

Chuckanut Community Forest Park District

Policy and Procedure Manual

Board of Commissioners

Approved

October 24, 2013

Mission Statement:

The mission of the Chuckanut Community Forest Park District is to ensure the entirety of the property is protected in public ownership in perpetuity, with respect for its ecological, recreational, and educational functions and to serve as a fiscal mechanism through which the district, via a tax levy, will repay the City of Bellingham for the Greenways Endowment Fund loan.

Purpose:

The Chuckanut Community Forest Park District (CCFPD or District) is to be accountable to the citizens within its district boundaries for its use of public dollars. The limited financial resources of CCFPD must be wisely used to ensure adequate funding to support its Mission Statement.

These policies and procedures establish the operating policy for the Commissioners of the CCFPD, defining how it will conduct the business affairs of the Board and establish how business may be brought before the Board for action.

PART 1 – GENERAL RULES

1 – 1: Purpose. The purpose of this Policy Manual is to provide guidelines for the conduct of the Board of Commissioners of this Metropolitan Park District.

1 – 2: Suspension of Rules. Any of the rules not required by law may be suspended by a majority vote of the Board of Commissioners.

1 – 3: Alteration, Amendment, or Repeal. Any rule may be altered, amended, or repealed at a duly noticed meeting by majority vote of the Board.

PART 2 – BASIS OF AUTHORITY

2 – 1: Authority of the Board. The Board of Commissioners is the governing authority of the District. An individual Commissioner may not commit the District to any policy, act, or expenditure without the express authority of the Board.

2 – 2: Representation. The Board of Commissioners as a whole should not represent any specific segment of the district community, but rather represent and act for the district as a whole.

2 – 3: Governing Laws. The Board of Commissioners shall comply with and be guided by all applicable State of Washington laws and regulations, as well as federal laws and regulations.

2 – 4: Enabling Legislation. The enabling legislation governing CCFPD is RCW 35.61, Metropolitan Park Districts (MPD).

2 – 5: Fiscal Year. The fiscal year shall be from January 1 through December 31.

PART 3 – BOARD STRUCTURE

3 – 1: Officers. During the Regular meeting of January of each year, the Board shall select a President and a Clerk to act for the subsequent 12 months. The newly elected officials shall be seated at the regular meeting of February and shall serve for twelve months.

3 – 2: President. The President shall perform the duties of presiding officer at all meetings of the Board of Commissioners and shall carry out the resolution and order of the Board of Commissioners and perform such other duties as the Board of Commissioners may prescribe. The President shall act as spokesperson for the Park District, unless he/she delegates that duty to another Commissioner or in the absence of the President, unless the Board of Commissioners delegate that duty to another person.

3 – 3: Clerk. When the President resigns, is unseated, or is absent or disabled, or recuses himself/herself from an agenda item, the Clerk shall perform the duties of the President. The Clerk shall provide to the Commissioners a meeting tentative Agenda at least 24 hours prior to each meeting. The Clerk shall act as the recording secretary. The Clerk shall carry out, or designate to another Commissioner, any other clerical duties such as processing vouchers and keeping good records.

3 – 4: Committees. The Board may create standing or ad-hoc committees at its discretion. Committee recommendations shall be advisory to the Board and may not commit the District to any policy, act, or expenditure. The Board shall schedule committee meetings as deemed necessary.

3 – 5: Board Vacancy. In the event a Commissioner is no longer willing and/or able to serve on the board, the vacancy so created may be in accordance with RCW 35.61.050 and RCW 42.12.070.

3 – 6: Board Term Limits and Elections. Per RCW 35.61.050, “The staggering of the terms of office shall occur as follows: (a) The two persons who are elected receiving the two greatest numbers of votes shall be elected to six-year terms of office if the election is held in an odd-numbered year....(eg. Biciunas and McKenzie); (b) the two persons who are elected receiving the next two greatest numbers of votes shall be elected to four-year terms of office....(eg. Brown & Kaun); and (c) the other person who is elected shall be elected to a two-year term of office (eg. Hymas)....The initial commissioners shall take office immediately when they are elected and qualified, and for purposes of computing their terms of office the terms shall be assumed to commence on the first day of January in the year after they are elected. Thereafter, all commissioners shall be elected to six-year terms of office. All commissioners shall serve until their respective successors are elected and qualified and assume office in accordance with RCW 29A. Vacancies shall occur and shall be filled as provided in chapter RCW 42.12 .070.

