

WMCA EXECUTIVE COMMITTEE REPORT

AUGUST - 2009

Sandy Paul CMC, City Clerk, City of Pacific
WMCA Executive Committee Member

FROM PRESIDENT BOB:

Dear Parliamentary Pete:

I'm a Councilmember for the City of TV Lovers and our Council met last night. We had a great Regular meeting and everything was fine - until 7:30 p.m. Even though we had remaining agenda items, I wanted to go home and see the season premiere of Survivor. (I hope the lovely and talented "Iona Ferrari" wins!) At 7:45 p.m. I made a **motion to adjourn** in hopes of being home by 8 p.m. No one seconded my motion and it died for lack of a second. The Mayor hates Survivor and followed a "point of order" made to stick to the agenda. **ABSOLUTELY RUDE!!!**



What other motion could I make to get out on time? I love to hear Jeff say, "the Tribe has spoken..." except when it's to my sister, er, favorite player, Iona Ferrari.

Signed,
Ivanna Ferrari

Dear Ivanna:

While TV can provide entertainment, you may want to consider TIVO or a VCR. All is not lost and there is a way to continue agenda items to another time and place – if you can get the Council to go along with you.

FIX THE TIME TO WHICH TO ADJOURN

If a member wants to go home, yet important business is still pending (and might "die" if the meeting adjourned because of a time element, then you may make a motion to **FIX THE TIME TO WHICH TO ADJOURN**. In stating your motion, you **must include a date, and time and place for the adjourned meeting**.

Seek and gain recognition from the Mayor, and then your motion might sound something like this:

"I move to fix the time to which to adjourn for April 7, 2011, 7:00 p.m., in TV Lovers Council Chambers. Further, I move we immediately adjourn this meeting." If the motion is seconded and carries, the meeting you are attending is immediately adjourned." The adjourned meeting on April 7, 2011, business is to be taken up exactly where it left off.

So, while this is a valid motion and can be made, watching a TV show is probably not a good reason behind the motion. Good luck in future meetings and let me know how it works out.

Parliamentary Pete!

“Dear Notary Ned:

I just learned I have a civil infraction hearing before the Washington State Department of Licensing’s Notarial Law section. My Notary license could be in jeopardy and I think I know why. As a Notary Public in Washington State, am I allowed to notarize birth certificates?

Thanks
Tentswon in Tension City

Dear Tentswon:

As to your last question – the answer is NO. While Washington Notaries are authorized to certify copies, they are strongly discouraged from certifying copies of documents that are either public records or publicly recordable.

Only an officer in a Bureau of Vital Statistics should certify a copy of a birth certificate or other vital public record; a Notary’s “certification” of a birth or death record may actually lend credibility to a COUNTERFEIT or TAMPERED document. Only a county recording official should certify a copy of a deed or other recordable instrument. The types of documents that Washington Notaries may properly certify copies of original personal papers such as college diplomas, letters and in-house business documents.

Best wishes.
Ned



**WASHINGTON MUNICIPAL CLERKS
EXECUTIVE COMMITTEE MEETING DATES**

Be sure to contact anyone on the Executive Committee if you have thoughts, ideas or items to be discussed at one of our quarterly meetings. Minutes from those meetings are posted on the website. Check 'em out and stay on top of what's happening!

Friday October 23, 2009 Spokane Valley
Friday January 22, 2010 Newcastle

Annual WMCA Conference Information

As budgets have grown tighter, the following information might be helpful in planning to attend the 2010 Annual Conference in Spokane Valley. Standard room rates at the Mirabeau Park Hotel are \$92

per night and the executive room is \$112 per night. Plan for three nights and one additional night if you will also attend the Advanced Academy.

The Conference Planning Committee is already at work. Hope you can join us next March!

COME AND CELEBRATE WMCA'S 40TH ANNIVERSARY-BIRTHDAY BASH!



