

### Regular Meeting of the Library Board of Trustees Tuesday, August 20, 2024 – Central Library Lecture Room 3:30 p.m.

Minutes of Actions and Decisions of the Library Board of Trustees of the Bellingham Public Library as authorized by RCW 27.12.210 and SEC. 7.02 Charter of the City of Bellingham.

**Board Members Present:** Rick Osen, Rebecca Craven, Kristy Van Ness, Kendra Bradford and

Deborra Garrett

City Council Library Liaison: Absent

Library Staff: Rebecca Judd, Annette Bagley, Katrina Buckman, Bethany

Hoglund, Jennifer Vander Ploeg and Wendy Jenkins

**FOBPL Representative:** Carol Comeau, Friends of BPL Board Liaison **Guest Presenter:** Sarah Chaplin, Assistant City Attorney, Senior

**Call to order and introductions:** Regular session was called to order at 3:30 p.m. by Chair, Rick Osen.

**Approve/modify agenda:** Deborra Garrett moved to approve the agenda. Rebecca Craven seconded. Motion carried.

**Public comment:** One member of the public provided comment.

**Consent agenda:** Deborra suggested page numbers be added to the board packets to improve navigation. Wendy will make this adjustment. Rebecca Craven moved to approve the July 16, 2024 Regular meeting minutes and the July 2024 performance and activity measures and financial reports. Kendra Bradford seconded. Motion carried.

### **Board Chair report:**

- Rick reported that the Estate of Kelly K. Follis has generously donated \$100,000 to the Bellingham Public Library Capital Fund held at Whatcom Community Foundation. We have received permission to announce this in our eNewsletter.
- Rick and Kristy have a meeting set up with Rachel Myers, our Planned Giving consultant, to finalize documents. These will be presented at the September or October board meeting.

#### **Board member reports:**

• Rebecca Craven mentioned that the *Lynden* documentary (featuring the town of Lynden, post-George Floyd protests) showing at the Pickford Film Center is informative.

• Kristy reported she attended both Children's Craft Fairs and commended staff for their work on these truly fun community programs.

### Friends of BPL report:

- Carol announced the Friends recently received a \$25,000 anonymous donation. The Friends' Board will determine the best use of the donation at their meeting in September.
- The next book sale will be September 26-28.

#### **Library Director report:**

- Rebecca reported that there is a new, collaborative process for reviewing Department budget proposals. Over two sessions, all Department Heads were part of the initial review. Next, the Mayor and Deputy Administrator Forrest Longman will finalize the list of additions and reductions to move forward.
- As mentioned in the Director's Report, the Library will be sunsetting curbside service, effective September 21.
- Thanks to funding from the Friends of Bellingham Public Library, the Library will be hosting *What is Addiction? Plain Talk for Our Community* on Sept. 12 from 7-8:30 at Bellingham High School.
- Rebecca reminded the Trustees that the Library will be closed on Wednesday, October 9 for All Staff Learning Day at an offsite location.
- Representative Rick Larsen visited and toured the library on July 8. Journalist Robert Mittendorf also attended. Rebecca said they had a good conversation.

### **Central Library Renovation update:** Rebecca Judd detailed:

- Scope: The main pieces of the project, if fully funded, include: 1) Updated/electric HVAC; 2)
   Renovated upper floor; 3) Renovated lower floor; 4) Main floor Help Desk/computer relocation;
   5) Exterior improvements (if Federal funding secured)
- Timeline: The Library team will be working hard to secure funding for the project through the end of this year. At year-end, we'll be deciding how much we can accomplish with the funds we have available and moving forward. The City's executive charter team for the project will put forward recommendations for the Board to consider, with a final sign-off by the Mayor. For the recommendations, there will be a priority on construction activities that touch the whole building. 2025 will be devoted to detailed design work and putting the project out to bid. Construction would begin in 2026.
- Funding: There are several funding sources confirmed or in the works:
  - o City funds, confirmed. First priority- HVAC (\$6.5 million)
  - Board of Trustees funds held at Whatcom Community Foundation, confirmed. (\$1 million)
  - Washington State Capital Improvement Grant. Submitted in April 2024. Announcement of projects moving forward to the Governor will come in September/October. (pending \$2 million)
  - Federal appropriation for exterior work. \$250,000 for exterior work has moved forward in the House budget. (pending \$250K)

o Private fundraising. We still have approximately \$2.5 million to raise to fully fund the interior project. Whatcom Community Foundation (WCF) is going to be identifying and inviting donors to have a conversation about this funding opportunity in the Fall, with an emphasis on raising funds for the Children's library. To this end, BTV was recently at the Library to interview families, film a storytime, and learn more about the project. The film and a short narrative will be sent to WCF as soon as it's ready.

### **Level of Service: Library Materials:**

- Referring to the document in the packet, Rick explained that he, Rebecca Craven, and Rebecca Judd met to prepare the proposed LOS update for Materials. Included in their discussion was the impact of our partnership with WCLS. Relative to other libraries in the state and region, we are in pretty good shape, but we also need to account for our high use.
  - Factoring inflation, the Medium standard should now be at \$8.53 Library Materials Expenditure/Capita, with a 2024 budget of only \$7.54. There has been progress, but this shows that we will not reach the Medium standard (as directed by City Council in 2017) unless our funding is increased.
- Rick moved to adopt the updated Level of Service standard for Library Materials Expenditures per Capita, adjusted for inflation and population growth, and to direct Library staff to update the standard every 3 years. Kristy Van Ness seconded. Motion carried.

### **Trustee training – Public Records Act:**

• Sarah Chaplin, Assistant City Attorney, Senior, provided the Trustees with required training on the Washington State Open Public Meetings Act (OPMA) and the Public Records Act (PRA) (see Attachment #1 for 2024 Open Government Training for Boards and Commissions).

### American Library Association (ALA) Conference round-up:

- Four staff members (Rebecca Judd, Bethany Hoglund, and librarians Katie Bray and Rob Werner) reported on the ALA Annual Conference in San Diego from June 27 to July 2.
  - Katie highlighted a solution-oriented session called "Paddling our Canoe Together" about Indigenous librarians, and a session called "You are Not Alone—United Against Book Bans." There has been a dramatic increase in book challenges in schools as well as public libraries over the past two years. This session focused on how to respond to a coordinated challenge/book ban with suggestions for communications, collection development policies and updated book challenge forms.
  - O Rob highlighted "How to Create a Book Club for Trans Teens" and "Soft Censorship." Examples of soft censorship include: a speaker receives an invite to present and the event is canceled at the last minute, or a children's book is shelved in the adult section, and does not reach its intended audience. He also discussed a session on the possible impacts of coming elections on libraries (see Attachment #2 for 2024 Election Collaboration Toolkit and ReaderVoterReady handouts). Rob was inspired by the conference to apply to be a selector for the Stonewall Book Awards.

