

WASHINGTON STATE BOUNDARY REVIEW BOARD FOR PIERCE COUNTY

PRACTICE AND PROCEDURE

(As last amended February 14, 2012)

Article I ORGANIZATION

Section A. OFFICERS AND TERMS

The Board shall, at its regular meeting each December, elect from among its members a Chair and a Vice Chair each of whom shall serve for a period of one (1) year (January through December), and thereafter until their respective successors shall have been elected, but the Chair or Vice Chair may be replaced at any time by a vote of the majority of the members. The Vice Chair shall serve in the absence of the Chair, and until a new Chair is elected, if a vacancy occurs. In the absence of the Chair and Vice Chair, the member with the most seniority shall serve as Chair pro tem.

In the event the Board does not hold a meeting in December, it shall elect a Chair and Vice Chair at its next regular meeting who shall serve through the following December or thereafter until their respective successors have been elected.

(RCW 36.93.070: "The members of each boundary review board shall elect from its members a chairman, vice chairman . . .")

Section B. COMPENSATION

Upon attendance at a regular or special board meeting or at a hearing called to review a Notice of Intention, each member of the Board shall be entitled to compensation from the Pierce County Current Expense Fund at the statutory rate per day or major portion thereof as set out in RCW 36.93.070.

Section C. CORRESPONDENCE

All communication with the Board shall be through the Chief Clerk of the Boundary Review Board. All correspondence shall be submitted to the Chief Clerk at 2401 South 35th Street, Room 228, Tacoma, WA 98409; Phone: (253) 798-7156; FAX: (253) 798-3680.

Article II BOARD MEMBERS

Section A. QUALIFICATIONS

It shall be the duty and responsibility of each member to study and be familiar with the following:

Boundary Review Board Manual as a source of reference, keeping same up to date with new materials as provided;

Boundary Review Board Act (RCW 36.93);

Adopted Rules of Practice and Procedure;

Adopted Staff and Board Members Working Policies and Procedures;

SEPA and SEPA Guidelines;

Appearance of Fairness Doctrine (RCW 42.36);

Open Public Meetings Act (RCW 42.30);

County-Wide Planning Policies for Pierce County;

Growth Management Act (RCW 36.70A)

Workshop and Conferences: New members are encouraged to attend the annual workshop held by the State Association of Boundary Review Boards in the spring after appointment to the Board is made and to attend the annual fall conference at least once in their first two years.

The Chief Clerk shall have available for Board members' review a copy of the Pierce County Comprehensive Plan, including any amendments adopted by the County Council, but not yet effective.

Section B. APPEARANCE OF FAIRNESS

1. Ex-Parte Communications

In accordance with RCW 42.36.060, members shall abstain from any and all communications with persons or governmental or private entities which are, or are expected to be, parties to an action before the Board.

This restriction is limited to matters before the Board, or which may come before this Board. If a member receives a letter or other written communication relating

to a matter before the Board from a source other than the Office of the Board, that member shall transmit the material to the Chief Clerk for inclusion in the record. From the opening to the closing of a public hearing, members shall avoid conversations with any party to the action except when such conversation is on the record. It shall be the duty and responsibility of each member to disclose at the earliest opportunity any communication between said member and a party to a matter before the Board. Such disclosure shall be made to the Chair and the attorney for the Board.

2. Disclosure

It shall be the duty and responsibility of each member to be familiar with the Appearance of Fairness Doctrine as required under Qualification of Members above, and to disclose at the earliest opportunity any possible violations thereof to the Chair and the Board's attorney. Upon such disclosure, the member may withdraw from the Board proceedings and, if such action is taken, shall leave the room in which such proceedings ensue. If the member chooses not to withdraw, the Chair shall, at the earliest opportunity upon the opening of a public hearing, disclose to the parties present the occurrence and nature of the possible violation.

3. Procedures to be followed by Board/Chair with reference to Appearance of Fairness: Ex-Parte Communications and Disclosure

Upon discovery of the existence of ex-parte communications, as contemplated under Article II., Section B 1. and RCW 42.36.060, the Chair shall, at each subsequent hearing on the proposal:

- a.** Request the member to place on the record the substance of any written or oral ex-parte communication concerning the decision or action; and
- b.** Provide that the parties' rights to rebut the substance of the communication shall be made at each subsequent hearing where action is considered or taken on the subject to which the communication related.

