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**BOARD OF COMMISSIONERS OPERATING GUIDELINES
Policy & Procedure 120**

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BOARD OF COMMISSIONERS OPERATING GUIDELINES

.1 PURPOSE

The purpose of this policy is to:

- Inform County Officials and employees of the requirements for submitting items to the Board for consideration;
- Establish clear and consistent processes and formats for submission of items to the Board;
- Ensure that procedures provide adequate public notice and facilitate public participation in, and knowledge of, Board deliberations and actions.

.4 SUBMITTING ITEMS FOR BOARD CONSIDERATION

4.1 Submitting Items to the Board for Work Session or Regular Meeting

Items submitted to the Board for either work session or regular meetings are due no later than 3 p.m. on Wednesday of the prior week. Unless required otherwise, all documentation should be submitted on 8.5" x 11" paper. Legal paper should be avoided whenever possible.

As a general rule, documents should be submitted with the item on Wednesday. Commissioners' office staff must have time to prepare the agenda, review documentation, and have the agenda and documentation packets ready for review by that time. However, if notification of an agenda item has been provided by the Wednesday deadline, the accompanying documentation, including sufficient copies*, must be submitted no later than 9 a.m. on Thursday. The Clerk of the Board receives potential agenda items for Board meetings, the County Administrator presents proposed weekly agendas for the Board's review at 10 a.m. on Thursday, and the Chair of the Board provides final approval of all agendas prior to their publication. Any Commissioner may propose an agenda item for final agenda approval.

**Note: "Sufficient copies" means the required originals and at least five (5) copies. Required copies include one for each Board member, one for the County Administrator, and one for media review.*

Items and/or documentation not submitted by the deadlines will be retained for the next week's meeting. Items may occasionally be moved to the next week due to time constraints, conflicts with Commissioners' schedules, or other reasons. Departments will be notified by Commissioners' Office staff as soon as possible after the agenda review if items are delayed.

4.2 Submitting Documents at Time of Meeting to be Avoided

Documents on many different issues are submitted to and reviewed by Board members each week. All documents for discussion items should be submitted by the deadline. Board members typically review the documents in their packets over the weekend so they are prepared for discussion at work session and regular meeting. Media representatives also access the material prior to the meeting.

Departments should avoid waiting until the work session to submit documents. Board members cannot be expected to review documents during a discussion. Departments that submit documents at the work session rather than for the packet may be asked to schedule the item for the next week so Board members have the opportunity to review the issue. Any documents brought to the Board at the meeting time must include sufficient copies as defined in this policy.

4.3 Agenda Item Summary Required

The Board receives literally reams of paper from various departments and it is not unusual to have dozens of items in a packet. Agenda summaries provide Board members and the public with the crux of an issue without wading through pages of documents trying to glean the information. An agenda summary is required for all items submitted for either work session or regular meeting with the following exception: grant application questionnaires.

4.4 Other Documentation May be Required

Certain agenda items may, by this or other policy, require the submission of other documents in order to be considered by the Board. County Officials are responsible to ensure that required documents are submitted. Failure to submit required documents may result in postponement of the item until documentation is received. Items requiring additional documentation include, but are not limited to:

- a. Contracts and Purchases
 - o Copy of completed budget change form if approval of the contract requires a budget change (see policy 505)
 - o Bid confirmation form if the contract or purchase requires either informal quotes, formal bids, or an RFP (see policy 560)
- b. Applying for a Grant - Grant application questionnaire (see policy 562)
- c. Proposed Ordinances - Electronic copy of proposed new or amended ordinance (see policy 110)

4.5 Discussion at Work Session Required on Certain Items

Prior to consideration for final action by the Board at a regular meeting, certain items require discussion at work session. The following list of required items is not intended to be all-inclusive:

- a. Budget emergencies
- b. Contracts, grants, or purchases that require a budget change as defined in policy 505
- c. Grant applications - prior to the application submission (grant application questionnaire required)
- d. Proposed ordinances
- e. Proposed purchase or sale of real property or granting of easements
- f. Administrative Policy proposals
- g. Any item requiring a notice of public hearing
- h. Any issue that is, or the County Official believes may become, an item of high public awareness or create a high level of public opinion
- i. Interlocal agreements

4.6 Moving an Item from Work Session to Regular Meeting

Items that need to be discussed with the Board prior to becoming an action item on a regular meeting agenda should not be scheduled for the regular meeting during the same week they are discussed at work session.