- Bethany highlighted the opening keynote by comedian and author Trevor Noah,
   "Sexual Harassment in Public and Academic Libraries" (noting that there is a team at BPL working on this topic), and "Program Challenges and Crisis Management." Overall,
   Bethany found the conference energizing, encouraging and full of interesting sessions.
- Rebecca highlighted "Safety and Security in Public Libraries: Resources and Ideas to Help" presented by the Canadian Urban Libraries Council. This session focused on 3 overlapping national crises underfunding of mental health services, homelessness and the lack of affordable housing, and the devastating impacts of readily available fentanyl. Presenters shared a Safety and Security toolkit they developed. Another session, "Top 10 Things Every Library Board Member Should Know but Often Don't," Rebecca found to be dynamic and engaging. The presenter was Mary Beth Harrington, president of the Timberland Regional Library board of trustees. Overall, Rebecca reported the conference was well attended and included a lot of easy networking.

#### **New Business:**

Deborra will not be able to attend the September meeting.

### Agenda items for next meeting:

- Back in Circulation conference preview
- Planned Giving program approval (tentative)

Meeting adjourned at 5:00 p.m.

Next Regular Library Board Meeting – September 17, 2024 – Central Library Lecture Room – 3:30 p.m.

Chair, Library Board of Trustees

**ATTEST** 

Secretary, Library Board of Trustees

#### Attachments:

- Attachment #1: 2024 Open Government Training for Boards and Commissions
- Attachment #2: 2024 Election Collaboration Toolkit and ReaderVoterReady handouts



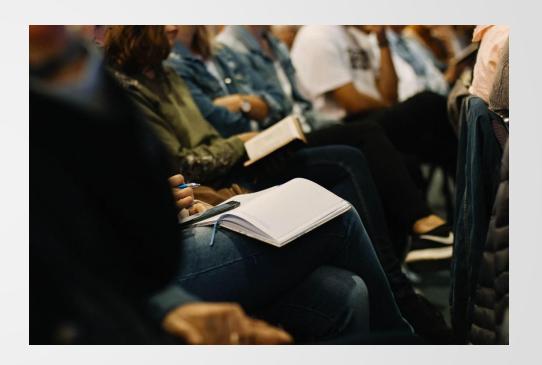
# 2024 Open Government Training for Boards and Commissions

Presented by: Sarah W. Chaplin Sr. Assistant City Attorney / Public Records Officer 360.778.8276 swchaplin@cob.org



# This training: roadmap

- Open Public Meetings Act overview
- Public Records Act overview
- Questions



## OPEN GOVERNMENT TRAINING



## OPEN PUBLIC MEETINGS ACT CHAPTER 42.30 RCW

Prepared by the Washington State Attorney General's Office Last revised: April 15, 2024

## OUTLINE

Significance of Open Government & Transparency
The Open Public Meetings Act

## **DISCLAIMER**

This presentation is educational only and is not legal advice or a legal opinion. The OPMA changes over time. Later court decisions, or changes in statutes, can impact the law, an agency's obligations and the expectations on individuals.

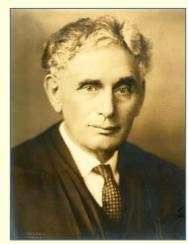
# THE OPMA IS ONE OF WASHINGTON'S "TRANSPARENCY LAWS" OR "SUNSHINE LAWS"

Washington's
Open Public Meetings Act

Passed in 1971.

Requires meetings to be open to the public, gavel to gavel.

"Sunlight is the best disinfectant."



U.S. Supreme Court Justice Louis Brandeis

# THE OPMA - STARTING POINT

"The people do not yield their sovereignty to the agencies which serve them."

"The people, in delegating authority, do not give public servants the right to decide what is good for the people to know and what is not good for them to know."

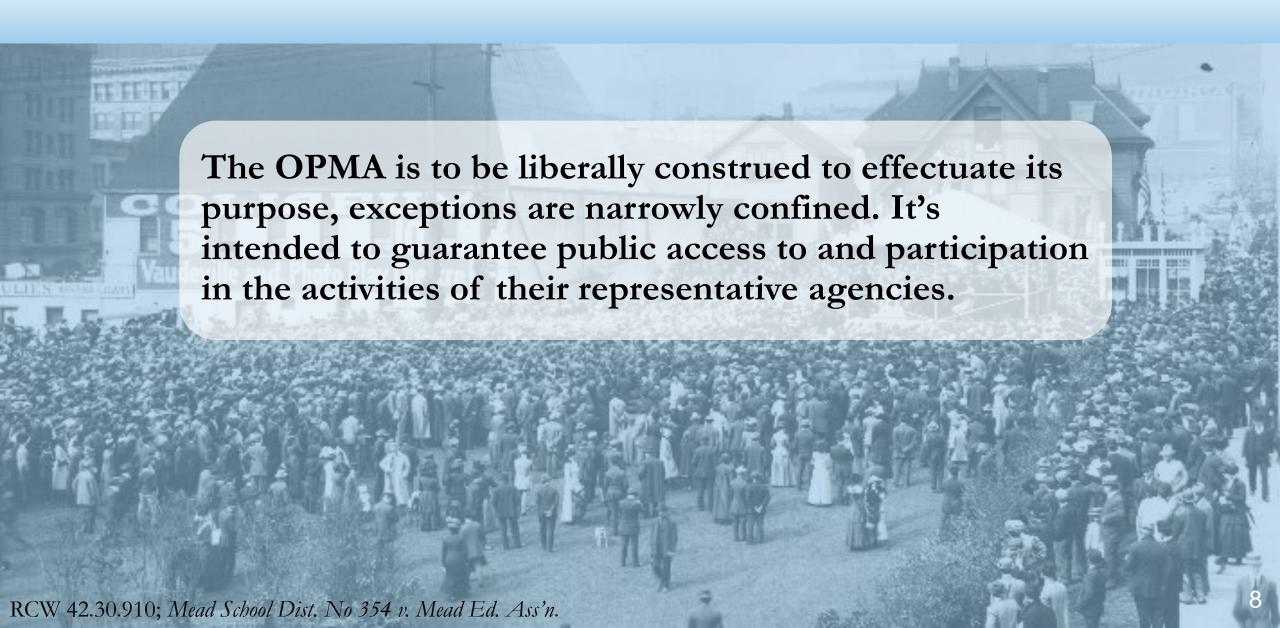
## **OPMA POLICY**

It is the intent of this chapter that the actions of a governing body be taken openly and that their deliberations be conducted openly.