Mirabeau Park Hotel and Convention Center - Spokane Valley

-
-
- Spring Academy **March 16, 2010**
- 40th Annual Conference **March 17-19, 2010**
-

<http://www.mirabeauparkhotel.com/images/overview1.jpg>

LOOKING AHEAD TO THE 2011 WMCA CONFERENCE

President-Elect Karen Kuznek-Reese has chosen the Heathman Lodge in Vancouver as the site for the 2011 WMCA Annual Conference. Construction crews recently added 40 guest rooms and 4,000 additional square feet of conference center.

Located in a beautiful rustic setting in Vancouver, Washington, the Lodge is just minutes from the Vancouver Mall, downtown Vancouver, and 5 miles from Portland International Airport. Situated on the north bank of the Columbia River, directly across from Portland, Oregon and less than 90 miles from the Pacific Coast, Vancouver is a vibrant city with a unique mix of metropolitan energy, small-town charm, rich history and exciting recreational opportunities.

The Heathman Lodge delivers a tranquil, mountain-like retreat brimming with Northwest ambiance and all the amenities you need to get down to business or vacation. Experience a charming artisanal lodge that allows you to escape the world while remaining connected.



CONGRATULATIONS ARE IN ORDER!

Carol Etgen, carol.etgen@ci.bremerton.wa.us, received her MMC in July.

Helen Ware, hware@cityoffife.org, Deputy City Clerk of Fife, received her CMC.

Congratulations to both Carol and Helen.

TO ALL WMCA MEMBERS:

An IIMC Small Cities Task Force has been created and charged with gathering data and relevant information from City Clerks working in small municipalities in order to recommend programs and benefits that will make IIMC Membership more meaningful and of value to these Clerks and the small cities and villages they serve. To that end, the IIMC Research and Resource Committee will be conducting a short survey on behalf of the Small Cities Task Force to gather this data.

The survey will be E-blasted from IIMC Headquarters in the next few weeks and we encourage you to respond. Responses from our small city clerks (less than 20,000 population) are especially critical in this effort.

ARE YOU SIGNED UP?

Have a general question and want some instant feedback? Check out the WMCA DISCUSSION BOARD. One "click" and you will be instantly transported to the "Discussion Board."

Clerks are always ready to share information, and new questions are constantly popping up. This tool is convenient, quick, and non-threatening. From the novice to the experienced, all can participate.

Did you know you can also sign up for automatic notification of new messages? You will have the option of being notified when **any** message is posted to the board, or you can choose to be notified only when messages are posted to a particular form on the board. It is easy and quick it is to use; and, most importantly, it's informative. Give it a try!

IIMC EDUCATION NEWS

64th IIMC ANNUAL CONFERENCE

Reno/Tahoe, Nevada

"Adventures in Education"

May 23 ~ 27, 2010



Please watch for the Region IX newsletter for many more details on IIMC news. Contact Region IX Director Pam Kolacy, pkolacy@cityofpt.us if you have any questions or comments.

SCHOLARSHIP OPPORTUNITIES

New Scholarship Guidelines and Applications for the 2009-2010 year are now available on the WMCA website. The first upcoming opportunity will be to apply for the Margery Price Scholarship for **Fall Academy**. Four scholarships are available for registration, with the **deadline to apply August 21st**. You must have received your CMC and be working towards your MMC designation to apply for a Margery Price Scholarship. Additional scholarships are available for the upcoming 2010 conference and NCI Academy's. Please see the WMCA website for full details on WMCA Scholarships.

Other scholarship sources include IIMC (International Institute of Municipal Clerks), WCIA (Washington Cities Insurance Authority), AWC (Association of Washington Cities), CIAW (Cities Insurance Association of Washington) and regional clerks associations.



EVER THOUGHT ABOUT RUNNING FOR OFFICE?

This is a great year to run for a WMCA office. Current Officers and Board Members are encouraging more applicants and hope to see a minimum of two candidates for each position. It really is a great opportunity to work closely with others in the Clerk profession, learn new leadership skills, and earn certification points. The following positions are open for election in March 2010:

- President-Elect (1 year term)
- Vice President (1 year term)
- Treasurer (1 year to fill unexpired term)
- Secretary (2 year term)
- Board member (2 positions- 3 year terms)

WMCA Job descriptions are available on the website, click on the Executive Committee tab. Please feel free to contact the person who is currently serving in that position if you have questions about what the position entails and how much time is involved.



