

# WASHINGTON MUNICIPAL CLERKS ASSOCIATION EXECUTIVE COMMITTEE MONTHLY REPORT

## MARCH 2010

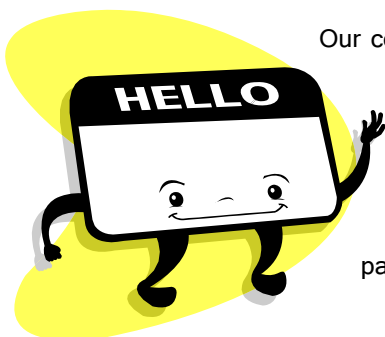
By Kammy Hill, Board Member

### MESSAGE FROM KAREN KUZNEK-REESE, WMCA PRESIDENT

Happy March to Everyone!

I can't believe it's almost time for conference! These last few months have just  
by.

As always, I am really looking forward to the conference. After all, it is WMCA's  
40<sup>th</sup> Anniversary, which is celebrated with rubies (and I love baubles almost as  
much as I love shoes!) Conference time also means that spring is right around the  
corner - which is something else I enjoy.



Our committees have worked really hard to put together a terrific  
conference and great educational programs. The networking at  
conference is very valuable too. I remember my first conference  
and being extremely nervous about attending. So let's all do our  
part to make our first-time attendees feel welcome!

If you are not attending conference and are interested in serving on a committee, please let me  
know. I'll be happy to enter your name on a committee list! Our committees are very important  
and we need each of you to help them succeed. To those of you who have served as committee  
chairs, thank you! You have been great to work with and I have relied heavily on you these past

few months. I also want to recognize and thank all of you who have served on committees. Some of you serve on more than one committee and your commitment is really appreciated.

I've had so much fun serving as President these past few months - I'm going to do it again next year! It truly is an amazing experience and I hope you will all give it a try at least once! If not as President, please consider running for a board position. You learn so much about how our organization operates, the hard work done by the board and a lot about yourself. I have really appreciated all the support from the Executive Committee these past few months too! You have been a lifesaver to me and I thank you so much for your help, patience and friendship!

I hope to meet many of you in Spokane Valley this year or at The Heathman Lodge in Vancouver next year!

Karen Kuznek-Reese  
WMCA President

**ANNUAL CONFERENCE (MARCH 16 TO MARCH 19) - ONE WEEK AND COUNTING!**

The countdown is on to the annual conference (and WMCA's 40<sup>th</sup> Anniversary) at the Mirabeau Park Hotel in Spokane Valley! The education program is set, vendors confirmed, and final preparations are being made by our extremely capable and dedicated committees.

Some helpful reminders for our conference attendees:

- Please help out by bringing a silent auction item (or two, three... along with your checkbook).

- Bags will not be provided at this year's conference in an effort to be mindful of the budget. Last year we provided portfolios and bags. If you would like a bag to use for your conference program and materials, please bring one with you. Thanks for doing your part!
- For those attendees that prepaid and signed up for the optional winery tour and dinner, there were enough attendees. This event is confirmed for Wednesday, March 17 from 6:00 to 10:00 p.m. Because a final count was required, this event is closed to further participation.
- Make sure you stop by the fundraising table early to purchase your WMCA merchandise. There will be a limited number of our 40<sup>th</sup> Anniversary sweatshirts and beaded lanyards for sale. There will also be a clearance sale on previous years' merchandise.

## HOW WOULD YOU SPEND \$1,000, \$750 OR \$500?



Wouldn't you like to dream about the possibilities of having some "extra" money to do with as you wish? Like taking a trip, buying a new big-screen TV, or guilt-free shopping!

Purchase raffle tickets for \$5 per ticket for a chance to win one of three **cash prizes** and you may get the opportunity to make your dream a reality. Tickets are going fast so contact Rebecca Dover at [rdover@othellowashington.us](mailto:rdover@othellowashington.us) or by calling 509-488-5686 to make sure you don't miss out. The drawing will be held during the 2010 WMCA conference in Spokane Valley. With a maximum of 1,250 tickets being sold, your chances of winning are pretty good and each \$5 raffle ticket is worth a chance at one of the three cash prizes. All proceeds benefit the WMCA Scholarship fund to help Clerks pay for training vital to our jobs.