The people insist on remaining informed and informing the people's public servants of their views so that they may retain control over the instruments they have created.

The OPMA, ch. 42.30 RCW, is our comprehensive transparency statute. The act seeks "to ensure public bodies make decisions openly."

## **OPMA POLICY**



# **OPMA APPLIES TO:**

## Multi-member public state and local agencies, such as boards and commissions:

- 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.

## THE OPMA DOES NOT APPLY TO:

### These entities:

- ☐ Courts
- ☐ Legislature
- Agencies not defined as "public agency" in OPMA, such as agencies governed by a single individual.
- ☐ Private organizations, i.e., HOA's, Youth Sports Clubs.

## These activities:

- Licensing/permitting for businesses, occupations or professions or their disciplinary proceedings (or proceedings to receive a license for a sports activity, or to operate a mechanical device or motor vehicle).
- ☐ Quasi-judicial matters.
- ☐ Matters governed by the Washington Administrative Procedure Act, RCW 34.05.
- ☐ Collective bargaining.

# **BASIC REQUIREMENTS**

All meetings of the **GOVERNING BODY** of a **PUBLIC AGENCY** shall be open and public and all persons shall be permitted to attend any meeting of the governing body of a public agency, except as otherwise provided in RCW 42.30.

Public agencies are *encouraged* to provide for the increased ability of the public to observe and participate in the meetings of governing bodies through real-time telephonic, electronic, internet, or other readily available means of remote access that do not require an additional cost to access the meeting.

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## WHAT IS A GOVERNING BODY?

Multimember boards, commissions, councils, or other policy or rule-making bodies of a public agency.

### **INCLUDES**

Committees and Subcommittees –
 Acting on behalf of governing body, taking testimony or public comment, or conducting hearings.

Advisory Bodies –
 If the body's advice is necessary for the governing body to act, and the body was created by the legislative body.

## **MEETING**



- Meeting means meetings at which the public agency takes "action."
- Requires a majority of its members (quorum). No meeting if less than a quorum.
- Physical presence not required an exchange of e-mail could constitute a meeting.
- Does not need to be titled "meeting" may be a "retreat," "workshop," "study session," etc.
- Simply receiving information without comment is not a meeting.



# MEETING REQUIRES A COLLECTIVE INTENT TO MEET

## Citizens Alliance v. San Juan County,

184 Wn.2d 428, 359 P.3d 753 (2015).

No OPMA violation because the commissioners were not aware that the communications included a majority, and passive receipt of information is not "action" under the OPMA.

## Egan v. City of Seattle,

14 Wn. App.2d 594, 471 P.3d 899 (2020).

OPMA violation found. Over two dozen communications occurred between individual councilmembers, as well as city staff, during a three-day period. Communications included inperson meetings, emails, phone calls, text messages, and distribution of hard copies of a draft press release.

## **ACTION**

The transaction of the official business of the public agency and includes but is not limited to:

Public Testimony
Considerations

All Deliberations
Reviews
Final Action

Discussions

Evaluations

See upcoming slide on Final Action.

The requirements of the OPMA are triggered whether or not "final" action is taken.



## FINAL ACTION

- "Final action" is a collective positive or negative decision, or an actual vote, by a majority of the governing body, or by the "committee thereof."
- Must be taken in public, even if deliberations were in executive session.
- Secret ballots are not allowed.



## PUBLIC ATTENDANCE

- A public agency can't place conditions on public to **attend** meetings subject to OPMA.
- Reasonable rules of conduct can be set.
- Governing body may adopt generally applicable conditions determined to be reasonably necessary to protect public health or safety, or to protect against interruptions.
- Agencies encouraged to provide remote access that does not require an additional cost to access the meeting.
- Cameras and tape recorders are permitted unless disruptive.

# REMOTE OBSERVATION AND PARTICIPATION

Agencies are encouraged to:

- Provide remote access that does not require an additional cost to access the meeting.
- Provide an online streaming option for all regular meetings.
- Make audio or video recordings and make recordings available online for a minimum of six months. (This does not alter recordkeeping requirements under chapter 42.56 RCW. Additional requirements for School Boards, *see upcoming slide*.)

## **SCHOOL BOARDS - MEETINGS**

EFFECTIVE JUNE 30, 2024

- **SCHOOL BOARDS** Audio recording required at regular and special meetings at which final action is taken OR public testimony is accepted.
- Must include the comments of the directors and the comments of members of the public, if any formal testimony was accepted.
- Recordings must be provided electronically to a PRA request; specific content required in order to request recordings.
- Allowances for good faith "technology issues."
- Encouragement to make content available in languages other than English.
- Exception for emergency meetings and executive sessions.

## PUBLIC COMMENT

Oral or written public comment required at or before every regular meeting at which final action is taken.

## **Oral Comment**

- The governing body shall, when reasonable, provide people with a disability, limited mobility or any other reason that makes physical attendance difficult, the opportunity to make oral comment.
- May put guidelines in place for public comment i.e., time limits.

## Written Comment

- Written testimony must be distributed to the governing body.
- May have reasonable deadlines for submission of written testimony.

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## REGULAR MEETINGS

- Recurring meetings held in accordance with a periodic schedule by ordinance, resolution, bylaws or other rule.
- Must have an agenda available online at least 24 hours in advance of the published start time of the meeting. Agency may share or have website hosted by another public agency.
- Agenda may be modified.
- Any otherwise legal action taken at a regular meeting, where agenda was not posted 24 hours in advance, is not invalidated. Failure to post agenda is not the basis for attorney fees, mandamus or injunction.



# REGULAR MEETINGS – SMALL AGENCY AGENDA EXEMPTION



A special purpose district, city, or town is not required to post an agenda online if the district, city, or town:

- (a) Has an aggregate valuation of the property subject to taxation by the district, city, or town of less than \$400,000,000, as placed on the last completed and balanced tax rolls of the county preceding the date of the most recent tax levy;
- (b) Has a population within its jurisdiction of under 3,000 persons; and
- (c) Provides confirmation to the state auditor at the time it files its annual reports under RCW 43.09.230 that the cost of posting notices on a website of its own, a shared website, or on the website of the county in which the largest portion of the district's, city's, or town's population resides, would exceed one-tenth of one percent of the district's, city's, or town's budget.

## SPECIAL MEETINGS



A "special meeting" is a meeting that is not a regular meeting. Can be called by presiding officer OR majority of the members.

## Notice of Meeting

Written notice, 24 hours before the meeting of the Time, Place and Business to be Transacted.

Exception: not required when the notice cannot be posted with reasonable safety.