3 – 7: Filling Board Vacancies. Vacancies shall be filled in accordance with RCW 42.17.070. Persons appointed to the Board shall be a resident of the Park District and qualified to hold public office under the laws of the state of Washington.

PART 4 – CODE OF ETHICS

4 – 1: Objective. The purpose of the Code of Ethics is to strengthen the quality of government and promote and demand the highest standards of ethics from its elected officials. It is the intention that this code be liberally construed to accomplish its purpose of protecting the public interest against decisions that are affected by undue influence or conflict of interest. In order to provide excellent leadership, the Board adopts the following guidelines:

4 – 1A: Respect. The dignity, style values, and opinions of each Commissioner shall be respected. Commissioners shall at all times conduct themselves with courtesy to each other, to City and County officials and staff, and to citizens present at Board Meetings.

4 – 1B: Listening. Responsive and attentive listening to each other is desired.

4 – 1C: Representation. The needs and desires of the District’s constituents should be the priority of the Board of Commissioners.

4 – 1D: Responsibility. The primary responsibility of the Board of Commissioners is the formulation and evaluation of policy per our Mission Statement.

4 – 1F: Issue Orientation. Commissioners should commit themselves to focusing on issues. The presentation of the opinions of others should be encouraged.

4 –1G: Openness. Different viewpoints are healthy in the decision making process. Individuals have the right to disagree with ideas and opinions. Once the Board of Commissioners takes action, Commissioners should work collaboratively toward the implementation of such actions.

4 – 2: Information Procedures. Commissioners should practice the following procedures:

4 – 2A: Clarification. In seeking clarification on informational and policy items, Commissioners should directly approach the President of the Board to obtain information needed to upgrade, supplement, or enhance their knowledge to improve legislative decision making.

4 –2B: Complaints. Citizen complaints made to Board members should be referred to the President of the Board.

4 –2C: Safety. All safety concerns should be reported to the President immediately. The President is empowered to take such steps as may be necessary to eliminate a dangerous condition without delay.

4 –2D: Policy. Clarification for administrative policy related to concerns, involving personnel, legal action, land acquisition, finance, and programming should be directed to the President of the Board. The President of the Board or the President’s designee shall consult with appropriate authority to obtain clarity on policy questions.

4 –5: Team Effort. The smooth working of the District is a team effort. All individuals should work together in the collaborative process, assisting each other in conducting the affairs of the District.

4 –6: Constituent Requests. When responding to constituents’ requests and concerns, Commissioners should be courteous, responding to individuals in a positive manner and routing their questions through appropriate channels and to the responsible personnel. Unless authorized by official Board action, individual Commissioners may not conduct negotiations on the District’s behalf nor may individual Commissioners represent the District or commit the District to any type of action or responsibility unless authorized to do so through a board action.

4 –7: The Board as a Whole. Commissioners should function as a part of a whole through the use of committees, regular meetings, and special meetings. Issues related to the District should be brought to the attention of the Board as a whole.

4 –8: Monitoring Progress. Commissioners are responsible for monitoring the District’s progress in attaining its goals and objectives, while pursuing its mission.

4 –9: Preparation. Commissioners shall thoroughly prepare themselves to discuss agenda items at meetings of the Board of Commissioners. Information may be requested from supporting entities or exchanged between Commissioners between meetings, within the limits of the Washington State Open Public Meetings Act (OPMA). Commissioners shall be familiar with the OPMA and act within the legal limits of the act at all times.

4 –10: Questions. Managing a meeting of the Board is the responsibility of the President. Commissioners wishing to pose a question of the board or presenter must first be recognized by the Chair. All comments and questions are to be confined to the matter being discussed at that time.

4 –11: Minutes. Commissioners may request for inclusion in the minutes brief comments pertinent to the agenda item, but only at the meeting that the item is discussed (including, if desired, a position on abstention or dissenting vote). Official minutes of all meetings shall be Action Minutes. As such, only items, motions, and actions are required to be included. A limited amount of comments and/or discussion may be included to help present various points of view.