Typically, items are scheduled for work session discussion one week and for the regular meeting the following week. This scheduling gives the Board the opportunity to ask questions, make modifications, and request more information, etc., without the matter already being on the published agenda for the regular meeting. Items that must be scheduled during the same week require prior approval from the County Administrator.

Items may move from work session to the regular agenda in two ways:

- a. Items that may need further discussion, do not have all required paperwork, documents that have not been reviewed by the prosecutor, etc., are not automatically scheduled for the agenda after discussion at work session. Departments are responsible to separately schedule items for work session and/or regular meeting. Occasionally the Board may desire further consideration of an item at a later date. Even though discussion may occur during the work session about a future date, departments are responsible to schedule the item according to this policy.
- b. Under certain circumstances, if an item is intended to be discussed at work session one week and be placed on the regular agenda for consideration the next, it will only need to be submitted once. In order to qualify for a one-time submission, all documentation must be in the work session packet submittal, the

Agenda Summary Form must indicate the date the item is to be considered on the regular agenda, and all required originals must be attached with any required reviews. Any items that need to be modified as a result of work session or that don't meet the criteria above will still require re-submission for regular agenda.

4.7 Adding Items to Work Session or Regular Agenda after Deadline

Occasionally items are received by departments and/or the Board that are time sensitive and must be considered at the next meeting. It is the policy of the Board of Commissioners to add items after the agenda deadline only if waiting until the next week causes significant impact to Clallam County citizens. Adding items after the deadline can also decrease public knowledge and participation since the item is not published as part of the agenda. Additions to either work session or the regular meeting agenda may only be made with the permission of the Administrator or Board Chair.

4.8 Signatures on Documents

Except as noted below, the Chair signs all documents requiring the signature of the Board, and the Chair's signature, is as legal and binding as if all members had affixed their names, provided the signature is authorized by the Board. Only the signature line of the Board Chair is required on these documents. In case the Chair is absent at any meeting of the Board, all documents requiring the signature of the Board are signed by the Vice Chair.

Certain documents require signature lines for all Board members. These include resolutions, ordinances, and proclamations. Documents prepared by other agencies that come to the County with all Board members' signature lines do not require the document to be revised.

4.9 Documents to be Maintained/Official File

Departments are responsible to maintain the official record and file of any documents submitted to the Board. The Commissioners' office does not create a file on each issue or item submitted for consideration. The Commissioners' office will maintain a file containing one copy of all documents considered during each public meeting. Those documents are filed by meeting date and are destroyed after 3 years in compliance with applicable retention schedules.

Documents submitted to work session are not automatically retained by Commissioner's staff for placement on a later meeting agenda. Work session documents not maintained for the file (administrator's copy), taken by the media, or kept by a Commissioner will be returned by Commissioners' Office staff to the submitting department after work session. In order to reduce copying costs, departments should maintain any copies that require re-submission for the regular agenda.

If documents that are exempt from public disclosure are submitted to the Board, the appropriate check box on the Agenda Item Summary Form must be marked. The actual documents that are exempt from public disclosure submitted for packets should be CLEARLY and PROMINENTLY marked on the top of the front page by the department as such. In addition, the media copy of the document packet should be identified and the exempt document should not be included in the packet.

.5 PROCEDURAL MATTERS

Clallam County Code Sections 3.05.020 through 3.05.050 establish and provide for regular, special, and emergency meeting times, dates, and locations of the Board to:

- respect the time of members of the public who wish to observe Board discussions and/or to provide verbal or written comments during Board meetings – when comments or input from the public are provided for in the published agenda, – and
- to reduce idle time for County Officials and employees who attend BOCC meetings in order to address specific agenda items concerning their department.

5.1 Agenda

The agenda for any meeting may be structured in a way to provide a defined time for taking up the item(s). Regular meeting agendas and work session agendas will be structured so that such business items, formal presentations to the Board, public hearings, and other such items will be addressed immediately after public comment on agenda items in regular meetings. General discussions among Board members may be placed on the agenda after the last opportunity for public comment during regular meetings, and will be the final agenda item for work sessions.

5.2 Public Comment

Public comments are normally received twice in regular meetings – immediately after the agenda is approved as the first item of business (for comments concerning agenda items) and after finishing all specific items of Board business (for general comments pertaining to any subject); and during public hearings. Public comment may be solicited during work sessions to inform the Board’s understanding of a particular issue, but will not normally be included as an agenda item for the work session.