### How Notice is Provided

- To each member of the governing body (unless waived).
- To each local newspaper of general circulation, radio, and TV station which has a notice request on file.
- Posted on the agency's website [with certain exceptions in RCW 42.30.080(2)(b)].
- Prominently displayed at the main entrance of the agency's principal location and the meeting site (if not at the same location, or not remote).

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# EMERGENCY SPECIAL MEETINGS

Notice is not required for a special meeting called to deal with an emergency\* when:

Time requirements of such notice would make notice impractical and increase the likelihood of such injury or damage.

OR

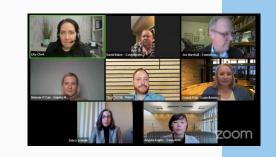
The required notice cannot be posted or displayed with reasonable safety, including but not limited to declared emergencies in which travel to physically post notice is barred or advised against.



\* Emergency means circumstances involving injury or damage to persons or property or the likelihood of such injury or damage.

RCW 42.30.080(4)

## REMOTE EMERGENCY MEETINGS



### **Requirements** for a remote meeting:

- Declared emergency at the local, state or federal level AND the agency determines it cannot hold a meeting in person with reasonable safety where members or public are in attendance.
- Public must be able to listen, if not, meeting prohibited except executive session.
- Notice of meeting must include remote participation instructions and otherwise comply with the OPMA notice requirements.

## **Structure** for an emergency remote meeting:

- Option 1: Hold an all remote meeting without a physical location.
- Option 2: Hold a meeting with governing body present but some or all of the public excluded.

Members of a governing body may participate in a meeting remotely, with no declared emergency, if otherwise permitted by agency policy or practice.

# **EXECUTIVE SESSION**



- Part of a regular or special meeting that is closed to the public.
- Limited to specific purposes set out in the OPMA, RCW 42.30.110.
- Purpose of the executive session and the time it will end must be announced by the presiding officer before it begins.
- Time may be extended. Must be announced by presiding officer.
- Purpose of executive session must be entered into the minutes.

## **EXECUTIVE SESSION**

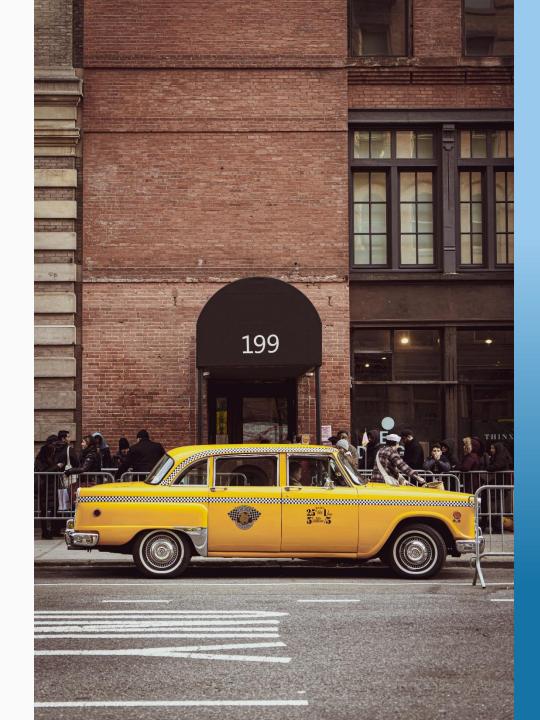
Sample of allowed purposes for an Executive Session.

- To evaluate qualifications of applicant for public employment.
- Consideration of the minimum price at which real estate will be offered for sale or lease when public knowledge regarding such consideration would cause a likelihood of decreased price. Final action selling or leasing public property must be taken at open meeting.
- Review negotiations on the performance of publicly bid contracts when public knowledge regarding such consideration would cause a likelihood of increased costs.
- Meet with legal counsel regarding enforcement actions, litigation or potential litigation.
- National Security.

Examples above may be summaries. Please review the statute's actual provisions. Other purposes are identified in RCW 42.30.110(1).

# TRAVEL AND GATHERING

- A majority of the members of a governing body may travel together or gather for purposes other than a regular meeting or a special meeting, so long as no action is taken.
- Discussion or consideration of official business would be action; action triggers the OPMA's requirements.

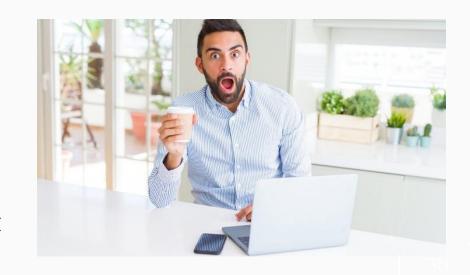


## **MINUTES**

- Minutes of public meetings must be promptly recorded and open to public inspection.
- Minutes of an executive session are not required.
- No format specified in law.
- Executive session's purpose must be recorded in the minutes.
- If meeting provides remote option, add relevant information to the minutes like links & phone numbers.

## INTERRUPTIONS AND DISRUPTIONS

- May stop individuals from speaking when not recognized to speak.
- The OPMA provides a procedure for dealing with situations where a meeting is being interrupted, the orderly conduct of the meeting is unfeasible, and order cannot be restored by removal of the disruptive persons.
- OPMA provides hierarchy for restoration of an orderly meeting, through removal of individuals who are interrupting the meeting, clearing the meeting room, or moving the meeting to another location. Final disposition can occur only on matters appearing on the agenda. More details set out in the OPMA.



RCW 42.30.050

## **OPMA PENALTIES**

- Penalty may be imposed against individual members of the governing body for knowing violations by the courts.
  - \$500 fine for the first violation.
  - \$1,000 for subsequent violation.
  - Costs and attorney fees.
- Final action at illegal meetings may be declared void.



• Mandamus or injunctive action to stop violations.

## **OPMA TRAINING**

- The "Open Government Trainings Act" requires OPMA training for every member of a governing body within 90 days of taking their oath or assuming their duties. RCW 42.30.205.
- Refresher training occurs no later than every four years.
- Training can be taken online, in person, or by other means.





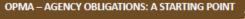
• Training resources, videos, and more information about the Act are available on the Attorney General's Office Open Government Training Web Page: <a href="http://www.atg.wa.gov/OpenGovernmentTraining.aspx">http://www.atg.wa.gov/OpenGovernmentTraining.aspx</a>

# **OPMA ASSISTANCE**

- The Attorney General's Office may provide information, technical assistance, and training on the OPMA. Contact Assistant Attorney General for Open Government.
- The Attorney General's Office may issue formal opinions about the OPMA for qualified requesters.
- The Attorney General's Office has another OPMA resource, further information can be found in the Open Government Resource Manual, found on the the following webpage: <a href="http://www.atg.wa.gov/Open-Government">http://www.atg.wa.gov/Open-Government</a>.