4 – 12: Conflict of Interest. If any members of the Board conclude that they have a conflict of interest or an appearance of fairness problem with respect to a matter pending before the Board so that they cannot discharge their duties, they shall disqualify themselves from participating in the deliberations and the decision-making process with respect to the matter.

PART 5 – BOARD MEETING PROCEDURES

5 – 1: Regular Meetings. Regular meetings of the Board of Commissioners shall be held on the fourth Thursday of each calendar month at 7:00 PM in the Fireplace Room of the Fairhaven Branch of the Bellingham Public Library. The date, time, and location of a regular meeting can be adjusted at the direction of the President of the Board, as needed. Notification to the press and public shall be made via email notice at least 24 hours prior to the meeting, except when the schedule has been announced at the beginning of each year. Regular meeting schedules shall also be posted on the District’s web page.

5 – 2: Special Meetings (Non-emergency).

5 – 2A: Notice. All Commissioners shall be notified of the special meeting and the purpose for which the meeting is being called. Said notification shall be in writing, and delivered personally, by mail, by fax, or via email,

at least 24 hours prior to the meeting. In addition, Commissioners may request in writing that notice of special meetings also be provided via telephone call or text message.

5 – 2B: Notification. The Board of Commissioners shall comply with all of the requirements of the OPMA for special meetings as described in **RCW 42.30.080**:

A special meeting may be called at any time by the presiding officer of the governing body of a public agency or by a majority of the members of the governing body by delivering written notice personally, by mail, by fax, or by electronic mail to each member of the governing body; and to each local newspaper of general circulation and to each local radio or television station which has on file with the governing body a written request to be notified of such special meeting or of all special meetings. Such notice must be delivered personally, by mail, by fax, or by electronic mail at least twenty-four hours before the time of such meeting as specified in the notice. The call and notice shall specify the time and place of the special meeting and the business to be transacted. Such notice shall also be displayed at the main entrance of the meeting site. Final disposition shall not be taken on any other matter at such meetings by the governing body. Such written notice may be dispensed with as to any member who at or prior to the time the meeting convenes files with the clerk or secretary of the governing body a written waiver of notice. Such waiver may be given by telegram, by fax, or electronic mail. Such written notice may also be dispensed with as to any member who is actually present at the meeting at the time it convenes. The notices provided in this section may be dispensed with in the event a special meeting is called to deal with an emergency involving injury or damage to persons or property or the likelihood of such injury or damage, when time requirements of such notice would make notice impractical and increase the likelihood of such injury or damage.

5 – 2C: Agenda. An agenda shall be prepared as specified for the regular Board meetings and shall be delivered with the notice of the special meeting to those specified above in Section 5—2B.

5 – 2D: New Business. All items of new business included on the agenda must be approved by the President or by a majority of the Board. Only those items listed in the call or notice for the special meeting shall be considered at said meeting.

5 – 3: Special Meetings (Emergency). In the event of an emergency involving matters upon which prompt action is necessary due to the disruption or threatened immediate disruption of facilities or services provided by the District, the Board of Commissioners may hold an emergency special meeting without complying with the 24 hour notice required above. An emergency situation

means disaster which severely impairs public health, safety, or both, as determined by the Board President.

5 – 4: Motion for Recess or Adjournment. Any member of the Board may, at any time, move for a recess or for adjournment of the meeting. Upon the motion being seconded, a vote on said motion for adjournment shall take place without debate. Such a motion shall take precedence over any motion or discussion taking place at that time. Passage of such a motion shall require a vote. The Board of Commissioners may terminate any Board Meeting at any place in the agenda to any time and place specified in the order of adjournment. If a quorum is lacking at any regular or adjourned meeting, the President of the Board may declare the meeting adjourned to a stated time and place.

5 – 5: Board Member Submitted Agenda Items. Commissioners wishing to place an item(s) on an agenda must submit all materials 3 days in advance of the meeting. Agenda items are to be submitted to the President for review and a determination as to whether each item should be placed on the agenda. If the President does not place an item on the agenda, the submitting Commissioner can take the matter up before the whole Commission, at a regular meeting, and request a vote on whether to place the matter on an agenda.

