

2011-2012 PIERCE TRANSIT PUBLIC TRANSPORTATION BENEFIT AREA PUBLIC TRANSPORTATION IMPROVEMENT CONFERENCE: GENERAL GUIDELINES

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PUBLIC TRANSPORTATION IMPROVEMENT CONFERENCE CONVENED PURSUANT TO CH. 36. 57A RCW TO CONSIDER:

- Is it desirable to change the boundaries of the Pierce County Transportation Benefit Area?
- If so and if change is proposed, the conference by resolution will declare that the change will be “conducive to the welfare and benefit of the persons and property therein.”

PTIC IS SUBJECT TO OPEN PUBLIC MEETINGS ACT

Open Public Meetings Act, Ch. 42.30 RCW

Purpose

- Actions of government bodies be deliberated and taken in open public meetings.

Key Provisions

- Applies to agencies with governing bodies, e.g., PTIC.
- Requires ordinances, resolutions, rules, regulations, order, or directives to be adopted in an open public meeting with proper public notice.
- Keep in mind definition of “meeting” and “action”, e.g. email, which has Public Record Act implications as well.

PTIC IS SUBJECT TO PUBLIC RECORDS ACT

The Public Records Act, Ch. 42.56 RCW

Purpose

- Initiative passed to provide citizens with broad rights of access to public records.
- Law states that it must be “liberally construed” and its “exemptions narrowly construed” to promote the public policy of open government .

Key Provision

- What constitutes a public record? Answer: a “writing”

WHAT DOES “WRITING” MEAN?

- Handwriting, typewriting, printing, photostating, photographing, and **every other means of recording** any form of communication or representation including, but not limited to, letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, motion picture, film and video recordings, magnetic or punched cards, discs, drums, diskettes, sound recordings, and other documents including existing data compilations from which information may be obtained or translated.

RCW 42.56.010(4)

- Assume all your social media options and devices (public/private laptops, cell phones, electronic notebooks, etc) are potentially open to disclosure: Twitter, text messages, emails, Facebook, blogs and the like.

GENERAL CHRONOLOGICAL GUIDELINES OF PROCESS FOLLOWING INITIAL NOTICE TO CONVENE

- Elect a chair from members at large.
- Determine procedural rules by which conference will be governed.
- Determine how conference will communicate with public.
- Determine who will be conference public records officer.
- Confirm method of public notice for meetings.
- Acknowledge initial purpose to determine if change to boundary is desirable, having in mind potential conclusion is that proposed change will be conducive to welfare and benefit of persons and property therein.
- At first or subsequent non-public hearing meeting, and if it is determined that change should be considered, then:

GENERAL CHRONOLOGICAL GUIDELINES OF PROCESS FOLLOWING INITIAL NOTICE TO CONVENE (CONTINUED)

- Fix a date for a public hearing (note this may be postponed until after preliminary delineation, discussed below). Also note that if conference does not fix a date, the legislative bodies of two or more component cities or the county legislative body by resolution may require the conference to fix a public hearing date.
- Prior to convening the public hearing, the conference shall preliminarily delineate area. N.B: Boundaries “shall follow school district lines or election precinct lines, as far as practicable.”
- Once preliminary delineation is created, it is provided to each incorporated city within the changed area.
- Each city, on a preliminary basis, advises the conference of its desire to be included or excluded.
- The delineation is revised based on preliminary city advisement.
- This revised delineation becomes the basis for the first public hearing.

GENERAL CHRONOLOGICAL GUIDELINES OF PROCESS FOLLOWING INITIAL NOTICE TO CONVENE (CONTINUED)

- The first public hearing delineation is published for four (4) weeks and contains a description and map of the proposed change. It also contains the time and place of the public hearing and the “fact that any changes in the boundaries” will be considered.
- At the public hearing or any continuation of the same “any interested person may appear and be heard on all matters relating to the effect of the formation of the proposed public transportation benefit area.”
- The conference may make any changes as are deemed “reasonable and proper” but may not create islands or delete portions of any city.
- Following the first public hearing, the conference may determine additional territory should be included.
- If additional territory is included then a second public hearing is held and notice given in the same manner as the first, i.e. four (4) weeks published notice and a revised delineation
- NB: The statute provides the “hearing”, presumably public hearing, may be adjourned from time to time not exceeding thirty (30) days in all.

GENERAL CHRONOLOGICAL GUIDELINES OF PROCESS FOLLOWING INITIAL NOTICE TO CONVENE (CONTINUED)

- At the end of public hearing(s), the conference shall adopt a resolution setting the boundaries “conducive to the welfare and benefit of the persons and property therein” and “determines [area that] could reasonably benefit from the provision of public transportation services.”
- Within thirty (30) days of the conference resolution, the county legislative authority by resolution may, upon a legislative finding “that the proposed benefit area includes portions of the county which could not be reasonably expected to benefit from the such benefit area or excludes portions of the county which could be reasonably expected to benefit from its creation, disapprove and terminate the establishment of such [area] within such county.”
- Within sixty (60) days of establishment of boundaries and simultaneous with selection of the governing body of the newly configured PTBA, any city may by resolution withdraw from participation.
- If there is a withdrawal by a city, the county and each city remaining may disapprove the establishment of a governing body for the newly configured PTBA if the body composition does not meet with its approval.