### MUNICIPAL RESEARCH & SERVICES CENTER



#### **PRACTICE TIPS**



The basic requirement of the Open Public Meetings Act (OPMA) is that meetings of governing bodies be open and public. Use these practice tips to guide your agency's OPMA compliance.\* For more information and resources visit www.mrsc.org/opmapra.

#### **Basic Requirements**

- All meetings open and public. All meetings of governing bodies of public agencies must be open to the public, except for certain exceptions outlined in the OPMA. RCW 42.30.030.
- Quorum. Generally, a meeting occurs when a quorum (majority) of the governing body is in attendance and action is taken, which includes discussion or deliberation as well as voting. RCW 42.30.020(2) & (3).
- Attendees. All persons must be permitted to attend and attendees cannot be required to register their names or other information as a condition of attendance. Disruptive and disorderly attendees may be removed. RCW 42.30.040 &.050.
   No secret ballots. Votes may not be taken by secret ballots. RCW 42.30.060[2].
- Adoption of ordinances. Ordinances, resolutions, rules, regulations, and orders must be adopted at a public meeting or they are invalid. RCW 42:30.060(1).

Position in Agency		Required to Comply
0	er of a governing body City or Town Councimember or Mayor County Commissioner or County Councilmember Special Purpose District Commissioner/Board Member	Yes
0 0 0	er of a subagency created by ordinance or legislative act, e.g.: Planning Commission Library Board Parks Board Civil Service Commission	Yes
	er of a committee  Committees that act on behalf of the governing body, conduct hearings, or take testimony or public comment	Yes
Agency staff		No

#### Penalties for Noncompliance

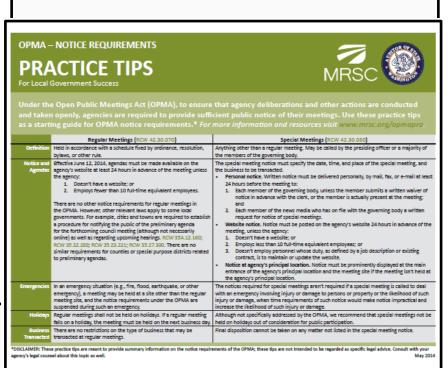
- Actions null and void. Any action taken at a meeting which fails to comply with the provisions of the OPMA is null and
  void. RCW 42-30.060(1).
- Personal liability. Potential personal liability of \$100 for any member of a governing body who attends a meeting knowing that it violates the OPMA. RCW 42.30.120(1).
- Agency liability. Any person who prevails against an agency in any action in the courts for a violation of the OPMA will be awarded all costs, including attorney fees, incurred in connection with such legal action. RCW 42.30.120[2].

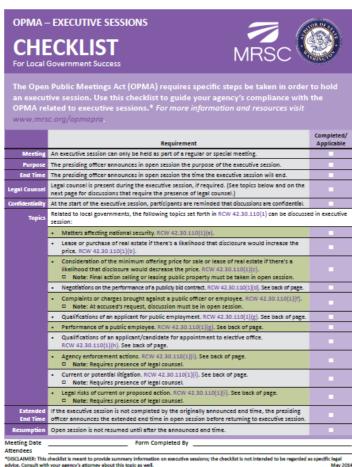
#### OPMA Training Requirements, Effective July 1, 2014

- Every member of a governing body of a public agency must complete training requirements on the OPMA within 90 days of assuming office or taking the oath of office.
- In addition, every member of a governing body must complete training at intervals of no more than four years as long as
  they remain in office.

\*DISCLAIMER: These practice tips are meant to provide summary information on basic agency obligations of the OPMA; the practice tips are not intended to be regarded as specific legal advice. Consult with your agency's legal counsel about this topic as well.

May 20:





# OPMA: practical takeaways

- Be wary of "serial meetings" and "e-mail meetings"
- If you want to communicate something with the entire group, e-mail it to City staff; staff can distribute it to the entire group
- Avoid "Reply All"

# Public Records Act

### Why is compliance with the Public Records Act important?

- Supports open democracy
- Encourages public trust and transparency
- Holds government accountable
- Demonstrates the way City makes decisions
- Quote straight from the PRA:
  - "The people insist on remaining informed so they may retain control over the instruments they have created."



As U.S. Supreme Court Justice Brandeis famously said: "Sunshine is the best disinfectant."

# Back to Basics: What's a public record?

#### "Public Record" means:

- any writing (very broadly defined!)
- 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. RCW 42.56.010



**Bottom line:** Records can exist in any format.

Best practice tip: If you put it down into any tangible form and it relates to your Board/Commission duties, assume it's a public record.

## Records can exist in any format, including...

- Documents
- Email
- Text messages / instant messages (AKA Teams Chats)
- Social media
- Databases
- Images
- Voicemail
- Video
- And so on...



Video recordings of city meetings or events are public records.

# Note: Public Records include...

- ...records related to city business when they are created or retained by agency employees or officials on personal computers or devices, or in non-City e-mail accounts or files.
- Example: text messages



## **E-mails**

- City OR personal e-mail is a public record if you are using it to conduct city business.
- The City archives all incoming and outgoing e-mails from COB.org e-mail addresses
- You should assume that any records –
  including e-mails you create that
  relate to your duties as a
  Board/Commission member could end
  up on the front page of the newspaper.
- Don't overuse "reply all" creates multiple copies, also helps avoid inadvertent OPMA violation

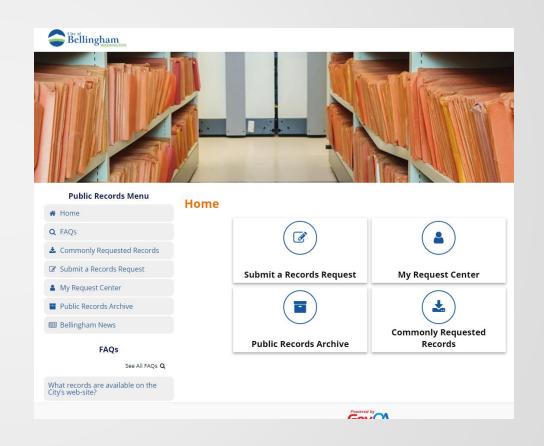


Best practice tip: Create a separate e-mail folder for your Board/Commission related e-mails. Store these e-mails separately from all other e-mail.



# City of Bellingham process for receiving and responding to public records requests

- City has a convenient Records Portal, accessible on the City website.
- However, by law requesters are not required to use the online portal to make a request.
- What should you do if you receive a public records request?