## BOOK SALE TO HELP PROVIDE SCHOLARSHIPS!

*US Archive & Imaging Services (USAIS)* will be in attendance as a vendor at our annual conference. Doug MacDonald has generously offered to host a “Book Sale” to raise money for our WMCA scholarship fund. USAIS has sponsored book sales over the last two years at several Washington State County Conferences (County Clerks, Auditor Recording, WACO and WSAC Conferences) and they are proud to report that they raised over \$2,500 with 100% of the proceeds going to the scholarship fund.



*USAIS* will donate a large supply of books and we would like you to take advantage of this opportunity to donate those once “must reads” to this cause and give back to our clerks. We’re looking for hardbacks, paperbacks, children’s books and even media (DVD’s and CD’s). Since the conference is just days away and it’s too late to ship them to Doug, please bring them to the conference or send them with a friend. Call an Executive Committee member if you have donations and don’t know anyone going to the conference. We’ll see if we can help.

Please pass this message around your offices and ask other employees to join in the crusade.

Doug will take any unsold books and donate them to the next book sale. Start your spring cleaning and go through your book shelves, closets and basements! The more books we sell, the more scholarships we can offer!!



**Doug MacDonald**

**PROPOSED BYLAWS AMENDMENT**

**BY CHRISTY O’FLAHERTY, BYLAWS COMMITTEE CHAIR**

The WMCA Executive Committee requested that the Bylaws Committee review the Bylaws relative to Article IV – Officers/Board of Directors/Terms. The Bylaws Committee had multiple meetings via email that involved a great deal of collaboration and brainstorming. An amendment to Article IV, Section 1 – Officers and Terms has been proposed and will be considered by the membership at the annual meeting on March 18, 2010. The thrust of the change involves a new Section 7 that provides a process that would be used in the event a member of the Executive Committee was to be removed from office. It should not be assumed there is a current need for use of this new section. It is always important to have solid practices in place in the event a need does arise. My thanks to the members of the Bylaws Committee who have been great to work with, and we hope to see many of you at the Conference when this item is considered!

## COMMITTEE SIGN-UPS

WMCA needs you! We are an all volunteer organization and rely on our members to pitch in and help make us great. We know that you have special talents and are counting on you to sign up for one (or more) of the following committees:

- Audit Committee
- Awards Committee
- Bylaws Committee
- Conference Planning Committee
- Education Committee
- Elections Committee
- Fundraising & Special Projects Committee
- Handbook Committee
- Historical Committee
- Legislative Committee
- Membership Committee
- Scholarship Committee



Sign-up sheets will be available at the conference or just e-mail President Karen ([kkuznek@ci.sequim.wa.us](mailto:kkuznek@ci.sequim.wa.us)) and she will get you on the committee(s) of your choice.

## BOASTS AND BRAGS



- Randy Reed, former Deputy City Clerk of Issaquah, now City Clerk of Sedona, Arizona.
- Deborah Kloster (formerly Deborah Moore) City Clerk, City of Yakima on receiving her CMC designation.
- Sherry Biggs, City Clerk City of Prosser on receiving her MMC designation.

## SCHOLARSHIP COMMITTEE NEWS



The Scholarship Committee is currently reviewing 22 Northwest Clerks Institute (Professional Development PD I, II, and III) scholarship applications, and 4 Margery Price Scholarship applications for Master Academy (PD IV). The total funding requested is \$16,700. The applications will be ranked and a recommendation will be sent to the Executive Committee for consideration of award at its March 19<sup>th</sup> meeting. Scholarship applicants can expect to receive notice of scholarship awards by the end of March.

New WMCA scholarship opportunities for 2011, along with guidelines and applications will be posted on the WMCA website in April.

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 clerk associations.

**NORTHWEST CLERKS INSTITUTE**



Professional Development I: June 6-11, 2010

Professional Development II: June 13-18, 2010

Professional Development III: June 20-25, 2010

Professional Development IV (Master Academy): June 13-16, 2010

University of Puget Sound - Tacoma, WA

Don't delay ... Register today for this unique training opportunity. You'll enjoy a combination of state-of-the-art classroom training, high impact networking and best practices, and one-on-one mentoring with municipal leaders and instructors. Sessions will provide both overviews and in-depth examinations of issues in public administration, interpersonal communications, and special topics related to Clerk operations.

