

COMMISSIONERS

Jeff Craig - Chair
Robert Agfalvi - Vice Chair
Jason Arbogast
Charles Brass
Stephanie Kuxhausen
Shawna Punzalan - Secretary



City of Orting Civil Service Commission MEETING AGENDA

Monday, February 26, 2024
7:00 pm
City Hall Council Chambers
104 Bridge Street S, Orting, WA
Zoom - Virtual

1. CALL MEETING TO ORDER, PLEDGE OF ALLEGIANCE AND ROLL CALL

This meeting is being held in person and through the platform Zoom. A link for virtual participation can be found on the agenda or on the City's website.

<https://us06web.zoom.us/j/81532580926?pwd=cQ5eQ5LLhT8RjLggeaMIVHVAwftkDi.1>

Telephone: 1-253-215-8782 – Meeting ID: 815 3258 0926 and the passcode 367027.

2. APPROVAL OF MINUTES

Motion: To approve minutes from January 22, 2024 meeting.

3. NEW BUSINESS

4. ADJOURNMENT

COMMISSIONERS

Jeff Craig
Robert Agfalvi
Jason Arbogast
Charles Brass
Stephanie Kuxhausen
Shawna Punzalan - Secretary



ORTING CIVIL SERVICE COMMISSION

Meeting Minutes
104 Bridge Street S, Orting, WA
Zoom - Virtual
Monday, January 22, 2024
7:00 pm

1. CALL MEETING TO ORDER, PLEDGE OF ALLEGIANCE

Commissioner Craig called the meeting to order at 7:00 pm. Commissioner Agfalvi led the pledge of allegiance.

2. ROLL CALL

Present: Commissioner Jeff Craig, Commissioner Robert Agfalvi, Commissioner Jason Arbogast, Commissioner Charles Brass, Commissioner Stephanie Kuxhausen, Secretary Shawna Punzalan.

2. APPROVAL OF MINUTES

Motion: To approve minutes from November 2, 2023 meeting

Motion: Commissioner Agfalvi made a motion to approve minutes from November 2, 2023 meeting. Seconded by Commissioner Kuxhausen.

Motion Passed (4-0)

3. NEW COMMISSIONER

Mr. Jason Arbogast was appointed Civil Service Commissioner by Mayor Josh Penner. Term effective January 1, 2024 thru December 31, 2029.

Mr. Charles Brass was re-appointed as Civil Service Commissioner by Mayor Josh Penner. Term effective January 1, 2024 thru December 31, 2029.

Commissioner Craig welcomed Commission Arbogast and presented letter and certificate to new commissioner. Commissioner Charles Brass was also presented letter of reappointment and certificate for 2024-2029 term.

4. ELECT CHAIR AND VICE-CHAIR

Civil Service Rules 2.2: CHAIR & VICE CHAIR. At the first regular meeting in January of each year, the Commission shall elect one of its members to serve as Chair and another member to serve as Vice-Chair. The Chair and Vice-Chair shall serve for a term of one (1) year, unless replaced by a majority vote of all commissioners. Should a Chair or Vice-Chair resign or be removed from the position before the expiration of his/her term, the Commission, upon appointment of a new member, will elect a new Chair and/or Vice-Chair.

Commissioner Craig opened floor for nominations for Chair & Vice chair

Motion: Commissioner Brass made a motion to nominate Commissioner Craig to Commission Chair. Seconded by Commissioner Agfalvi.

Motion Passed (4-0)

Motion: Commissioner Kuxhausen made a motion to nominate Commissioner Agfalvi to Commission Vice-Chair. Seconded by Commissioner Brass.

Motion Passed (4-0)

5. HIRING UPDATE

Secretary Punzalan updated Commission on hiring status of two candidates still on Certified list who were both completing the psychological evaluation portion of the process, reports for both candidates were expected within the week. There were four (4) vacancies open for Patrol Officer, which could be filled by either Entry Level, BLEA or Lateral candidates. At the time of the meeting there were no Lateral or BLEA level candidates on a Certified List for consideration.

An Oral Board was held on January 17, 2024. Nine (9) of the twelve (12) candidates who participated passed the oral board. Secretary Punzalan will validate the Preliminary Registry and roll the top three candidates to the Certified List if no appeals are made by Thursday, January 25, 2024.

6. OPMA AND PUBLIC RECORDS TRAINING

Annual Open Public Meeting Act and Public Records Training available at City Council Meeting on Wednesday, February 14, 2024.

Chair Craig discussed open public meetings act, annual training requirement and reviewed expectation that no business is discussed outside of scheduled meetings or via email.