5 – 6: Order of Agenda. The President of the Board or a designee shall put together the agenda. The order of the agenda shall be set using the following criteria:

- Standing Items shall be first (Opening, Consent Agenda, presentations, etc.)
- Items of business which have previously been reviewed or discussed by the Board to be labeled “Old Business.”
- Items of business which are being considered for the first time by the Board to be labeled “New Business.”
- Statements, comments, reports from board members
- Setting of future meeting dates and agenda items
- Adjourn

It is appropriate for the board to rearrange the order of the items of business if it is in the best interest of the proceedings or if there are constituents in attendance to address a specific agenda item. Reordering of the agenda should take place as part of the Standing Items.

The board may add an item to an agenda if, in the opinion of the majority of the Board, the item is of a time-sensitive nature.

5 – 7: Meeting Room Preparation. The President of the Board or designee shall insure that appropriate information is available for the audience at meetings of the Board of Commissioners, and the facilities are functional and appropriate.

5 – 8: Meeting Minutes. The minutes of the meeting shall be taken by the Clerk or others as requested by the President during the meeting. The minutes shall be approved at the next regularly scheduled meeting. The meeting minutes shall be available to the public and posted on the website within 6 days of their approval.

5 – 9: Executive Session. Executive sessions may be held at any time during a regular or special meeting in accordance with the requirements of RCW 42.30.

5 – 10: Public Hearings. Public Hearings seek and receive citizen input regarding matters under consideration by the Board. They may be scheduled prior to or as part of any regular or special meeting of the Board. During a public hearing, citizen comments will be taken and included as part of the official record of proceedings of the Board.

5 -11: Citizen Comments. Citizens are afforded an opportunity at each regular and special meeting of the Board to offer their comment to the Board. Citizens are limited to a three (3) minute time limit and may only speak once during the citizen comment period at each meeting; provided that, this restriction may be waived at the discretion of the President or majority of the Board in attendance. Comments, abbreviated, will be included as part of the official record of the meeting. Citizens may also submit written comments for consideration to the Board at any time, and will be maintained as part of the public record.

5 – 12: Quorum. A quorum is defined as three (3) Commissioners in attendance at any meeting. Participation by a Board member via speakerphone, Skype or videoconferencing, shall constitute attendance at the meeting, so long as said Board member is able to hear and be heard by all persons in attendance, including members of the public.

PART 6 – BOARD MEETING CONDUCT

6 -1: Conduct Guidelines. Meetings of the Board of Commissioners shall be conducted by the President, in a manner consistent with the policies of the District. Meetings will loosely follow parliamentary procedures, as determined by the President, but will not be strictly governed by such procedures. The Board may refer to but need not strictly follow Robert’s Rules of Order or any other parliamentary procedure.

6 – 2: Conduct Objective. The conduct of meetings shall, to the fullest extent possible, enable the Commissioners to consider the issues at hand, weigh evidence related thereto, make wise decisions, and take needed action.

6 – 3: Public Input by Audience, Staff or Commissioner. A provision for permitting any individual or groups to address the Board concerning any item on

the agenda lies within the jurisdiction of the Board of Commissioners. Such provisions shall be as follows:

6 – 3A: Time Limits. The President may allot a maximum of three minutes for each speaker and a maximum amount of time of 15 minutes to each subject matter. The majority of the Board may agree to extend the time limit for any speaker or group of speakers or any subject matter.

6 – 3B: Boisterous Conduct. No boisterous conduct shall be permitted at any Board meeting by the audience or Commissioner. Persistence in boisterous conduct shall be grounds for summary termination of the speaker's privilege to address the Board. In an effort to restore order to the proceedings, the Board may call for a recess or an adjournment. In the event of a wide scale disruption, the audience may be cleared with only the media allowed to remain. Representatives of the press or other news media participating in the disturbance shall also be cleared.

6 – 4: Willful Disruption. Willful disruption of any meeting of the Board of Commissioners shall not be permitted. If the President with concurrence of the Board, finds that there is in fact a willful disruption of any meeting of the Board, He/she may order the room cleared and subsequently conduct the Board's business without the audience present.