5.3 Rules of Conduct

As a general rule of conduct, traditional Clallam County civic traditions of respect, courtesy, and comity will guide Board discussions. The Board chair will control the conduct of all Board meetings, and after the meeting’s agenda is approved, ensure that, in any meeting, the Board addresses its business in an orderly, businesslike, and expeditious way through adherence to the meeting agenda. Rules of procedure are

informal, but for a meeting during which final action is taken on any agenda item, will include the opportunity for a motion and a second to proceed to final action, followed by an opportunity for discussion, and concluded by a vote in favor of or against the motion. Any Commissioner may call for a division, in which case the minutes will record individual votes.

Any Commissioner may raise a point of order during discussion of any agenda item if that Commissioner believes the direction of the discussion is not germane to the item under consideration. The Board chair will rule that comment in order or out of order. Any Commissioner may "call for the question" during any discussion of an agenda item, and if seconded, discussion will conclude and the Chair will proceed to the vote for final action. During meetings where no final action is contemplated, procedure will be informal and based primarily on unanimous consent of the Board to move the item forward to a meeting where final action will be taken on that agenda item.

.6 POLICY ON BOARD INVOLVEMENT IN PRIVATE ACTIONS

From time to time, members of the public or private organizations may request the Board join in an action that is being contemplated or is ongoing, undertaken by that individual or organization. As has been past practice, individual Commissioners may decide to lend their individual support for such actions, but the Board will not normally join in such private action.

.7 PUBLIC HEARINGS

Public hearings provide an opportunity for citizens to give direct input to the Board on matters being considered. It is the policy of the Board of Commissioners to conduct public hearings in a manner that allows input from the maximum number of citizens possible and respects the opinion of all those wishing to testify.

7.1 Submission of Notice of Public Hearing Prior to Hearing Date

Public hearings are required to be held prior to certain legislative actions by the Board. Examples include consideration of proposed ordinances or amendments, adoption of the County budget, budget emergencies, and road vacations.

In order to hold a public hearing, the Board must issue a "Notice of Public Hearing" long enough before the actual hearing to comply with the requirements to advertise the hearing in the "Official County Newspaper." If the official newspaper is a daily, the Notice must be adopted at the Board's regular meeting at least two weeks prior to the date of the hearing and published the Friday following the meeting. If the official newspaper is a weekly paper, the Notice may be required to be adopted three weeks prior to the hearing date.

In addition to the required public notice, the County Official or the Board, at its discretion, may direct the public hearing to be additionally advertised. In order to

maximize the opportunity for public comment, the Board encourages matters being considered at a public hearing to be posted on the County's internet home page under "Current Issues" as soon as practical after the approval of the Notice. However, this is to be done as a courtesy and is not intended to create any additional legal requirements.

7.2 Conducting the Public Hearing

Public hearings are conducted as regular items on the Board's published agenda. In order to ensure that the public hearing is conducted in a manner that encourages maximum public participation and respect for varying opinions, the Board will generally adhere to the following rules:

- a. A sign-up sheet will be available for the public to indicate their desire to testify. Speakers will generally be heard in the order in which they sign up, followed by an opportunity for those who did not sign up to comment.
- b. In order to maintain an accurate public record, all citizens testifying will be required to state their name and address for the permanent record.
- c. The Board, at its discretion, may limit the comment period for each speaker so that all can be heard.
- d. General comments from audience members, applause, booing, offensive language, threats, or other inappropriate behavior are not allowed and may result in removal of the individual from the public hearing.
- e. Public hearings are intended to provide information and opinions from citizens to the County Commissioners. They are not intended to be a debate between those on opposing sides of an issue, or to weigh how many on each side of an issue attend. The Chair, at its discretion, may limit testimony that provides no new information and/or comments intended solely to debate another person's position on a particular issue while not providing new information to the Board.

In most cases, the Board will also consider testimony and comments made by citizens using written communications, electronic means such as e-mail, and by telephone. Comments directed to the Board of Commissioners made in any of the above forms between the date of approval of the Notice and the close of the actual public hearing will be considered as testimony. In the case of telephone calls, a record will be made of the caller's name and telephone number and whether the individual is generally for or opposed to the issue being considered. Other comments may be included as time permits. All comments made in writing, by e-mail, or by telephone between the dates above should be directed to the Clerk of the Board for distribution to all Board members and inclusion in the official record. All such communications shall be noted as part of the record at the public hearing.

7.3 Hearings Where the Board is Acting in A Quasi-judicial Capacity

In some cases, the Board may act in a quasi-judicial capacity, rather than a legislative capacity. In such cases, no person shall communicate *ex parte*, directly or indirectly, with an individual board member concerning the merits of the matter before the Board or with the Board as a whole at any time other than the public hearing duly noted for the matter.