In the event the existence of ex-parte communications is discovered after the closure of the public hearing, the public hearing shall be reopened in order that the foregoing procedures may be accomplished.

The procedures provided above may be overruled by a majority vote of the members present, following a conference with attorney for the Board requested by any member being challenged hereunder.

Article III OFFICE PROCEDURE

Section A. NOTICES OF INTENTION

1. Format

All Notices of Intention shall be submitted following the appropriate format, which shall be furnished by the Chief Clerk upon request. Attached hereto and made a part hereof is the Notice of Intention format currently in use.

2. Single Parcels Only

A Notice of Intention shall describe no more than one parcel of land, that is, a parcel with a boundary defined by a single continuous line, except for the formation of districts.

3. Date of Filing of Notice of Intention

The Notice of Intention shall be filed with the Boundary Review Board by the initiator of the proposed action:

- a. Direct petition method: Within 180 days after the date the petition for annexation was filed with the legislative body of the municipality to which annexation is desired.
- b. Election method: Within 180 days after the date the legislative body of the municipality seeking the annexation initially called for an election by resolution or ordinance.

In cases where the state statutes require the filing of a petition with the county auditor or county legislative body, or the legislative body or bodies of the city(ies), town(s), or special purpose district(s), the Notice of Intention shall be filed with the Boundary Review Board within 180 days following such approval.

In cases where the county legislative authority proposes to create a water-sewer district pursuant to RCW 57.04, and is in receipt of an opinion of the county health officer as provided therein, the county legislative authority shall be deemed the initiator, and shall file a Notice of Intention with the Boundary Review Board no less than thirty (30) days prior to the final public hearing on such matter before the county legislative authority.

(RCW 36.93.090: "Filing notice of proposed actions with board. Whenever any of the following described actions are proposed in a county in which a board has been established, the initiators of the action shall file within one hundred eighty days a notice of intention with the board . . . The board may review any such proposed actions pertaining to:

- (1) **The: (a) Creation, incorporation, or change in the boundary, other than a consolidation, of any city, town, or special purpose district; (b) consolidation of special purpose districts, but not including consolidation of cities and towns; or (c) dissolution or disincorporation of any city, town, or special purpose district, except that a board may not review the dissolution or disincorporation of a special purpose district which was dissolved or disincorporated pursuant to the provisions of chapter 36.93 RCW: PROVIDED, That the change in the boundary of a city or town arising from the annexation of contiguous city or town owned property held for a public purpose shall be exempted from the requirements of this section; or**
- (2) **The assumption of any city or town of all or part of the assets, facilities, or indebtedness of a special purpose district which lies partially within such city or town; or**
- (3) **The establishment of or change in the boundaries of a water-sewer district pursuant to RCW 57, as now or hereafter amended; or**
- (4) **The extension of permanent water or sewer service outside of its existing corporate boundaries by a city, town, or special purpose district..."**)

4. Routing

Upon receipt of a Notice of Intention, the Chief Clerk will route the Notice to appropriate County departments for checking and comment. Departments will be requested to submit comments in writing within fifteen (15) working days; comments will be placed in the file for public inspection.

5. Filing Date

Upon determination that, according to RCW 36.93 and the Rules of Practice and Procedure adopted by the Board, the Notice of Intention is legally sufficient, the Chief Clerk will cause to have assigned a filing date to be effective as of the time a legally sufficient Notice of Intention was actually filed with the Board.

6. Notice to the Board

Upon receipt of a Notice of Intention, the Chief Clerk shall promptly forward pertinent portions and attachments of said Notice to each Board member, no later than five (5) days prior to the first Board meeting at which said Notice is to be considered. All pertinent comments received by the Chief Clerk shall also be transmitted to all Board members.

7. Notice to Affected Governmental Units

Upon receipt of a Notice of Intention, the Chief Clerk shall promptly forward notice thereof and a request for written comments, with a map showing the location of the area proposed to be affected thereunder, to the governing body of each governmental unit having jurisdiction in or near the boundaries of said affected area, or affected by the proposal. Any written comments that are received by the Chief Clerk shall be placed in the file and made available for public inspection. Upon request, the Chief Clerk shall provide a full copy of the Notice of Intention, or a summary of its substance to any governmental entity having requested such information.