For additional information on the Northwest Clerks Institute, visit the Web site at:

<http://www.nwclerksinstitute.org/>

**RUNNING A SMALL CITY - ROLE OF THE MAYOR AND CLERK/TREASURER.**



Your role in a small city or town is a complex one. You have to meet many of the same service and legal requirements as larger cities but with a fraction of the staff. The mayor's role as the CEO is a significant responsibility and the clerk-treasurer is a crucial component to the city's success. Having a clear understanding of your role and responsibilities is important to ensuring the day to day operations run smoothly.

This one-day workshop covers fundamentals for the strong mayor and clerk-treasurer and gives you time to network with each other. Topics covered include steps to ensure financial stability, fiduciary checks and balances, and important legal issues including the open records laws. Afternoon breakout sessions for each group give mayors the opportunity to learn the ins and outs of managing city employees and clerk-treasurers the chance to dive into the financial part of their job.

This workshop is for strong mayors and clerk/treasurers.

**April 7 - Moses Lake**

Best Western Lake Front Hotel  
3000 West Marina Drive  
Moses Lake, WA 98837-2946

Click for a detailed agenda: <http://www.awcnet.org/runsmallcity/Agenda.pdf>

Registration and fees

Member registration - \$90 per person

Other registration - \$120 per person

Cancellations made on or before March 31, 2010 will be charged a \$25 cancellation fee. Full payment is expected for cancellations made after April 1, 2010.

Click here for further information:

<http://www.awcnet.org/portal/studionew.asp?Mode=b1&WebID=1&UID=&MenuActionTypeID=81&MenuActionParm=31&OriginPage=/portal/studionew.asp&EDate=&ChannellinkID=8873>

For cities and towns under 5,000 population, scholarships are available through AWC.

## LEGISLATIVE COMMITTEE REPORT

BY SANDY PAUL & MYRNA BASICH, LEGISLATIVE COMMITTEE CO-CHAIRS

During the 2009 Legislative Session, the WMCA Legislative Committee monitored 47 bills of interest to Clerks across the state, covering topics across the gamut from public records, public disclosure, and open public meetings, to special elections and campaign contributions. This was a “long session” that ran from January 12 through April 26, 2009.

Highlights of bills we tracked that passed:

- **SSB 5130** addresses the filling of public disclosure requests by prisoners at a level deemed to be harassment. This bill was initiated by the scores of requests filed by inmate Alan Parmelee at a variety of agencies. It allows Courts, upon motion by cities (and other public agencies), to prohibit the examination of public records if the Court finds the request was made to harass or intimidate the city or its employees. The Court may also enjoin future requests by the same inmate, and the agency is not liable for penalties during the time the court injunction is in place.
- **SHB 1552** initially would have required that all public meetings be recorded and that formal public testimony be received prior to the adoption of ordinances, resolutions, and rules, etc. This bill was later amended to apply only to agency rule-making hearings, which eliminated its application to cities. (It is mentioned here only because bills that are somehow restricted in application often resurface with broader applicability at later a Legislative Session.)

- **ESHB 1018** eliminated the March special election opportunity, leaving February, April and May as options for cities, school districts or other special districts needing to place ballot measures before the voters.

Highlights of bills we tracked (and on which we provided feedback) that failed:

- **HB 1676** required that, for agencies found to have violated the Open Public Meetings Act, the agency would be required to tape executive sessions for two years. The Auditor and Attorney General would be authorized to appoint a committee to recommend Model Rules and recommend penalties for violations. **(This bill is likely to return in 2010)**
- **HB 1017** would have created a committee to study creation of a Public Records/Open Public Meetings Act Board that would have independent authority to adjudicate complaints of violations and enforce provisions of the PRA and OPMA. This Board could also issue interpretive opinions or recommend legislation. The idea was that it would be constructed along the lines of the Sunshine Committee, which could potentially have resulted in significant representation from the news media.
- **HB 1784** would have given authority to the Public Disclosure Commission to enforce the Open Public Meetings and Public Records Acts.
- **HB 1317** would have eliminated the need to disclose personal information about criminal justice employees, such as their home addresses, phone numbers, birth dates and photos. **(This bill is likely to return in 2010)**
- **HBs 5249, 5250, and 5251** would have allowed cities to deny a public records request if the requesting party had unpaid charges from previous requests, increased the maximum charge to 25 cents per page, and allowed charging for all photocopies made to fill a request, regardless of the number of pages actually taken by the requestor.
- **SB 5295** would have adopted the eight unanimous recommendations from the Sunshine Committee that was established in 2007 by the Legislature to review and make recommendations on 300 current exemptions from public disclosure.