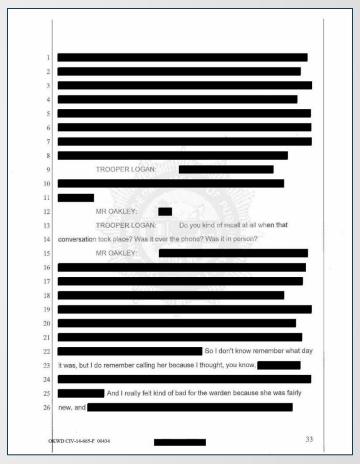


# **Processing Public Records Requests**

- What do I do if I receive a public records request?
  - Contact a City staff member
  - Remember the five-day rule
- What do I do if City staff ask me to provide responsive records?

# If city staff ask you to provide records in response to a public records request:

- Provide <u>all</u> responsive records to city staff upon request.
- You should not self-edit or withhold any documents even if you believe part of the record is not responsive, or if you believe the records are embarrassing, confidential, or may be exempt.
- If you have questions or concerns, please raise them with Board/Commission staff or the City Attorney's Office.



Don't do this.

# Searching for records

- An agency must conduct an adequate search for responsive records.
- The search should be reasonably calculated to uncover responsive records.
- The search should follow obvious leads to possible locations where records are likely to be found.
- If responsive public records are on or in employees'/officials' personal devices, personal accounts, or personal files, those must be searched, too.
- The agency bears the burden of proof to show the adequacy of the search.

<sup>~</sup> RCW 42.56.520; Neighborhood Alliance of Spokane v. Spokane County; Hobbs v. State; Block v. City of Gold Bar; Nissen v. Pierce County

# **Exemptions**

- Records are presumed open.
- If a record, or part of a record, is withheld from the public, the agency must cite to an "exemption" in law and give a brief explanation.
- Exemptions are narrowly construed.
- The general rule is the agency withholds only the exempt information, and releases the rest.
- Exemptions must be authorized in law --- in PRA or other laws.
- ~ RCW 42.56.050; RCW 42.56.210 .510; RCW 42.56.550

# Non-compliance consequences

- Fines and legal penalties: If a court finds that the City incorrectly withheld a record, it can fine the City up to \$100 per day per record
- Plus, a court will award the prevailing requester's attorneys fees and costs.
- Personal consequences: Involvement in litigation, invasive searches of your devices, potential criminal penalties for destroying records
- A court is to consider factors in requiring an agency to pay a penalty.





Seattle city officials were required to submit their phones to an outside digital forensics firm in response to a Public Records Act lawsuit.

# PRA Takeaways...

- The PRA is a broad mandate in favor of public disclosure.
- Store your City records separately from personal records.
- If you receive a public records request, inform a City staff member immediately.
- If City staff ask you to provide records, please do so.
- Contact information:
  - Sarah Chaplin, Sr. Assistant City Attorney / Public Records Officer:
     <a href="mailto:swchaplin@cob.org">swchaplin@cob.org</a>, 360-778-8276







# 2024 Election Collaboration Toolkit



The American Library Association (ALA) and the League of Women Voters (LWV) are partnering to engage, educate, and empower voters in 2024. We've created this toolkit to make it easier to connect voters to trusted, nonpartisan election information and to help local Leagues and libraries partner together (or partner even more!) during this year to encourage and expand civic participation.

#### ABOUT OUR ORGANIZATIONS

#### American Library Association | ala.org

ALA is the foremost national organization providing resources to inspire library and information professionals to transform their communities through essential programs and services. For more than 140 years, the ALA has been the trusted voice for academic, public, school, government and special libraries, advocating for the profession and the library's role in enhancing learning and ensuring access to information for all.

For generations, America's library professionals have supported civic participation in communities across the country, including voter engagement activities. For more information, visit ala.org/advocacy/reader-voter-ready.

#### League of Women Voters | Iwv.org

LWV is a nonpartisan organization that has fought since 1920 to empower voters and defend democracy. It conducts voter registration, education, mobilization, and protection activity at the national, state, and local level through 750+ Leagues in all 50 states and the District of Columbia and US Virgin Islands. With more than a million members and supporters, the League is one of the most trusted nonpartisan voices in the elections landscape with deep grassroots in every corner of America.

#### HOW TO PARTNER

Local League of Women Voters groups and libraries across the country partner regularly. As civic infrastructure, libraries offer essential community programs and services. The League has promoted participation in democracy since its founding more than 100 years ago. Both are trusted sources of information for their community! In addition to public libraries, academic and school libraries offer opportunities for collaboration as well.

### **1** Get in Touch

Contact your local League or local library to talk about your community's needs this election season, what each of your organizations is doing to meet those needs, and identify areas where you can work together for greater impact. Find your local League at bit.ly/LVW-find or reach out to your local public, academic, or school library.

# 2 Share Important Election Information via VOTE411.org

Promoting VOTE411.org is a fantastic way that libraries and Leagues can partner this election season.

Launched by the League of Women Voters Education Fund in 2006, <u>VOTE411.org</u> is voters' one-stop shop for nationwide election-related information, and millions of voters have used VOTE411 to prepare for elections. With its voter registration tools and person-



VOTE411 is one of the most visited nationwide election information sites. alized ballot information, VOTE411 is one of the most visited nationwide election information sites, and one of the few providing information in both English and Spanish.

LWV also produces nonpartisan voter guides on VOTE411 designed to help voters understand where

candidates stand on the issues they care about. To make the voter guides, LWV asks candidates questions, and candidates answer in their own words, facilitating a fully nonpartisan process to help voters research what will be on their ballots.

VOTE411 is a resource libraries and local Leagues can share to help voters navigate the election process. Here are three ways libraries can connect their community with VOTE411:

#### Add VOTE411 to your digital or online system.

Your library can recommend VOTE411.org in your online list of resources, link to it on your website, or set it as the background of your public computers in the weeks leading up to primary and general election days.

#### Pass out VOTE411 printed materials.

You can find co-branded VOTE411 bookmarks, posters, and palm cards at the end of this guide to easily print and share in your library.



he Houston League and the Harris County Public Library created an e-Book and audiobook of the local LWV voter guide in both English and Spanish and made it available via the Libby app.

bit.ly/HCPL-guides

#### Share VOTE411 with staff.

Make sure staff at your library know about VOTE411, especially the reference staff receiving questions about upcoming elections.

Working together, libraries and local Leagues can amplify their impact and help communities find accurate and trustworthy election information they need to vote with confidence!

ALA and LWV have created a unique URL for libraries promoting VOTE411.org.

#### VOTE411.org/ALA

Please use this link for library-hosted and library-related VOTE411 content—this will help us measure library impact!