(RCW 36.93.100: Review of proposed actions by board -- Procedure. The board shall review and approve, disapprove, or modify any of the actions set forth in RCW 36.93.090 when any of the following shall occur within forty-five days of the filing of a notice of intention:

- (1) Three members of a five-member boundary review board or five members of a boundary review board in a county with a population of one million or more files a request for review: PROVIDED, That the members of the boundary review board shall not be authorized to file a request for review of the following actions:**
 - (a) The incorporation of any special district or change in the boundary of any city, town, or special purpose district;**
 - (b) The extension of permanent water service outside of its existing corporate boundaries by a city, town, or special purpose district if (i) the extension is through the installation of water mains of six inches or less in diameter or (ii) the county legislative authority for the county in which the proposed extension is to be built is required or chooses to plan under RCW 36.70A.040 and has by a majority vote waived the authority of the board to initiate review of all other extensions; or**
 - (c) The extension of permanent sewer service outside of its existing corporate boundaries by a city, town, or special purpose district if (i) the extension is through the installation of sewer mains of eight inches or less in diameter or (ii) the county legislative authority for the county in which the proposed extension is to be built is required or chooses to plan under RCW 36.70A.040 and has by a majority vote waived the authority of the board to initiate review of all other extensions;**
- (2) Any governmental unit affected, including the governmental unit for which the boundary change or extension of permanent water or sewer service is proposed, or the county within which the area of the proposed action is located, files a request for review of the specific action;**
- (3) A petition requesting review is filed and is signed by:**

(a) Five percent of the registered voters residing within the area which is being considered for the proposed action (as determined by the boundary review board in its discretion subject to immediate review by writ of certiorari to the superior court); or

(b) An owner or owners of property consisting of five percent of the assessed valuation within such area;

(4) The majority of the members of boundary review boards concur with a request for review when a petition requesting the review is filed by five percent of the registered voters who deem themselves affected by the action and reside within one-quarter mile of the proposed action but not within the jurisdiction proposing the action.

8. Declaration as Void

All Notices of Intention not in condition for official filing within six months following the date of receipt due to legal insufficiency or lack of payment of the required filing fee shall be deemed void and the Chief Clerk will, no later than the end of the sixth month, inform the initiator of the status.

9. Withdrawal

Any Notice of Intention filed with the Board may be withdrawn by the initiator or entity filing the same at any time prior to the Board's having taken jurisdiction over the matter. Thereafter, said Notices may be withdrawn only with the consent of the Board and of all persons or entities which have requested review by the Board and paid the fee required to file such a request.

10. Extensions

A request for an extension of the one hundred twenty day time period provided by the first sentence of the last paragraph of RCW 36.93.100(4) must be agreed to by the initiator and the Board.

The last paragraph of RCW 36.93.100(4) states: If a review of a proposal is requested, the board shall make a finding as prescribed in RCW 36.93.150 within one hundred twenty days after the filing of such a request for review. If this period of one hundred twenty days shall elapse without the board making a finding as prescribed in RCW 36.93.150, the proposal shall be deemed approved unless the board and the person who submitted the proposal agree to an extension of the one hundred twenty day period.

11. Fees

A filing fee shall be paid by all initiators and any person or entity seeking to invoke the Board's jurisdiction by filing a request for review. In no case may a fee be refunded.

(“RCW 36.93.120: Fees. A fee of fifty dollars shall be paid by all initiators and in addition if the jurisdiction of the review board is invoked pursuant to RCW 36.93.100, the person or entity seeking review, except for the boundary review board itself, shall pay to the county treasurer and place in the county current expense fund the fee of two hundred dollars.

Section B. AGENDA

An agenda containing a summary of all matters then known to require attention shall be prepared by the Chief Clerk and distributed on the Wednesday before the next regularly scheduled meeting. However, the Board may consider any other matter brought before it by any member thereof.

Article IV MEETINGS AND HEARINGS

Section A. MEETINGS

1. Regular Meetings

a. Meeting Date

Regular meetings of the Washington State Boundary Review Board for Pierce County shall be held quarterly beginning in January on the second Tuesday of the month commencing at the hour of 10:00 a.m. at the location designated on the published agenda, unless there is an action for the Board to consider. The Board may hold special meetings at such other times and/or places as is determined by the Chair.