Motion: Commissioner Charles Brass made a motion to review Attorney General Video training for OPMA and PRA training at the February 26, 2024 Civil Service Commission meeting. Seconded by Robert Agfalvi.

Motion Passed (4-0)

7. ADJOURNMENT

Motion: Commissioner Agfalvi made a motion to adjourn. Seconded by Commissioner Kuxhausen.

Motion Passed (4-0)

Meeting adjourned 7:24 pm.

Next Meeting: February 26, 2024 AT 7:00 PM

Approved:

Chair Jeff Craig

Secretary Shawna Punzalan

Overview of Open Government in Washington State: Open Public Records and Open Public Meetings



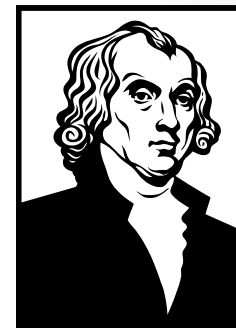
Prepared by Washington State Attorney General's Office

Last revised: October 2016



Historical Open Government Principles

"A popular Government without popular information, or the means of acquiring it, is but a prologue to a farce or a tragedy; or, perhaps both. Knowledge will forever govern ignorance...." ~ *James Madison*



"...a nation that is afraid to let its people judge the truth and falsehood in an open market is afraid of its people." ~ *John F. Kennedy*



"It has been said time and again in our history by political and other observers that an informed and active electorate is an essential ingredient, if not the *sine qua non** in regard to a socially effective and desirable continuation of our democratic form of representative government."

~ *Washington State Supreme Court*

**indispensable action*

Open Government Laws are often called “Transparency Laws” or “Sunshine Laws”



This is because they “shine light” on government. U.S. Supreme Court Justice Louis Brandeis once famously said, “*Sunlight is the best disinfectant.*”



Transparency builds public confidence in government.

Washington - Two Different Statutes

Open Public Records

RCW 42.56

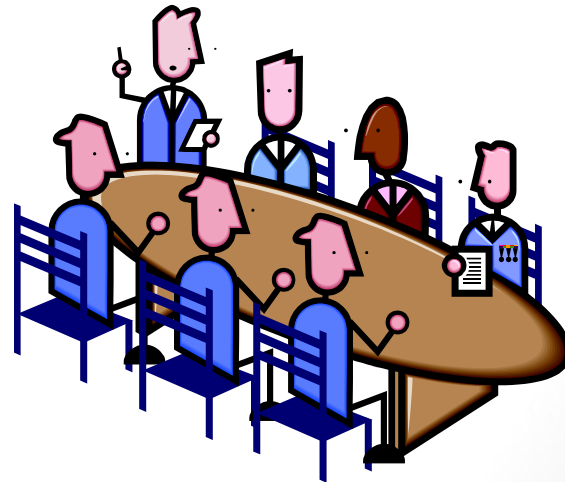
Public Records Act
(PRA)



Open Public Meetings

RCW 42.30

Open Public Meetings Act
(OPMA)



Intent



Open Public Records

- “The people of this state do not yield their sovereignty to the agencies that serve them.”
- “The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know.”
- “The people insist on remaining informed so that they may maintain control over the instruments that they have created.”
- The “free and open examination of public records is in the public interest, even though such examination may cause inconvenience or embarrassment to public officials or others.”

Open Public Meetings

- “The people of this state do not yield their sovereignty to the agencies which serve them.”
- “The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know.”
- “The people insist on remaining informed so that they may retain control over the instruments they have created.”



History

Open Public Records

- PRA passed via Initiative 276 in 1972. Formerly in RCW 42.17 – now RCW 42.56.
- Applies to all public agencies, state and local.
- Does not apply to courts.
- Limited application to Legislature.
- Applies to “public records” which are defined to include “writings.”
- Records are open unless there is an exemption authorized by law.



Open Public Meetings

- OPMA passed in 1971. RCW 42.30. Minutes requirement in another law - RCW 42.32.
- Applies to all multimember public agency boards and commission governing bodies, and their committees.
- Does not apply to courts.
- Does not apply to Legislature.
- Requires meetings of governing body to be open gavel-to-gavel, unless there is an exception authorized by law.



Touchstone:



Open Public Records

- Records of public agencies are presumed open.
- PRA is to be liberally construed.
- Records or information in records can be withheld only by law (e.g. exemption in law).