Any communication received by the Commissioners' Office whether intended for the Board as a whole or for an individual Commissioner, shall be transmitted to the appropriate department for presentation by County staff at the public hearing, if appropriate. All written communication directed to an individual Board member or the Board as a whole shall be disclosed and made part of the record or the hearing.

Members of the Board shall not communicate *ex parte*, directly or indirectly, with any person concerning the merits of a matter before the Board. If a prohibited *ex parte* communication is made to or by a member of the Board, such communication shall be publicly disclosed and guidance shall be sought from the Prosecuting Attorney.

Ex parte communication will not be considered by any member of the Board as part of his decision.

7.4 Testimony Directed to the Board for Hearings Conducted by Others

The Board of Commissioners and/or individual Board members regularly receive comments directed to them concerning matters for which a public hearing is scheduled by another board, committee, or agency. Many of these comments are due to a misunderstanding by the citizen making the comments of the status of an issue or the process required by law or policy to be followed. It is the policy of the Board of Commissioners to forward testimony received by the Board or its individual members to the board, committee, or agency conducting the public hearing. In the case of County advisory boards or committees, the comments will be forwarded to the County Official whose department is responsible for staffing that particular board or committee.

.8 PUBLIC NOTICE REQUIRED ON SOME ITEMS

Certain items related to the budget process such as supplemental appropriations require specific public notice of the meeting where the matter is to be considered. In those situations, the County Official is responsible to be aware of public notice requirements and is responsible to submit items far enough in advance for the required public notice to be accomplished. A budget schedule that requires submission of budget changes in compliance with notice requirements is maintained by the Clerk of the Board and is posted on the Intranet.

.9 RESOLUTIONS

The Clallam County Home Rule Charter requires that administrative acts of the Commissioners be accomplished by written resolution or by motion approved by a majority vote of the Board. The charter further defines an administrative act as any action of the Commissioners that, in general, does not have "the force of law." Resolutions provide a permanent written record of the findings and conclusions made by the Board at the time of the administrative act. Simple motions of the Board do not provide historical documentation to the same extent.

It is the policy of the Board of Commissioners to encourage actions to be considered by the Board to be accompanied by a written resolution. A resolution form is available as a Word template on the Intranet under "County Forms" and is required to be used unless waived by the County Administrator. Certain items considered by the Board require a written resolution. These include, but are not limited to:

- a. Appointment of members to boards and committees
- b. Adoption of the budget and any budget changes (as defined in policy 505)
- c. Adoption of new or amended Administrative Policies

.10 PROCLAMATIONS

Proclamations are used to provide a mechanism for a group, organization, office, or department to request that the Clallam County Commissioners proclaim a date honoring their achievements; or providing public awareness of their group's issues. In addition, the County may make a local proclamation of any State or Federal proclamation for public awareness of a group or issue.

Proclamations are submitted to the Board for consideration according to the submission processes outlined in this policy. A proclamation form is available as a Word template on the Intranet under "County Forms" and is required to be used unless waived by the County Administrator. Commissioners' staff will assist agencies outside County government in formatting and completing proclamations and submittal to the Board.

.11 MEETING MINUTES

The Board of Commissioners maintains written minutes of all Board meetings. Preparation of minutes is the responsibility of the Clerk of the Board. Minutes for previous meetings are adopted by Board motion at their regular meeting. Minutes will also be posted by the Clerk of the Board to the County's website for access by the public. Minutes, at a minimum, will reflect the following:

- a. The date and time the meeting convened and adjourned
- b. Board members present
- c. General topics and items considered (including discussion items)
- d. If a public hearing is held, the names (and addresses if available) of persons submitting verbal or written testimony, and whether they spoke in favor, or in opposition to the

proposal for which the hearing was held. If the individual providing testimony is providing such testimony on behalf of a group, organization, or agency, the agency shall be noted as well.

- e. Board motions, and the result of any vote taken by the Board.

The Board may occasionally meet in joint session with the board or council of another municipal jurisdiction. The Board may rely on and adopt the official minutes of the other jurisdiction at the Board's discretion.

Members of the Board of Commissioners sit as board members on boards and commissions of other agencies at a local, regional, state, and federal level. Clallam County relies on those agencies' official minutes and does not maintain separate minutes. If two or more Commissioners attend such a meeting the County's minutes may only reflect the date and time of the meeting and meeting agency's name.