(RCW 36.93.070: ". . . The board shall determine its own rules and order of business and shall provide by resolution for the time and manner of holding all regular or special meetings . . .")

b. Rules of Order

Except as modified by the Rules of Practice and Procedure, all meetings of the Board shall be conducted in accordance with Robert's Rules of Order, the latest edition of which is, by this reference, hereby incorporated.

c. Minutes

All official actions of the Board shall be reduced to writing and incorporated in the official minutes of the Board. Upon request, such minutes shall be communicated to any interested party.

d. Participation by Board Chair

The Chair may make or second any motion and present and discuss any matters as a member and shall be entitled to vote on all matters.

e. Voting

In the absence of objection, the Chair may order a motion unanimously approved. Any member not voting on roll call in an audible voice shall be recorded as voting with the majority. Unless requested by a member, the Chair need not take a roll call vote. Any member voting on a Resolution and Hearing Decision must have been present during at least one session of the hearing or modification hearing.

f. Postponements; Extensions; Adjournments

The Chair may postpone or continue any pending matter at any time, or the Board may adjourn to any particular time and place or to a time and place subject to notice as provided by law. The Chair may also grant extensions of the one hundred twenty day period described in RCW 36.93.100(4).

g. Attendance

Attendance at all meetings and public hearings is a statutory responsibility. Members unable to attend any meeting shall so notify staff prior to the meeting. If no such notification is received, a member's absence shall be deemed unexcused and so recorded in the minutes.

h. Quorum

In accordance with Robert's Rules of Order, a quorum at a meeting/hearing shall consist of a majority of the appointed membership, and no action affecting the decisions/deliberations of the Board shall take place without a quorum present.

2. Incorporation Meetings

In accordance with State law requiring that the Boundary Review Board hold a public meeting within 30 days after the Pierce County Council receives notification of proposed circulation of incorporation petitions, the Boundary Review Board shall make arrangements for the required public meeting as follows:

- a.** The Chief Clerk shall inform the Board Chair by telephone or e-mail as soon as notice of the proposed incorporation is received from the Pierce County Council. The Chief Clerk shall obtain the concurrence of the Board Chair, or another Board member designated by the Chair, on arrangements for the required public meeting.
- b.** The Chief Clerk shall arrange for an appropriate meeting facility in or near the proposed new city for a date within 30 days of County Council receipt of notice of the proposal. Timing shall be coordinated with the proponent(s) who filed notice of the incorporation in order to ensure availability to participate in the meeting.
- c.** The Chief Clerk shall publish notice once at least ten days prior to the public meeting, as required by State law, in the newspaper designated by the Pierce County Council as the official newspaper for Pierce County notifications. If there is a local community newspaper in the area of the proposed incorporation, notice shall also be published once in the local newspaper, if feasible in light of time constraints. At the same time that the official notice is sent to the newspaper for publication, mailed notice of the meeting shall be sent to water, sewer, fire, and school districts with jurisdiction within the proposed incorporation area, to the Pierce County

Councilmember(s) representing the proposed incorporation area, and to one or more appropriate members of the Pierce County Executive staff. In addition, to the extent feasible in light of time and staff constraints, the news media shall be contacted in an effort to obtain publicity for the meeting.

- d.** The primary purpose of the public meeting shall be the exchange of information between the proponent(s) who filed the notice of the incorporation and members of the proposed incorporation community. The exchange of information shall include the following:

 - 1)** The proponent(s) who filed notice of the incorporation shall have the opportunity to inform the community concerning the proposed incorporation petition.
 - 2)** Residents, property owners, and affected governmental units shall have the opportunity to inform the proponent(s) of their support for or opposition to the proposed incorporation.
 - 3)** Residents and property owners shall have the opportunity to inform the proponent(s) of their desire to be included in the incorporation or excluded from the incorporation.
 - 4)** Residents, property owners, and affected governmental units shall have the opportunity to offer to the proponent(s) comments and recommendations concerning content of the incorporation petition, including incorporation area boundaries, the proposed new city form of government, and the name of the proposed new city.

- e.** The Boundary Review Board shall conduct the meeting as follows:

 - 1)** The meeting shall be held in the evening at a location in the vicinity of the proposed new city incorporation. The meeting shall commence at 6:30 p.m., unless the Boundary Review Board decides to start the meeting earlier, and shall continue until no later than 10:00 p.m.
 - 2)** The Boundary Review Board Chair, or another Board member designated by the Chair, shall serve as moderator of the meeting.
 - 3)** A quorum of the Boundary Review Board shall not be necessary for the meeting. Board members who are available to attend and choose to do so shall attend as observers only of the exchange of information among members of the proposed incorporation community.
 - 4)** The initiator(s) signing the notice of the proposed incorporation shall be allowed 30 minutes at the beginning of the meeting to present the proposed incorporation petition.