Open Public Meetings

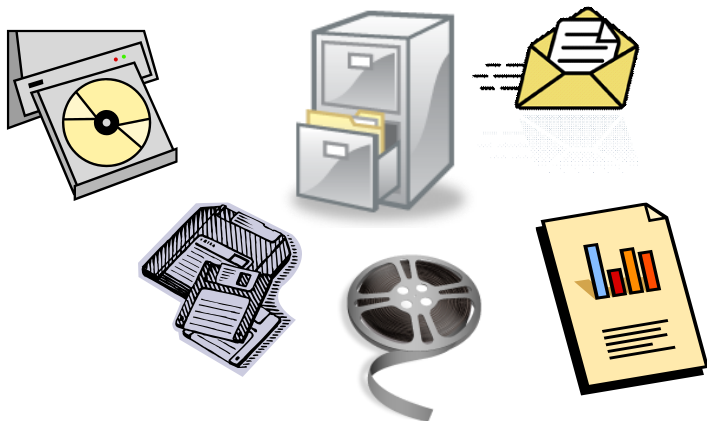
- Meetings of agencies subject to the OPMA are presumed open.
- OPMA is to be liberally construed.
- Meetings or parts of meetings can be closed only by law (e.g. executive sessions).

Scope

Open Public Records

PRA applies to “any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.”

- Includes paper records, electronic records, emails, overheads, photographs, CDs, microfiche, etc.



Open Public Meetings

OPMA applies to **multi-member public state and local agencies**, as follows:

- Any state board, commission, committee, department, educational institution, or other state agency which is created by or pursuant to statute, other than courts and the legislature.
- Any county, city, school district, special purpose district, or other municipal corporation or political subdivision of Washington.
- Any subagency of a public agency which is created by or pursuant to statute, ordinance, or other legislative act, including but not limited to planning commissions, library or park boards, commissions, and agencies.
- Any policy group whose membership includes representatives of publicly owned utilities formed by or pursuant to the laws of this state when meeting together as or on behalf of participants who have contracted for the output of generating plants being planned or built by an operating agency.



Withholding Records or Closing Meetings



Open Public Records

- Withholding a public record or some information in a public record must be authorized by law.
- Only the exempt information can be withheld.
- Agency must cite basis and give brief explanation.
- Exemptions from disclosure must be narrowly construed.

Open Public Meetings

- Closing a meeting or part of a meeting subject to OPMA must be authorized by law – e.g., for listed purposes in OPMA.
- Agency must provide reason where required, e.g., announce reason for going into executive session.

Enforcement & Penalties



Open Public Records

- PRA enforced by courts, for claims listed in PRA.
- RCW 42.56.550, .565
 - Court can impose statutory penalties to be awarded to requester.
 - Court will order payment of requester's attorneys fees & costs.
 - Court can also order disclosure of all or part of withheld record, or non-disclosure of part or all of record.

Open Public Meetings

- OPMA enforced by courts, for claims listed in OPMA.
- RCW 42.30.120, .130.
 - Court can impose a \$500 civil penalty against each member; \$1000 for repeat violation.
 - Court will award costs and attorney fees to a successful party seeking the remedy.
 - Action taken at an improperly closed meeting can be declared null and void.

Risk Management Tips



Open Public Records

Agencies should:

- Establish a culture of compliance with the PRA, beginning with agency leadership and support.
- Review their PRA procedures.
- Review available resources; institute best practices.
- Keep updated on current developments in PRA; correctly apply law.
- Consult with agency's legal counsel.
- Train appropriate staff and officials about the PRA's requirements.
 - > Legislature enacted training requirements in 2014. RCW 42.56.150 - .152
 - > State Supreme Court said evidence of PRA training for agency staff can reduce penalties, & lack of training can increase penalties.

Open Public Meetings

*Agencies subject to
OPMA should:*

- Establish a culture of compliance with the OPMA, beginning with agency leadership and support.
- Review their OPMA procedures.
- Review available resources; institute best practices.
- Keep updated on current developments in OPMA; correctly apply law.
- Consult with agency's legal counsel.
- Train members subject to the OPMA about the law's requirements.
 - > Legislature enacted training requirements in 2014. RCW 42.30.205.

Information



Open Public Records

- Attorney General's Office has appointed Assistant Attorney General for Open Government to provide information about the PRA.
- AGO has issued Model Rules.
- AGO may provide technical assistance and training.
- AGO has an online *Open Government Resource Manual* and other materials and resources on its website, including training resources.
- AGO can review exemption from disclosure cited in state agency records, and issue informal opinion.
- AGO can issue formal opinions (for qualified requesters).

Open Public Meetings

- Attorney General's Office has appointed Assistant Attorney General for Open Government to provide information about the OPMA.
- AGO may provide technical assistance and training.
- AGO has an online *Open Government Resource Manual* and other materials and resources on its website, including training resources.
- AGO can issue formal opinions (for qualified requesters).