6 –4A: New Business. In such an event, only matters appearing on the agenda may be considered.

6 –4B: Re-Admittance. After clearing the room, the President may permit those persons who, in his /her opinion, were not responsible for the willful disruption to re-enter the meeting before any further business is conducted.

6 – 4C: Media. Representatives of the news media, who did not participate in the disruption, shall be admitted to the remainder of the meeting.

6 – 5: Quorum and Majority. Action can only be taken if a quorum of the Board of Commissioners is present. Three Commissioners represent a quorum. In order for a motion to pass, the majority of the Commissioners present must vote in favor of the motion. If a tie vote occurs at a meeting in which fewer than five Commissioners are present, the Board shall approve to table the item and have it reappear on a future agenda. Any Commissioner who announces a conflict of interest on a particular matter shall not vote or otherwise participate in the proceedings related to the matter, but shall nonetheless be deemed present for the purpose of constituting a quorum.

6 – 6: Abstentions. A member of the Board is to abstain from a vote for legal conflict of interest reasons. A member of the Board may choose to abstain from a

vote if he/she feels he/she has a good reason to do so. However, an abstention from voting does not affect a quorum count.

6 – 7: Direction. The Board may give directions, which are not formal actions. Such directions include Board directives and instructions to the President of the Board. The President shall determine by consensus a Board directive and shall state it for clarification. Should two Commissioners challenge the statement of direction given by the President, a voice vote may be requested. A formal motion may be made to place a disputed directive on a future agenda. Informal actions of the Board are still considered Board actions and shall only occur regarding matters which appear on the agenda.

PART 7 – PARLIAMENTARY PROCEDURE

7 – 1: Parliamentary Determinations. The Presiding Officer shall preserve order and decorum and shall decide questions of order (subject to appeal by the Board). Robert’s Rules of Order shall not strictly govern Board procedures but will loosely be used as a general guideline for meeting protocol. District policies shall prevail whenever they are in conflict with Robert’s Rules of Order. No decisions or votes of the Board shall be deemed invalid solely on the grounds of noncompliance with Roberts Rules of Order.

7 – 2: Authority of Presiding Officer. The President shall be the Presiding Officer at all Board meetings and in his or her absence, the Clerk. The Presiding Officer is charged with keeping the meeting moving forward and keeping order. At the request of the Presiding Officer, any member of the Board may be called upon to assist with keeping order. Generally, the Presiding Officer does not make motions or second motions but because the President and clerk are not elected as such by the general population, motions and seconds made by the President and/or the Clerk will be considered. The President and Clerk are encouraged to participate in debates to the same extent as other Board members and will vote on any matter under consideration.

7 – 3: Roll Call Vote.

A roll call vote should be taken for any of the following reasons:

- The motion is directly related to fiscal issues.
- The motion is to approve a Proclamation, Resolution, or Ordinance.
- A Board Member requests a voice vote be changed to a roll call vote.

The order of a roll call vote should be as follows:

- The Presiding Officer (President or Acting President) shall be the last Board Member to vote.

- The remaining four Board Members shall be listed in alphabetical order. The order of the vote shall always be in alphabetical order with the starting point rotating after every vote.
- Any item not listed on the agenda as a roll call vote but is converted to a roll call vote shall call for the Presiding Officer to vote last. The remaining four Commissioners shall vote in alphabetical order starting with “A”.

Failure to take a roll call vote or failure to comply with the foregoing process prior to any vote for which a roll call should have been taken shall not invalidate the decision or action of the Board.

7 – 4: Voice Vote. A voice vote shall be taken for items not meeting the Roll Call criteria. Any member of the Board may request that a voice vote be changed to a roll call vote.

7 – 5: Call for the Question. A “call for the question” shall be deemed as a non-binding request that the Presiding Officer close the debate and bring the motion to an immediate vote. The Presiding Officer may choose to continue the discussion of the issue.

7 – 6: Call for the Main Question (a Motion to Close Debate) The “motion to close debate”, if seconded, shall be a non-debatable motion, and shall have precedence over any other motion except for a parliamentary inquiry or a motion to adjourn. Should the “motion to close debate” pass by a majority vote, the Presiding Officer shall thereafter immediately call the question on the pending motion.