- 5) Those wishing to speak shall be required to sign in and shall be recognized in the order in which they signed in. Speakers shall be heard one at a time and shall be allowed a maximum of three minutes to speak, until such time as all those who signed in have been heard once. The moderator, at his or her sole discretion, may allow speakers to be heard a second time after all those who signed in have been heard once.
- 6) In order to facilitate input into the content of the incorporation petition, the moderator, at his or her sole discretion, may allow discussion, questioning, or exchange of information involving the proponent(s) signing the notice of the incorporation and other meeting participants.
- 7) All speakers and discussion shall end no later than 9:55 p.m., and the proponent(s) who filed the notice of incorporation shall be allowed the final five minutes of the meeting to summarize his/her/their intentions concerning circulation of the petition or further consideration of options.
- 8) The Pierce County Executive shall be requested to have his/her staff provide a map of the proposed incorporation area and vicinity for use at the meeting to facilitate discussion of incorporation boundaries.

(RCW 35.02.015: ". . . The county legislative authority shall promptly notify the boundary review board of the proposed incorporation, which shall hold a public meeting on the proposed incorporation within thirty days of the notice being filed where persons favoring and opposing the proposed incorporation may state their views. . . . The public meeting shall be held at a location in or near the proposed city or town. Notice of the public meeting shall be published in a newspaper of general circulation in the area proposed to be incorporated at least once ten days prior to the public meeting.")

3. Public Hearings

a. Review Fee

The Chief Clerk shall not accept for filing any request for review of a Notice of Intention unless such request is accompanied by payment to the County Treasurer the sum of \$200.00.

(RCW 36.93.120: ". . . the person or entity seeking review, except for the boundary review board itself, shall pay to the county treasurer and place in the county current expense fund the fee of two hundred dollars.")

b. Established Hearing

Every matter for which there is a request for review and over which jurisdiction is thereby invoked, shall be referred to the Board and the time, place, and date of hearing thereon shall be fixed by motion, except that no hearing date shall be set until all fees required by RCW 36.93 have been paid.

(RCW 36.93.160(1): "When the jurisdiction of the boundary review board has been invoked, the board shall set the date, time and place of a public hearing on the proposal. The board shall give at least thirty days' advance written notice of the date, time and place of the hearing to the governing body of each governmental unit having jurisdiction within the boundaries of the territory proposed to be annexed, formed, incorporated, disincorporated, dissolved or consolidated, or within the boundaries of a special purpose district whose assets and facilities are proposed to be assumed by a town or city, and to the governing body of each city within three miles of the exterior boundaries of such area and to the proponent of such change. Notice shall also be given by publication in any newspaper of general circulation in the area of the proposed boundary change at least three times, the last publication of which shall be not less than five days prior to the date set for the public hearing. Notice shall also be posted in ten public places in the area affected for five days when the area is ten acres or more. When the area affected is less than ten acres, five notices shall be posted in five places for five days.")

c. Additional Information for Review

After jurisdiction has been invoked as provided in RCW 36.93.100, the Board may seek additional information from the initiator(s) of the action. Such inquiry shall be conducted by staff. Additional information will be placed in the file and made available for public inspection.

d. Site Visits

Individual members of the Boundary Review Board may view the proposed site of annexation, service extension, formation, or incorporation separately before the conclusion of the public hearing.

e. Hearing Testimony

1) Instructions by Chair

The Chair, upon opening a public hearing, shall:

- a)** Instruct all present that both testimony by witnesses and questions by members shall be limited to the factors and objectives of RCW 36.93 as they relate to the case at hand, and

- b) Enforce this policy by declaring other testimony or questions out of order.

2) Witness Guidelines

Witnesses shall adhere to the following:

- a) Any initiator of a proposed action, governmental unit, or interested person may appear before the Board, or may be represented by any duly authorized person or persons;
- b) Any person desiring to address the Board must be recognized first by the Chair and shall then step to the rostrum and give his/her name and address to the Chief Clerk and the names of the persons or governmental unit(s) on whose behalf he/she appears; and
- c) The Chair may, in the interest of facilitating the business of the Board, limit the amount of time to be allowed to any person(s), group, or governmental unit.
- d) When referring to any document or exhibit, a speaker must identify same by its assigned number or an identifying description.