Aside from tracking and providing information to AWC and legislators during the Legislative Session, much of the work of the Legislative Committee this year has been spent on seeking to proactively work as individuals and in groups to educate ourselves and others on possible legislative reforms that can be lobbied with particular Legislators over time. Many of our issues relating to public records/meetings and our ability (or lack thereof) to comply with the body of current law are being heard and understood by local elected and appointed officials, and it appears we may have an opportunity over the next few years to work together to help craft new, more workable legislation while remaining steadfast to the citizens' value of open government that we espouse.

Some developments along those lines include:

- Executive Board member Sandy Paul and I represented WMCA on the AWC Legislative Committee and their Flexible General Government Operations Sub-Committee. The Sub-Committee voted to retain the 2009 priority to oppose any requirements to tape executive sessions and any restrictions on attorney-client privilege or attorney work product. Records-related issues surfaced as a very high priority for the group, and when the total list of all General Government issues was prioritized, pursuing proactive proposals to address problems associated with request volumes was voted the second highest priority to forward to the full AWC legislative Committee. AWC concurred and also identified that they would participate in a coalition with other local governments/agencies to craft solutions.
- The Sub-Committee identified a number of ways to strategically approach possible legislative reforms over time to help build a climate where workable solutions can be crafted. Thoughts include:
  - Quantifying the true costs of responding to public disclosure requests
  - Educating legislators and the public on these costs
  - Providing a “meet and confer” option to address problem requests, similar to discovery during litigation
  - Reforming the penalties
  - Further addressing the harassment issue

- Allow charging for records-finding services under some circumstances (perhaps along the lines of what is being done by FOIA)
  - Clarifying treatment of metadata and content of blogs, wikis, and other social media.
- In keeping with the notion of quantifying the true costs of responding to public disclosure requests, Kyle Stannert, Bellevue's Public Records Officer, shared his background research for his MPA capstone project with the King County Clerks Association in October. As part of his project, Kyle surveyed (filed records requests) the 20 largest cities and a number of state agencies and then statistically analyzed the numbers and kinds of requests they have been receiving as well as the sources of the requests. His findings included that, although on a volume basis members of the public initiate the greatest numbers of requests, it turns out that the most complex requests that reflect the greatest response times and, most likely, staff resources to respond are being filed by businesses, attorneys and the press. Such documentation, if collected in a more comprehensive manner, may help to bolster the case for permitting fees to cover costs of responding to larger records requests. The Legislative Committee would welcome feedback from Clerks across the state on their willingness to participate in a broader survey to gather and analyze this sort of information.
- A new professional organization, the Washington Association of Public Records Officers (WAPRO) formed in late 2009 to help leverage the knowledge and experience of public employees in working with the Public Records Act. Their stated aim is to increase transparency and improve PRA compliance by making standardized education and resources available to jurisdictions of varying sizes and degrees of resources. This association will also serve as a forum for Records Officers to network and share best practices, discuss technology and tools to track and provide records, and keep jurisdictions informed about new case law and legal developments as they occur.
- The Sunshine Committee actually took up for discussion the current exemption from public disclosure that the Legislature has granted itself. Were the Legislature to rescind their

exemption and individual Legislators and their staffs be compelled to comply with the law as written, they might more fully understand the resource commitments needed to comply and the impacts of new technologies. There is hope, since this issue is becoming more public, that we might pursue more reasoned approaches by working together to achieve transparency at a reasonable cost.

- The Attorney General has opined to the State Auditor and in the press about the need for state employees to maximize use of technology to enhance government transparency to allow for meaningful participation in self-governance. The Legislative Committee members feel that the case should continue to be made, particularly in these straitened economic times, that many of the larger cities are working hard to implement technology solutions, but we cannot leave our smaller cities/agencies behind. Sharing technology and best practices can go some way to helping to level the playing field, but does not address the resource limitations felt by most small cities. This message needs to continue to be played out with the AG, State Auditor, and our Legislators.

As we concluded the year, the Legislative Committee was gearing up for the 2010 short session that began in early January. As expected, many of the bills not passed during 2009 were re-introduced in the December timeframe, together with some new legislation. We are continuing to monitor the progress of the 2010 Legislative Session as it winds to a close this month, and will report back shortly on the latest developments.