7 – 7: Making a Motion. Any Commissioner may offer a motion at any time it is in order to do so on the agenda. A motion must receive a second. The Presiding Officer restates the motion. Members debate the motion. Any amendment to the motion is disposed of before further debate on the original motion. At the end of the debate, the presiding officer asks for the affirmative votes and then for the negative votes. The Presiding Officer announces the result of the voting and requests action based on the motion.

7 -- 8: Amendments to Motions. Any Commissioner may offer an amendment to an amendable motion before the motion is voted upon. Between the time the motion is made and before the Presiding Officer states a motion, any member may informally offer modifying suggestions to the maker of the motion. The maker may accept or reject the member’s recommendations.

After the Presiding Officer has stated the motion, the maker of the motion may request unanimous consent from the members to modify the motion. If members unanimously agree to the modification, the change stands. If there is dissent, the motion stands as stated and any modification to the proposed motion must come in the form of an amendment.

A motion may be amended by inserting words or paragraphs or by striking out words or paragraphs. A vote of the board is required for adoption of the amendment. With the proposed amendment disposed of, the board will return to debate on the motion upon which the amendment was proposed.

7 – 9: Reconsideration (Same Meeting). Any Commissioner that voted in favor on an agenda item may vote to reconsider that item at the same meeting. If seconded by any other Commissioner or passed by a majority vote, the effect of the motion is to vacate the earlier motion such that a new motion may be debated. The Board should not reverse a decision where the audience that provided public input to the initial action is no longer in attendance.

7 –11: Motion to Continue. Any Commissioner may move an item be continued to a specific future Board Meeting even if another motion is pending consideration. If such a motion is seconded and passed, all consideration on that item is halted until the subsequent meeting. The pending motion will remain in force when the discussion of the item is resumed.

7 –12: Motion to Table. Any Commissioner may move that an item be tabled for an indefinite time, even if a motion is pending consideration. If such a motion is seconded and passed by a majority, all consideration on that item is halted until the items/issues listed within the motion have been addressed and/or resolved. Any Commissioner may then request the item be placed on the agenda of a subsequent meeting. If there is a pending motion, it shall remain in force when the discussion of the item resumes.

7 – 13: Order of Debate. The Presiding Officer will generally follow the following order of debate in the consideration of legislative matters:

7 – 13A: Presentation. Staff, if any, or the District’s attorney if appropriate, shall present the issue with any recommendations.

7 –13B: Questions of Staff by the Board: The Board may ask questions of staff or the District’s attorney to clarify an issue or recommendation. Commissioners must be recognized by the Presiding Officer prior to posing the question to staff or the District’s attorney.

7 –13C: Audience Input. Members of the audience may make statements or ask questions regarding the matter. Any person wishing to address the Board, shall, when recognized by the Presiding Officer, step up to the rostrum to speak. The Presiding Officer may request the speaker state his/her name and address for the record. All questions of staff or the District’s attorney by members of the public shall be addressed through the Presiding Officer. The Presiding Officer may impose reasonable limitations upon the amount of time each person can speak and the maximum time allotted for discussion of the item. The Presiding Officer may also limit the number of times an individual may speak. The unused time of one speaker may not be transferred to another speaker

except on express approval of the Board. The Presiding Officer may close the public comment portion of the agenda item whenever he/she deems it necessary in order to complete Board business. The Presiding Officer should consider closing public comment when the information being presented becomes repetitive in nature.

7 – 13D: Board Discussion and Resolution. Following closure of public comment, the Board shall debate the item and take action (by motion). Individual Commissioners may ask questions of members of the audience through the Presiding Officer but such questions and answers should not become a debate. All other audience input shall be deemed “out of order” by the Presiding Officer unless the Board determines that additional input is desirable.

PART 8 – RENUMERATION

8 – 1: Board Member Compensation. Commissioners shall NOT be compensated, neither by cash nor by in-kind payments, for attendance at official meetings, or in performance of other official services or duties on behalf of the District.