3) Cross-Examination

Cross-examination of an expert witness may be conducted under the following conditions and procedures:

- a) The Chair may allow cross-examination of expert witnesses where it is possible that matters of vital significance to the fact finding process may be glossed over, obscured or omitted in a recital-like presentation of technical subjects and expert opinion. The Chair should allow the cross-examination of expert witnesses where the following factors are present:
- b) The hearing has assumed distinctly adversary proportions;
- c) Expert witnesses are called and complex, technical, and disputed factors are involved in the proposal.

When allowed, cross-examination shall be permitted to a reasonable degree and should be limited to the subject matter of the direct examination/testimony.

4) Maintenance of Order During Testimony/Questions

The Chair shall maintain order.

5) Rebuttal by Initiators

Following the presentation or arguments by opponents to a proposed action, a brief rebuttal may be made by initiators in accordance with the following:

- a) Chair may limit the time allowed for rebuttal; and
- b) Person(s) making rebuttal shall identify the person making a statement, and either quote or summarize the statement to which the rebuttal is being made; and
- c) When referring to documents and/or exhibits, person(s) making rebuttal shall identify by number or other identifying description the document/exhibit being used in testimony; and
- d) Rebuttals shall be limited to the above conditions and shall not be a summary or closing statement, nor shall it contain additional information unless such information is in answer in accordance with the above condition; and
- e) No surrebuttal shall be allowed.

6) Information Presented at Hearing

When upon completion of testimony by the parties in an action, the Board is of the opinion that the information in the record is insufficient to permit an informed decision, the Board shall:

- a) Continue the hearing to a date and time certain and instruct the parties as to the type and extent of the information required; or
- b) Deny the proposal. (Responsibility to provide information necessary for an approval lies solely with the initiator or governmental unit as proponents.)

7) Time Limits; Restrictions

The Chair at his/her discretion may impose time limits or other restrictions on witnesses. Limitations on time or other restrictions shall be stated prior to any testimony being taken, and shall be restated when adherence is not being given to such controls.

f. Transcript of Hearings

All public hearings before the Board shall be electronically recorded. Requests for copies of the tapes should be directed to the Chief Clerk of the Board. Persons interested in obtaining written transcripts must purchase tapes and arrange for transcripts to be produced by a Court Reporter or other qualified and agreed upon individual and payment of the costs thereof made in advance, which shall include a copy to be filed with the Chief Clerk of the Board.

(RCW 36.93.160(2): "A verbatim record shall be made of all testimony presented at the hearing and upon request and payment of the reasonable costs thereof, a copy of the transcript of the testimony shall be provided to any person or governmental unit.")

g. Additional Hearings

Following the conclusion of a hearing which has resulted from the invoking of the jurisdiction of the Board or the conclusion of a hearing on the modification of a proposal, the Board may hold an additional hearing or hearing on modification, **provided further** that the Board shall give notice of such hearing as described in RCW 36.93.160.

Section B. LEGAL OPINIONS

All questions of law shall be referred by the Board to the Pierce County Prosecuting Attorney or the Attorney General of the State of Washington for opinion.

(RCW 36.93.070: "At the request of the board, the state attorney general, or at the board's option, the county prosecuting attorney, shall provide counsel for the board.")

Article V AMENDMENTS

Any rule of practice or procedure of the Board may be added, amended, or repealed at any time by not less than a majority of the members present at any regular or special meeting. No such action shall be taken without ten days' prior written notice of such meeting, which notice shall be given in such form and in the manner as prescribed by RCW 36.93.200. Such notice shall have been published once in the official Pierce County newspaper or other newspaper of general circulation in the county.

(RCW 36.93.200: "...Prior to the adoption of any rule authorized by law, or amendment or repeal thereof, the board shall file notice thereof with the clerk of the court of the county in which the board is located. So far as practicable, the board shall also publish or otherwise circulate notice of its intended action and afford interested persons opportunity to submit data or views either orally or in writing. Such notice shall include (1) a statement of the time, place and nature of public rule-making proceedings, (2) reference to the authority under which the rule is proposed, and (3) either the terms or substance of the proposed rule or a description of the subjects and issues involved...")