2009 FALL ACADEMY - SAVE THE DATES AUGUST EDUCATION COMMITTEE REPORT:

The Education Committee met July 17th at the Issaquah City Hall to begin the planning process regarding the 2010 March Conference (details to follow), also to place the finishing touch on the 2009 Fall Academy wow! have they ever been busy – true example of “teamwork” in action!!

The Fall Academy has been scheduled for October 2nd at the Wenatchee Convention Center and October 9th City of DuPont City Hall. The Committee secured Dr. Michael Shadow who will present a fantastic program entitled “*Storytelling: A Communication Tool for Improving Your Organization’s Image*”.

Deadline for registration is September 18th. Please make your hotel reservations as soon as possible since rooms are on an as-available basis. All hotels have promised to honor the government rate for our group. Also, please remember you must arrive on time and stay for the entire session in order to receive your certificate and credit for IIMC education or experience points.

LEGISLATIVE UPDATE

Open Government and Open Public Records were popular topics again this session. Several bills were introduced that would have brought welcome relief to local governments by defining what constitutes copied records, increasing the per page fee that could be charged and allowing sanctions in the case of records requests made for the purpose of harassment.

Unfortunately, none of those proposals was advanced.

HB 1676, which failed, would have required a court to order an agency to tape executive sessions for two years if the agency was found to have intentionally violated the Open Public Meetings Act. Some form of this legislation is expected to return next session.

During the interim, AWC staff is seeking new, creative ideas to address the burgeoning number and size of public records requests, the increased budget and staff time needed to comply with open government laws and other ideas for simplifying procedures. You are invited to share your thoughts on this topic with Victoria Lincoln at victorial@awcnet.org or Luann Hopkins at luannh@awcnet.org.

Prisoner access to public records (SSB 5130)

The Public Records Act requires a public agency to make its public records available for public inspection and copying unless the records fall within a specific exemption.

Under **SSB 5130** the court may prohibit the examination of any nonexempt public record requested by an inmate if, upon motion by the public agency, the court finds that the request was made to harass or

intimidate the agency, its employees, or any person, or the disclosure of the record would likely threaten the safety and security of the correctional facility, its staff or others, or the deterrence of criminal activity. The court may also enjoin future requests by the same inmate, or by an entity owned by the inmate. The public agency is not liable for penalties for the time period while the court injunction is in effect, even if the order is later overturned.

Testimony in open meetings ([SHB 1552](#))

As introduced, this bill would have required that all public meetings, except executive sessions, be recorded or documented by public agencies. In addition, the bill would require public agencies to allow formal, public testimony prior to the adoption of ordinances, resolutions, rules, regulations, orders or directives. Prior to passing out of the House State Government & Tribal Affairs Committee on February 23, the bill was amended to only apply to public testimony during agency rule-making hearings. Our issues with this bill were resolved.

Bills That Failed

Limiting utility liens against rental property

([HB 1298](#), [SB 5667](#), [SB 5281](#))

These bills would have limited cities and counties from collecting delinquent utility charges from property owners when the tenant contracts for service directly with the utility, and when the property owner notifies the utility that their property is a rental.

Providing a court procedure to enjoin public records the court deems were made for the purpose of harassment

([HB 1316](#))

This bill would have provided a procedure against public records requests made for the purpose of harassment by authorizing a court injunction for the production of public records if the court finds the request or requests were made for the purpose of harassment.

Disclosure of public records containing information to locate or identify criminal justice employees ([HB 1317](#))

This bill would have removed from public disclosure records identifying personal information about criminal justice employees. Personal information such as home address, phone number, birth date and photographs that could be used to identify and locate employees of criminal justice agencies would have been exempted.

