

Carolyn Gallaway

From: Carolyn Gallaway
Sent: Tuesday, November 16, 2021 8:41 AM
To: CovidRecoveryComments
Subject: FW: Public Comment: Nov 15, 2021 ICG agreement -- OPMA considerations

From: jeffbocc
Sent: Monday, November 15, 2021 8:54 AM
To: Kate Dean <KDean@co.jefferson.wa.us>; Greg Brotherton <GBrotherton@co.jefferson.wa.us>; Heidi Eisenhour <HEisenhour@co.jefferson.wa.us>
Cc: Mark McCauley <MMcCauley@co.jefferson.wa.us>; Carolyn Gallaway <carolyn@co.jefferson.wa.us>; Philip Hunsucker <PHunsucker@co.jefferson.wa.us>
Subject: FW: Public Comment: Nov 15, 2021 ICG agreement -- OPMA considerations

From: Tom Thiersch <tprosys@gmail.com>
Sent: Saturday, November 13, 2021 1:35 PM
To: jeffbocc <jeffbocc@co.jefferson.wa.us>
Subject: Public Comment: Nov 15, 2021 ICG agreement -- OPMA considerations

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RE: DISCUSSION re: November 18, 2021 Intergovernmental Coordinating Group (ICG) Meeting Preparation (111521cabs03.pdf)

The Joint Resolution up for discussion says:

Section 2. Process. All meetings of the ICG will be subject to the Open Public Meetings Act, actions will be taken by consensus, which is a majority of each of the governing bodies, a quorum is a majority of each of the four entities' elected officials, meeting procedures will be established by the group, and the duty of chairing the meeting will rotate among the entities' presiding officers, in order of formation.

Dissecting the above "process":

"All meetings of the ICG will be subject to the Open Public Meetings Act"

I welcome the acknowledgment by the participating bodies that the public has a right to know what their public servants are doing, so thank you for explicitly stating that the OPMA will be the controlling statute.

"actions will be taken by consensus"

To be precise and avoid confusion, "Final action" should be used as that term is defined in the OPMA [[RCW 42.30.020](#)]. Remember, in the OPMA, simple discussion is "Action".

"actions will be taken by consensus, which is a majority of each of the governing bodies"

This is unclear, confusing and should be restated. First, if there are four participants, what is a "majority"? By the usual definition, a majority would be more than 50%, so any vote / consensus would require approval by at least three of the four participants and approval by only two participants would not constitute passage of, for example, a motion.

If, however, a meeting was held where only three members were present, approval by a "majority" would require only two members; i.e., by a simple majority of the members in attendance.

Additionally, it suggests that a majority within each of the governing bodies would have to separately approve any proposed Final action of the ICG and subsequently by a majority of ICG meeting participants. Is that the intent?

The intended procedure should be clearly defined, step by step.

"a quorum is a majority of each of the four entities' elected officials"

Again, this is unclear. "Majority" must be clearly defined for this to make sense.

OPMA also comes into play here because if "majority" is defined as two (instead of three), then any on-topic discussion between any two members of the ICG could constitute a public meeting and would have to be properly noticed.

I suggest the following to replace "Section 2. Process":

Section 2. Process.

All meetings of the ICG will be subject to the Open Public Meetings Act (OPMA), Chapter 42.30 RCW.

The presiding officer of each entity ("agency") will attend each ICG meeting and represent their respective agency; each presiding officer will designate an alternate elected official so that ICG meetings are fully attended.

The duty of chairing ICG meetings will rotate among the agencies' presiding officers or their alternates in order of formation of the entities.

A quorum shall consist of no fewer than three presiding officers or their alternates.

For parliamentary purposes, a majority is defined as either (a) three attendees when four agencies are represented or (b) two attendees when three agencies are represented.

Meeting procedures will be established by the group. All final actions will be by consensus, following the OPMA and ICG's adopted procedures.

I have one additional request:

All meetings of the ICG will include at least one opportunity for public comment.

Thank you,

Tom Thiersch
Member, [Washington Coalition for Open Government](#)

==== [\[RCW 42.30.010 Open Public Meetings Act\]](#) ==== [\[RCW 42.56.030 Public Records Act\]](#) ====

"The people of this state do not yield their sovereignty to the agencies that serve them. The people, in delegating authority, do not give their public

servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may maintain control over the instruments that they have created."

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