### **3** Co-Host Events

Local Leagues and libraries are already partnering on a range of activities, including voter registration drives, candidate forums, civic education events, letter writing events, and more. Here are a few ideas to get you started on in-person events and activities.

#### Voter Registration Drives

Public, school, and academic libraries, like Ralph Brown Draughon Library at Auburn University, co-host voter registration and education events. (bit.ly/LVW-Draughon)





#### Candidate Forums

The Oakland Area League held a Rochester Hills Public Library Board candidate forum at the library. (bit.ly/LWYOA)

#### Civic Education Events

The Amarillo League in Texas partnered with the Amarillo Public Library to host a series of Civics 101 classes for the public. (bit.ly/civics-101)





#### Mis and Disinformation Training

The Marquette County League in Michigan partnered with the Peter White Public Library

for a conversation on how to vet media sources and identify misinformation. (bit.ly/PWPLS-series)



s founding partners in the Greater Cincinnati
Voters Collaborative, the Cincinnati Public
Library and League of Women Voters of the
Cincinnati Area worked with other organizations
to increase voter participation and engage, register
and educate eligible voters in communities with
traditionally low voter turnout.

bit.ly/CHPL-partners

Note: specific voting laws and regulations vary stateto-state. This toolkit provides general guidance at the national level, but librarians and League



members should consult local resources to ensure programming is compliant. A good place to start is: afj.org/bolder-advocacy/practical-guidance -nonprofit-voter-assistance-series.

The Detroit Public Library and League of Women Voters of Detroit co-host a voter education series on a variety of topics including several with LWV's Democracy Truth Project on mis- and dis-information. Programs have included "Detecting Disinformation and 'Pink Slime' Sites" and "Combating Election Disinformation."

bit.ly/detroit-series



### 2024 ELECTION CALENDAR

Libraries and Leagues are on the ground sharing election dates and deadlines with their communities. While sharing election information and voter education resources is important year-round, there are specific national civic holidays we recommend organizing around if you're looking for a place to start.



#### AUG 1 National Poll Worker Recruitment Day

This is a day of action to encourage people to sign up to become poll workers. Power the Polls offers an online portal, powered by nonpartisan nonprofit Fair Elections Center, where people can sign up to receive local poll worker information. LWV is a national partner of Power the Polls! Be sure to use their link when signing up poll workers: powerthepolls.org/LWV.

#### **SEPT 17** National Voter Registration Day

This is the largest single-day voter registration drive each year, and the perfect day to share VOTE411's online voter registration and information tool (VOTE411.org/register) or co-host an inperson drive. More resources can be found at National Voter Registration Day.org.

- Libraries can sign up at: bit.ly/NVRD24-ALA
- Leagues can sign up at: bit.ly/NVRD24-league

#### **OCT 7-11** National Voter Education Week

With a focus on providing voters with the resources they need to vote with confidence, this is a great week to share VOTE411.org's make a voting plan page: VOTE411.org/make-your-plan. More information and resources can be found at VoterEducationWeek.org.

#### OCT 29 Vote Early Day

Partners nationwide, including ALA and LWV, empower voters with information to cast their ballot early. Voters can easily check their state's early voting rules at <u>VOTE411.org/voting-rules</u>. More information and resources can be found on Vote Early Day's website: voteearlyday.org.

#### **NOV 5** General Election Day

A great day to share <u>VOTE411.org</u> with your community, so they can cast their ballot with confidence. In some districts, libraries can also work with local election officials to open their doors as polling places or ballot drop-off locations. Reach out to your local election official to learn more if of interest.

Note: It is important to share election information during local and primary elections as well. Election dates vary state to state; to find your state's election schedule, go to <u>VOTE411.org/ALA</u> and select your state on the map to see election dates and explore specific voting information.

# COMMUNICATIONS TOOLKIT bit.ly/ALA-LWV-toolkit

Together, local Leagues and libraries can promote specific events as well as the availability of high-quality election information. This ALA-LWV toolkit contains bookmarks, flyers, and palm cards for you to print and share, a social media toolkit, and a press release template to promote your collaborative election activities. Please also share your work with ALA and LWV by tagging us on social media and using the hashtags **#ReaderVoterReady** and **#VOTE411**.



#### DEMOCRACY IS EVERYONE'S BUSINESS.

Voters count on libraries for information about and access to local, state, and federal elections so that everyone is Reader. Voter. Ready.

he vast majority of Americans agree that participation in voting is important to being a good member of society. Yet, turnout in American elections consistently lags behind that of many other democracies.

Libraries are nonpartisan, but they are not indifferent. As institutions that provide access to information, resources, programs, and public spaces for all members of a community, libraries are cornerstones for civic engagement. With a long history of working with election officials and community leaders, libraries have an important role to play in ensuring that voters are prepared to participate in local, state, and national elections. What does that look like in practice?

Across the country, many libraries:

- provide information about voting and voter registration.
- offer services for voters and registrants, such as hosting polling places.
- convene candidate forums and debates.
- deliver resources and educational programs that increase civic and information literacy.

This guide provides information and examples of how libraries of any type, in any community, can meet their communities' needs for information related to voting and encourage full participation in our democratic processes.

#### **GET STARTED**



State and local voting laws vary considerably across the United States. Can your library host a

voter registration event, polling location, or ballot drop-off site? It depends on your local laws.

This guide presents ideas that can be used by many types of libraries, but not every idea may be appropriate for your community. As best practice before undertaking activities related to voting, we recommend that you:

- check your local voting laws. A good place to start is Nonprofit Vote's state-by-state resource: nonprofitvote.org/voting-in-your-state.
- ensure that all staff and volunteers are aware of local voting laws as they relate to library activities, and keep your board/administration apprised of programs and activities.
- communicate with your local election authorities.
   They may be able to advise or partner with you.
   To find your state or local election office, visit
   usa.gov/election-office.
- coordinate with local nonpartisan civic engagement organizations, such as the League of Women Voters. They may be able to share information about other activities in the community or contribute to the library's efforts.

#### TIMELINE

Nationally, the United States general election will take place on November 5, 2024. In many places, important deadlines and activities take place well prior to November. There are many opportunities for libraries to inform and serve voters throughout the year. Here are some key deadlines that may apply in your state:

Election Day: November 5, 2024.

**Primary elections:** Many states will hold primary elections in early and mid-2024. To vote in these elections, voters must have met applicable registration deadlines and requirements.

**Voter registration:** Many states have deadlines to register to vote or update a voter registration (e.g. if a previously registered voter has moved, changed their name, or regained eligibility to vote). To vote in the 2024 general elections, these deadlines are generally in early October.