Local government archives account ([HB 1374](#))

County auditors are authorized to collect certain fees for copying, recording, and searching for records. This document fee is deposited into the Local Government Archives Account, which supports local government programs including grants for the preservation and archiving of government records. Approximately 60 cities have benefited from this program. In 2008 the law was amended to allow use of these funds for the Heritage Center – a capital project in Olympia. This bill would have repealed the 2008 legislation that allowed use of the Local Government Archives account for the Heritage Center. Unfortunately, the bill did not make it out of the Senate Ways & Means Committee under the deadline. The bill is dead for the year.

Taping executive sessions ([HB 1676](#)) – AWC Priority

This bill would have required public agencies that intentionally violate the Open Public Meetings Act to tape all executive sessions for two years. The bill would have also allowed the state Attorney General and state Auditor to appoint an advisory committee to recommend model rules on the Open Public Meetings Act, as well as recommend penalties for violating the statute. After hearing from a number of local public agencies concerned with the bill, a substitute bill was drafted and circulated. It is likely this issue will return next session.

Concerning association health plans ([HB 1712](#))

This bill relates to health benefit plans provided by an insurer through an association (such as AWC Employee Benefit Trust) or a member-governed group. This bill would have reclassified association plans as large group plans for rating and regulatory requirements. A health care service contractor would have been required to base rates for the association or member-governed group on the health care claims or health status of the entire group and only vary the rates for reasons generally accepted in large group ratings such as age, geographic area, family size, industry factor and smoker/non-smoker. This bill would have limited the ability of association health plans to include small employers.

Concerning health insurance ([HB 1714](#))

As introduced this bill redefined association health plans and member-governed groups as large groups and established how premium rates would be developed. The bill appeared to combine groups of varying claims experience, which likely would have increased rates for the 228 cities currently covered under the AWC association health plan. Despite efforts to amend this bill to include data that would be shared by health carriers with the Office of the Insurance Commissioner, the bill died in the House due to lack of time. AWC worked with a coalition of other association health plans to develop a list of data elements that could be shared.

Expanding the authority of the public disclosure commission to include the Open Public Meetings Act and the Open Public Records Act ([HB 1784](#))

This bill would have authorized the Public Disclosure Commission (PDC) to enforce the Open Public Meetings Act and the Public Records Act and to investigate, review and adjudicate complaints alleging violations of the acts.

Eliminating the public exemptions accountability committee ([SB 5119](#))

This bill would have repealed statutory authority creating the Sunshine Committee.

Changing public records request provisions ([SB 5249](#))

This bill would have given public agencies some relief from the time and cost incurred by frivolous requests by allowing the public agency to deny a public records request if the requesting party has an outstanding balance with an agency for unpaid charges for records previously provided. AWC testified in favor of this bill.

Increasing the maximum per page copying charge under the public records act ([SB 5250](#))

Currently the maximum a public agency can charge for a public records request is 15 cents per page. This bill would have increased the maximum amount that can be charged to 25 cents per page. AWC testified in favor of this bill.

Defining per page cost for the purpose of copying costs under the public records act ([SB 5251](#))

This bill would have refined the definition of “per page cost” to mean the cost of all photocopies made to fulfill the particular request divided by the number of pages. This will allow agencies to recover the cost of copied pages regardless of whether the photocopies are taken by the requester. This would apply to copies made for the purpose of redaction. AWC testified in favor of this bill.

Implementing unanimous recommendations of the public records exemptions accountability (sunshine) committee ([SB 5295](#))

In 1972 Washington voters approved the public disclosure act by initiative. At that time there were ten reasons for exemptions from disclosure of certain public records. Presently, there are approximately 300 exemptions. In 2007 the Legislature created the Sunshine Committee to review all disclosure exemptions and make recommendations to the Legislature. In November 2008 the Sunshine Committee submitted a report to the Legislature documenting 12 recommendations for modifications to the disclosure exemptions; eight were unanimous and four were not. SB 5295 would have adopted the unanimous recommendations of the Sunshine Committee.