8 – 2: Board Member Expenses Reimbursement. Each member of the Board of Commissioners shall be reimbursed for reasonable expenses for pre-approved activities and expenses actually incurred in connection with the business of the District, including food and lodging while away from his or her place of residence and mileage for use of privately owned vehicles based upon the mileage rate authorized by RCW 43.03.060, as now existing or hereafter amended, and for purchases of goods or services necessary for the function of the District.

PART 9 – PERSONNEL POLICIES

9 – 1: Sexual or Other Harassment. Sexual harassment of or by an employee of the District (including Commissioners) will not be tolerated. The District considers sexual or any other type of harassment to be a major offense, which may result in disciplinary action or dismissal of the offending employee.

An employee who feels that he/she is being harassed is encouraged to report to the President of the Board who will head up an investigation and resolution of the complaints.

9 – 2: Non-discrimination. The District prohibits discrimination on the basis of race, sex, color, religion, national origin age, sexual orientation, disability, military status in the provision of services, in programs or activities or employment opportunities and benefits.

9 – 3: Reasonable Accommodation. Inquiries made pursuant to the Americans With Disabilities Act and requests for reasonable accommodation

should be directed to the Clerk of the Board, or in his or her absence , the President of the Bard, at least one week prior to the meeting so the specific need can be accommodated.

PART 10 – COMMISSIONERS LEGAL LIABILITY

10 –1: Defense. The District shall defend any claim, liability, or demand that arises out of a Commissioner’s lawful performance of his/her duties as a Commissioner of the District.

10 – 2: Indemnification. The District shall indemnify, defend and hold harmless each Commissioner from and against any claim, liability, obligation, action, cost, fine, penalty, and/or damages arising out of acts or omissions within the scope of his or her official duties, provided that such actions (1) shall have occurred while the Commissioner was acting in a manner in which the District had an interest; (2) that the Commissioner shall have been acting in discharge of a duty imposed or authorized by law; and (3) that the Commissioner shall have acted in good faith.

PART 11 – POLICY REGARDING USE OF DISTRICT COUNSEL

The Board of Commissioners of a Metropolitan Park District is the legislative body of the District and shall determine all questions of policy. Under the necessary powers of the Board of Commissioners is the power to employ legal counsel. It is therefore within the legal authority of the Board Commissioners to establish policies regarding the use of legal counsel.

11 –1: Contact with Legal Counsel Limited to District Business. Contact with legal counsel shall involve District business only. Legal advice for Commissioners concerning their job status or personal or business pursuits is not authorized. Since the District will be charged for the services provided by legal counsel, such use shall be viewed as a “Gift of Public Funds.” Contact with legal counsel includes face to face contact, letters, notes, memorandums, email messages, telephone calls, recordings, or any other means of communication.

11 – 2: Board Direction to use Legal Counsel. The Board, through majority concurrence or by formal action, may direct the President to seek legal advice when it is deemed beneficial.

11 – 3: Individual Board Member Use of Legal Counsel. Individual Commissioners may only use legal counsel when questions of a conflict of interest arises, when duly appointed by the Board to conduct an item of District business, or when the Commissioner needs clarification about conflict of interest laws. Such use would be subject to majority approval of the Board. The President

may also authorize a Commissioner to use legal counsel for a specific issue on their behalf.

PART 12 – MEDIA AND PUBLIC RELATIONS

12 – 1: Designated Public Information Officer. The President of the Board or his designee shall act as the Public Information Officer for the District. If the Board feels it is in the District’s best interest to have an elected official communicate with the media on a given issue, a member of the Board of Commissioners may be assigned by Board consent to serve as the Public Information Officer for that issue only.

12 – 2: Public Comments. When a Commissioner is making a public statement on an issue, on which the Board has taken action, comments shall be limited to stating the Board action only. All personal opinions and/or statements made by an individual member of the Board shall be clearly presented as such.

When personal opinions are being stated in any public forum (print media, radio, television, public or private gathering), it is the responsibility of the Commissioner to make it clear that he/she is speaking as an individual and not for the Board/District. In addition, it should be made clear that any opinions expressed or any comments made are not necessarily shared by the Board or the District.