National Voter Registration Day is a civic holiday that takes place on a Tuesday in September when many communities and organizations promote voter registration.

ALA is pleased to partner with National Voter Registration Day to encourage libraries to support voter registration efforts in states where that is allowed. Sign-up to host voter registration at your library: bit.ly/NVRD24-ALA. Learn more at: nationalvoterregistrationday.org.



Participating in NVRD allows our library to not only increase the number of informed and registered voters, but also to celebrate the fact that voting allows us to enact positive change in our communities.

—Anna Maxwell Snyder, Wayne County Public Library, NC



## Visit vote.org's state-by-state list of deadlines:

vote.org/voter-registration-deadlines

**Absentee voting:** In some places, there is a deadline to request an absentee or mail ballot if the voter will need one.

**Early and mail-in voting:** Many states offer some form of early, absentee, or mail-in voting, which begins in some places more than a month prior to Election Day.

Election Day: November 5, 2024.

#### HOW LIBRARIES CAN SUPPORT VOTER ENGAGEMENT

#### **Publish Virtual Resources**

Link to your local and state election offices from the library's home page and include reminders of key dates on the home page banner.



Curate an electronic collection of resources on voting, democracy, or key campaign issues.

Create a LibGuide or website that connects your community to key voter information such as registration information, candidate pages, news outlets, and election dates and locations. Be sure to include early and regular voting sites, as well as documentation requirements for registration and for voting.

Develop a community resource page that links to local organizations working on voter engagement.

Use social media to keep your community informed about key dates and events, and to encourage voter participation.

"Springfield City Library is a welcoming hub where we build community and discuss ideas in open discourse. Our Meet the Candidates nights are a prime example: attendees can register to vote and hear directly from candidates in a free, non-partisan, one-stop-shopping event."

-Jean Canosa Albano, Springfield City Library, MA





#### **Create Displays**

Create a voter information hub in your library and publicize its availability to the community. Include information from local election agencies and nonpartisan organizations, and post key dates such as voter registration deadlines, primary elections, early voting, and general election.

Designate a kiosk or computer station where voters can confirm that they are registered to vote. Position near the voter information hub, if possible.

Create a voting timeline that includes major milestones in U.S. voting history, such as the drafting of the Constitution, ratification of the 19th Amendment, passage of the Voting Rights Act, and the change in voting age.

Build a display of books by candidates or books about voting, our democratic system, or major issues in the election.

#### **Host In-Person or Virtual Events**

If your state and local laws allow, host voter registration at the library.

In schools, offer voter registration during open houses or parent teacher conferences.

Host a candidate forum. Be sure that all candidates on the ballot are invited and a nonpartisan facilitator is selected.

Host a debate or forum about a local or national issue and include speakers on all sides of the issue.

Invite a local expert to give a talk on voting, elections, or local issues. Include a question-and-answer session after the talk.

Host an event for community members or students to watch a campaign debate. Follow with a facilitated discussion.

Plan a movie night featuring a film about U.S. politics and invite a local expert to moderate a discussion.

Sponsor a mock election for youth who are not yet eligible to vote. In school settings, partner with a social studies teacher and precede the vote with a debate.

Live stream events on Zoom, Facebook, YouTube, or another platform so that they are accessible to an even wider audience.

Make sure that voting information is visible and available during other library events.

#### **Spread the Word**

Educate library staff and volunteers about issues that will impact libraries and encourage them to ask questions of candidates about those issues.

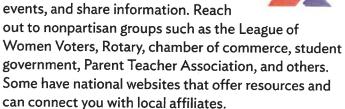
Have one of your library champions (director, trustee, volunteer) write a letter to the editor about the resources the library offers, and how important libraries are to an informed and engaged electorate.

Create a bookmark or postcard that includes key dates and highlights the library's election-related programs and resources.

Work with local or student news outlets to publicize events and resources.

#### **Partner with Other Organizations**

Many opportunities exist to collaborate with national and local organizations to register voters, educate the community about issues and candidates, host events, and share information. Reach



#### ADDITIONAL RESOURCES

#### **Community Conversations**

**ala.org/ltc** > ALA's Libraries Transforming Communities (LTC) website offers a variety of free dialogue and deliberation training and resources to help libraries engage their communities.

**lwv.org/elections/educating-voters** > The League of Women Voters partners with organizations across the country to educate voters via forums, debates, and other programs.

#### **Voter Registration and Information**

**fvap.gov** > For service members and Americans living overseas, the Federal Voting Assistance Program provides critical information for voting absentee.

**nonprofitvote.org** > The parent organization of NVRD, Nonprofit VOTE offers a wealth of resources to support non-partisan voter engagement.

vote411.org > A project of the League of Women Voters, Vote 411 offers voter registration information, including deadlines, and allows voters to see what will appear on their ballot.

ALA and LWV have created a unique URL for libraries promoting VOTE411.org.

#### VOTE411.org/ALA

Please use this link for library-hosted and library-related VOTE411 content—this will help us measure library impact!

voteriders.org > VoteRiders assists individuals and organizations to ensure that eligible voters have the identification necessary to register and to vote. Libraries can order free state-specific voter ID information cards to distribute to patrons.

#### **Candidate and Election Information**

**fec.gov** > The Federal Elections Commission includes campaign filing information for candidates as well as a searchable database for voters.

#### godort.libguides.com/votingtoolkit >

ALA's Government Documents Roundtable offers a state-by-state voting and elections guide, created by librarians for librarians.

**opensecrets.org** > Open Secrets is a non-partisan organization that tracks political spending in federal elections.

#### **Fact Checking Tools**

**factcheck.org** > Fact Check is a project of the Annenberg Public Policy Center and focuses on national politics.

**politifact.com** > Founded by the Tampa Bay Times and now operated by the Poynter Institute, PolitiFact is a nonpartisan fact checking organization that focuses on national political figures.

#### For Students and Young Voters

**bensguide.gpo.gov** > Sponsored by the Government Printing Office and an official partner of AASL, this resource is dedicated to educating children of different age levels about the workings of federal government.

**campusvoteproject.org** > A project of the Fair Elections Center, Campus Vote Project works with faculty and students at colleges and universities to increase voter registration and participation.

**civicinfluencers.org** > Formerly CampusElect, Civic Influencers is a nonpartisan organization that harnesses data to educate and build voting and civic power among youth, particularly BIYoC.

rockthevote.org > A nonprofit founded by members of the recording industry, Rock the Vote is geared towards younger voters and includes information on issues and voting, as well as Democracy Class—an ALA partner that offers lesson plans for teachers and education partners working with high school students.

whenweallvote.org > When We All Vote is focused on increasing participation in elections at every level of government, particularly among young voters.

