend conventions, and meetings of said organizations
- Provide orientation of new Park Board Members

Role of the Park Board

- Park Board should function like the City Council as a legislative body that has policy and fiscal responsibility.
- The Park Board should not attempt to manage the department or get too far down in the weeds
- Work through the Director or Committee Lead Staff
- See City Charter and Park Board Rules

Committee Meetings

- Agenda shall be prepared by Chairman and Lead Staff
- Lead Staff shall follow standard procedures for supporting Committees
- Committee Meetings need to be controlled by the Chairman who uses Roberts Rules of Order to efficiently and effectively move through the agenda.
- Make efficient use of everyone's time.
- The Chairman needs to keep members focused on the agenda and on schedule
- Side conversations should not take place and the Chairman must control this behavior
- Committee Meetings should focus on not being any longer than necessary 90 minutes should be sufficient for most meetings
- Chairman shall recognize speakers, both Board and Staff. No one shall speak with out being recognized.
- Talking over someone else should not be tolerated
- Always remember the public is watching – don't be stoic but be careful of expressions
- Is there anything staff can do to better support the Board?

Park Board Support

- In 2011
- 25 Park Board Meetings (including special meetings, study sessions, work shops) 3 hr average @ 10 staff attending = 750 hrs of staff time
- 64 Park Board Committee Meetings: 2 hr average @ 5 staff attending = 640 hrs of staff time
- 475+ hours of staff time preparing minutes
- Total staff time hours to just support meetings is 1,865 hours and \$55,950 in salary costs. This does not include all the preparation time it takes staff to get ready for Board meetings, emails, and phone calls. Can we be more efficient?

Focus on the Positive

- So much great work is done in Spokane Parks and Recreation yet it seems that we mostly hear negative from the Park Board.
- Better balance between accomplishments/need for improvement/responsiveness to community needs
- Finishing the year ahead on Budget should have been a reason to celebrate to take a moment and say “well done.”
- Getting the YMCA demolished and restored should have been a huge deal.

Trust

- It appears that some Board members do not trust staff and the information that staff presents. Why and what can we do about it? A trusting environment creates a more positive, productive staff. The non trusting environment creates low staff morale.

Requests for Information

- Information requests must follow Park Board Rules – by a majority vote and only to Director or Lead Staff
- Requested information should be vital to the decision making process

Ethical Behavior by Board & Staff

- No favor should be exchanged between Board/Staff and anyone under contract or being considered for a Spokane Parks and Recreation contract or purchase.
- Golf Professionals are under contract – Staff and Board should not accept any favor.

Annual Work Program/Calendar

- Allow the Board/Staff focused on what needs to be accomplished for the year.
- 2013 Major Work Program topics
- A budget schedule will be developed and followed
- Riverfront Park Master Plan & Funding for Implementation
- Youth and Senior Center Organization and Funding Structure
- Adoption of a real capital facilities program
- Golf Master Plan
- Tribal Cultural Center on Bosch Lot
- Policy Updates
- Vegetation Management Plan
- The Arboricultural Specifications and Standards of Practice
- Pricing Methodology and Schedule
- Roadmap to the Future Implementation

Let's have a Great 2012!