



**Office of the City Attorney
City of Bellingham**

**ATTACHMENT #2
IAB July 23, 2020**

TO: Councilmember Hannah Stone, Janice Keller, and Monea Kerr

FROM: Peter Ruffatto, City Attorney

RE: Compliance Matters and Resources Related to the Immigration Advisory Board

DATE: June 25, 2020

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In follow up to the first meeting of the City of Bellingham Immigration Advisory Board ("Board"), please note the following legal requirements and resources.

Open Public Meetings Act.

The Open Government Trainings Act requires certain public officials to receive training. Members of the Board must complete this training, in part because the board intends to take public testimony or public comment during future meetings. The training must be received within 90 days of an appointee assuming duties, which occurred on June 23, 2020. Refresher training is also required at least once every four (4) years. The Attorney General and MRSC have resources on their respective websites that can be reviewed to satisfy the training requirements. Resources and options are outlined below.

- See <http://www.atg.wa.gov/open-government-training>.
- Group Options for Open Public Meetings Act (Lesson 3):
 - A. Group schedules 20 minutes at a meeting to view a VIDEO (<https://www.youtube.com/watch?v=LmPI6Z9WKO8>). Staff member completes Training Roster (sample attached) with signatures and maintains record of training; OR
 - B. Group schedules 10-20 minutes at a meeting to view a POWERPOINT ([https://agportal-s3bucket.s3.amazonaws.com/uploadedfiles/Home/About the Office/Open Government/Open Government Training/Overview%20of%20Washington%20State%20Open%20Government%20Principles%20October%202016.ppt](https://agportal-s3bucket.s3.amazonaws.com/uploadedfiles/Home/About%20the%20Office/Open%20Government/Open%20Government%20Training/Overview%20of%20Washington%20State%20Open%20Government%20Principles%20October%202016.ppt)) Staff member completes Training Roster (Sample attached) with signatures and maintains record of training.
- Individual Options
Members view VIDEO or POWERPOINT on their own, complete and sign individual Training Certificate (sample attached). Staff member collects certificates and maintains record of training.

E-learning (new for 2016): You will need 45 minutes to complete this training:
<https://wacities.org/data-resources/open-public-meetings-act-elearning>

I recommend that Board members not communicate with each other by email regarding Board business as it may result in a violation of the OPMA.

Public Records Act.

The public records statutes apply to every board and commission of the City. Accordingly, any written document or communication, including electronic records, created in connection with Board business, will be subject to disclosure if a request is made.

Proxy Voting.

One issue that came up during the first meeting was whether someone can attend in place of an absent Board member. This raises the question of proxy voting, i.e. whether someone other than a Board member may vote on official Board business or action. This practice is not allowed under the City Charter and the ordinance establishing the Board because board members must be officially appointed. Remote attendance, if allowed by the bylaws, can be used.

Resources.

The following resources provide valuable guidance with respect to the role and effective functioning of municipal boards and commissions in the State of Washington:

- <http://mrsc.org/Home/Explore-Topics/Governance/Legislative-Organization-Meetings-and-Process/Boards-and-Commissions.aspx>
- <http://mrsc.org/getmedia/72061479-9ba8-48b4-ab1f-cfa62cf7d4f1/Local-Government-Citizen-Advisory-Boards-pdf.aspx>