WASHINGTON STATE BOUNDARY REVIEW BOARD FOR PIERCE COUNTY

STAFF AND BOARD MEMBERS WORKING POLICIES AND PROCEDURES

(As amended September 14, 2010)

In addition to the **ORGANIZATION AND RULES OF PRACTICE AND PROCEDURE** adopted, the following policies and procedures are rules of implementation to allow efficiency, consistency, and understanding between the Washington State Boundary Review Board of Pierce County and its staff for the benefit of all affected agencies and public citizenry.

Section I. MEMBERS

Attendance: In support of Rules of Practice and Procedure, Article IV, Section A.1.g, Attendance, anyone absent from Board meetings three consecutive times without communicated excuse shall be queried by the Board Chair as to his/her continued interest in serving on the Board.

Section II. CHIEF CLERK

The Chief Clerk shall perform his/her statutory duties in accordance with RCW 36.93.070 and shall be accountable to the Board through the Chair.

Section III. BOARD AND OFFICE STAFF PROCEDURES

A. Files

1. Clerk's Report

When a file is to be considered, an oral status report shall be given by the Chief Clerk. Said report shall contain a notation of those requirements not yet received, such as approved legal description, responses from other governmental agencies, or any additional information requested by Chief Clerk.

2. Avoidance of Duplication

In order to limit and control duplication, the following shall be implemented:

- a. The Chief Clerk shall keep an adequate record of all materials delivered to Board members; and
- b. Board members shall retain all files and shall be responsible for being able to retrieve such files for review and/or consideration and action when they appear on any agenda.

3. Additional Information for Board Consideration

All pertinent information received in the office of the Chief Clerk after the agenda has been delivered to the Board shall be made available to all Board members prior to or at the time of review either by mail, electronic mail, UPS delivery, or at the meeting when the file is listed on the agenda. In the latter instance, when additional documents are of sufficient numbers and are of significance and it appears it would be difficult for Board members to review these documents during a meeting, the Chief Clerk shall exercise his/her best efforts to notify Board members of the existence of such new materials to enable each member to arrive at the meeting early in order to review said materials.

4. Further Provisions and Accommodations

To accommodate and assist members and staff in reviewing and tracking files, the following provisions shall be made:

- a. All Notices of Intention having been delivered to Board members shall appear with their assigned numbers in a category to be entitled "**BOARD ITEMS ON HOLD**" until such time as said Notice(s) is/are scheduled for public hearing.
- b. At least one extra copy of files delivered to members shall be available at a meeting at which the subject is to be considered.
- c. All Board members are requested to retain file materials until such time as the files have reached their expiration date, which is either until the appeal period has passed without an appeal being filed, or an appeal has been fully resolved.

B. Time Limitations and Proponent/Opponent Testimony

The Chair at his/her discretion shall make any of the following provisions for limiting testimony, which provisions shall be so stated prior to any testimony being given, and restated when adherence is not being given to such limitation(s):

1. Request that speakers be as brief and non-repetitive as possible;
2. Limit the organized proponents to no more than a set number of minutes (i.e., 60 minutes, 50 minutes, etc.) for formal testimony, and a single proponent speaker to a set number of minutes (i.e., 3, 5, or 20 minutes)

depending on previous knowledge of numbers of witnesses and diversity of testimony; or

3. Limitations placed on proponents shall be applied equally to opponents and vice versa; or
4. An alternative to setting a specific time limit is to time proponents' presentation/testimony, and to allow equal time to opponents; and
5. Any time limit on presentation/testimony imposed hereunder shall not include time required to answer questions posed by Board members and shall not include cross-examination of expert witnesses as provided for in the Board's adopted Rules of Practice and Procedure.

C. Minutes

Minutes of all meetings shall be produced and distributed as soon as possible following a meeting, but no later than with the agenda to be distributed on the Wednesday before the next regularly scheduled meeting.

Motions made at each meeting shall be recorded verbatim, including the names of the maker, the second thereon, the number of members voting for or against, or not voting, and the name of any individual disqualifying himself/herself from taking any part in the action. This shall apply equally to any Resolution offered by any Board member for any reason, so that this becomes an official part of the record. Minutes shall also reflect those who leave the meeting prior to its adjournment and the approximate time of his/her departure.

A tape of all meetings shall be maintained in the office of the Chief Clerk for a period not less than one (1) year. The cost of duplicating any tape shall be borne by the requestor.

Section IV. AMENDMENTS

Any section of the Staff and Board Members Policies and Procedures may be amended by addition or deletion upon a majority vote of the Board. Any such amendment being proposed must appear on two consecutive agenda prior to any official action thereon.