12 –3: Contact from the Media. If a Commissioner is contacted by the media on an item related to District policy or business and said item is one which the Board has ruled on, comments shall be limited to stating the action of the Board only. Personal opinion shall be kept to a minimum. It is the responsibility of the Commissioner to make it clear that any opinions expressed are solely the opinion of the Commissioner and does not necessarily reflect the opinions of the other Commissioners of the Board. Further inquiries should be referred to the President of the Board.

If a Commissioner is contacted by the media on an item which has not been discussed by the Board, comments should be kept to a minimum and limited to his/her personal opinion. It is the responsibility of the Commissioner to make it clear that any opinions expressed are solely the opinion of the Commissioner and does not necessarily reflect the opinions of the other members of the Board. If the item has been set as an agenda item, it is appropriate to suggest the member of the media attend the Board Meeting.

PART 13 – PUBLIC DISCLOSURE

13 – 1: Policies. The Washington State Public Disclosure Act, Ch. 42.56, pertaining to public records, governs the disposition of requests for District records.

13 – 2: Public Records Availability. All public records of the District are deemed to be available for inspection and copying pursuant to these rules, unless otherwise exempt pursuant to the provisions of RCW Ch. 42.56 or other law.

13 – 3: Posting of Board Meeting Minutes. Minutes from the Board of Commissioners meetings shall be available for public record one week after they have been approved by the Board of Commissioners.

13 – 4: Public Records Officer. The District's public records shall be in the charge of the Clerk, who shall be responsible for implementing the District's rules and regulations regarding release of public records and generally insuring compliance with the public records disclosure requirements of RCW Ch. 42.56.

13 – 5: Hours for Records Inspection and Copying. Public records, as identified, shall be available for inspection and copying from 9:00 am to 2:30 pm., Monday through Friday, excluding legal holidays and contingent upon availability of Clerk with reasonable prior notice.

13 – 6: Requests for Public Records. Public Records, as identified, may be inspected or copied or copies of such records may be inspected or copied or copies of such records may be obtained by members of the public, upon compliance with the following procedures:

1. A request shall be made to the District Clerk. The request shall include the following information:
 - i. The Name of the Person requesting the records;
 - ii. The Time of Day and Calendar Date on which the request was made;
 - iii. The Public Records identified for inspection or copying.
2. In all cases in which a member of the public is making a request, it shall be the obligation of the Clerk to assist the member of the public in appropriately identifying the public record requested.

13 – 7: Copying of Public Records. No fee shall be charged for the inspection of public records. The District shall charge a fee of \$0.15 per black & white standard sized copy for providing copies of public records. This charge is the amount necessary to reimburse the District for its actual costs incident to such copying.

13 – 8: Right to Exempt Records from Public Inspection. The District reserves the right to determine that a public record requested in accordance with these procedures is exempt under the provisions of RCW Chapter 42.56 or any other law. In addition, pursuant to RCW Ch. 42.56, the District reserves the right

to delete identifying details when it makes available or copies any public record in cases when there is reason to believe that disclosure of such details would be an invasion of personal privacy protected by RCW Ch. 42.56. The Public Records Officer will justify such deletion in writing.

13 – 9: District Response. Under the Public Records Act, the District is obligated to follow the procedure outlined in RCW 42.56.020.

13 – 10: Review of Denials of Public Records Requests.

- A. Any persons who objects to the denial of a request for a public record may petition the President of the Board of Commissioners of the District for prompt review of such decision by tendering a written request for review to the District’s Clerk. The petition shall specifically refer to the written statement by the District’s Clerk which constituted or accompanied the denial
- B. Immediately after receiving a written request for review of a decision denying a public record, the District’s Clerk denying the request shall refer the request to the President of the Board of Commissioners. The President shall immediately consider the matter and either affirm or reverse such denial or refer the matter to review at the next regularly scheduled meeting of the Board of Commissioners. In any case, the request shall be returned with a final decision within thirty business days following the date of receipt of the request for review.

PART 14 – PARTIAL INVALIDITY

14 – 1: Partial Invalidity. The invalidity of any section, clause, sentence or provision of this manual shall not affect the validity of any part hereof which can be given effect without such invalid part or parts.

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