

**WASHINGTON STATE ASSOCIATION OF BOUNDARY REVIEW BOARDS**

**EDUCATION COMMITTEE MEMO**

TO: BRB Clerks and BRB Members

The Education Committee is encouraging all BRB members and professional staff to attend the virtual Annual Training Conference in October where we will be soliciting further suggestions from each of you.

We want to give each of you sufficient time to review the attached material so that we can engage each you during our scheduled Roundtable Discussions.

Education Committee Review Team Members:

David Hambelton, Snohomish County BRB

Mark Smith, Cowlitz County BRB

Mary Repar, Skamania County BRB

Alison W. Sing, Snohomish County BRB/Education Chair

Attachments:

- Education Committee's Findings and Recommendations
- New Topics Raised for Future Considerations

## Washington State Association of Boundary Review Boards

### 2021 Training Needs Survey

#### Education Committee Findings and Recommendations

The stated training needs for our Boundary Review Board members and professional staff survey results, recapped by Jay Hamlin, are attached for your information. The Education Committee conducted three separate surveys:

- ❖ New Board Members
- ❖ Experienced Board Members
- ❖ BRB Chief Clerk and staff

The Education Committee captured the essence of critical training needs for each of the above surveys. The WSABRB should develop a plan to address the following:

1. **Consistency:** Current BRB members and staff training is not consistent across BRB entities; aside from the Association annual conference material.

**Recommendation:** Establish the Association web site as the “go to” information destination for all BRB members and staff such as:

- A standardized training program
- BRBs and staff roles and responsibilities
- A “gold standard” education program.
- Question-and-Answer element to provide a “go to” place to seek answers or submit questions for the association to address.
- Standardized sections covering several BRB issues and/or procedural practices
- A process to automatically notify members and staff whenever the web site is updated.
- The web site should replace the need for annual BRB conference notebook
- The web site could link to external resources such as the Municipal Research and Services Center (MRSC) and the Washington State Office of the Attorney General, etc.

The Association should encourage Mentor/Mentee relationships with new and experienced board members either within a county or intra-county among our association membership.

2. **Scripts:** Although some respondents acknowledge that they use some form of a Chair’s Script; it is evident, a standardized Chair’s Script is not being used by the BRB counties. The Education Committee cannot determine if the scripts uniformly address how public hearings are being conducted; whether the issues of decorum, protocol, processes, and procedures are being used on a consistent basis.

**Recommendation:** The Association should develop and adopt a standardized “Chair’s Script” that includes references to the RCWs that establishes how BRB decisions should be made to comply with state law. The Chair’s Script should be shared with BRB members and staff to allow all members to eventually serve as the board chair. Using a standardized Chair’s Script ensures a well-run meeting.

- 3. RCWs:** Respondents raised questions related to the applicable RCWs that the board must consider in their decisions. The applicable RCWs are not always identified, referenced or read at the beginning of a hearing to ensure compliance with them. This can lead to procedural errors in the board’s final decision.

**Recommendation:** The applicable RCWs should be listed and presented (share on screen) to the public to establish the board’s responsibility and legal authority governing their decisions.

- 4. Lack of in-house training:** Many BRB Counties do not have in-house training for BRB members and staff. Many rely on the WSABRB annual training conference; however due to time constraints comprehensive training is not provided. This leaves a void throughout the year for BRB member and staff and training. Since the BRBs generally only meet when their jurisdiction is invoked, and a public hearing is scheduled, this provides no dedicated training time.

**Recommendation:** The Association along with the professional staff should collaborate to produce mini-Zoom sessions (similar to YouTube format) that focus on specific issues identified in the survey. These training sessions should be recorded for future access by board members and new staff. These Zoom sessions can be interactive or a one-way presentation that answer specific questions raised by board members.

- 5. Legal Advice:** Many board members want information on when to seek legal advice, a process for requesting legal advice, how boards should handle legal citation’s that refer to non-Washington state case law or statutes, when a member should recuse themselves, conflict of interest and ex parte communication issues, etc.

**Recommendation:** Since the Boundary Review Board is embodied by law as a Quasi-Judicial body acting on behalf of the county; the Civil Division of the County’s Prosecuting Attorney’s Office or the county’s legal counsel should be enlisted to provide legal advice. It is in the county’s best interest to provide such legal services to the BRB to ensure proper procedures are observed and to minimize potential legal appeals of BRB decision.

- 6. “Best Management Practices”:** *Currently, the State Association has not adopted any statewide “Best Management Practices” standards for our Boundary Review Boards.*

**Recommendation:** The Executive Committee should work to establish best management practices for all boards, staff, and the association.

**7. Public Meeting Management:** Members indicated that some BRB meeting are disrupted. Our members seek guidance and tools for managing public hearing disruptions by those in attendance.

**Recommendation:** By establishing training, meeting formats and scripts that clearly identify hearing process, that spells out the rules of engagement at the beginning of hearing should minimize disruptive behavior during the public hearing. Additional conflict resolution training tools may be helpful.

The Education Committee acknowledges this is not an all-inclusive list of training issues. Implementation of these recommendations will enhance the association's professionalism value and credibility.

Respectfully submitted by the Education Committee:

- ❖ Dave Hambelton, Snohomish County BRB
- ❖ Mary Repar, Skamania County BRB
- ❖ Mark Smith, Cowlitz County BRB
- ❖ Alison W. Sing, Snohomish County BRB and WSABRB/Education Chair

## **NEW TOPICS FOR FUTURE CONSIDERATION**

**Website Enhancement** – To include a new section devoted to “Questions and Answers” submitted by our BRB members and staff’ editorial style board to answer. Those questions of a legal nature would be turned over to our legal team to provide a “layperson” response to our question. The Association should identify and establish a set of topics or generic categories that we would provide general guidance related to the subject matter raised by the BRB member or staff.

**Developed a Partnership List of Agencies/Organizations to consult with** - The Association should develop a list of potential partners that have developed “Best Management Practices” tools that we can use and share with our BRB members and staff by obtaining permission to either link or post on our website with appropriate citation of the authoring source. For example, all State Boards and Commission members must annually via on-line certification take a refresher course designed by the Attorney General’s Office on common subjects like –

- Observing the State’s Open Meetings Laws
- Yearly Financial Disclosure Statement for Appointed Official and Board Commission Members
- Ex Parte Communications
- Appearance of Fairness Doctrine
- Conflict of Interest
- Recusal

**Pursue supplemental funding** – The State Association financial picture is extremely bleak and our reliance on the annual fee from BRB member counties is barely enough to maintain our current operation; we cannot even depend on this meager due(s) paying plan. In the past, our Annual Conference raised sufficient funds that allow us to engage a lobbyist who provided us with current updates on proposed legislations. With an external source of additional funding, we are limited in our ability to act both internally and externally. It has been suggested that our member counties with the Association’s blessing approach our respective counties to see if we could obtain Covid Impact Funds to help enhance our current training status going forward to help those counties obtain the necessary technological tools that would help our citizen better understand how the Boundary Review Boards function and our responsibilities under the RCWs.

**Citizen Participation Responsibilities** - As a public entity created under State Statutes, we are also obligated to inform our citizenry of our obligation and to educate them of the laws governing our responsibilities as a quasi-judicial body created under State Law. We should create standardize educational material that will direct citizen’s to our Association’s web site where they can find information on how to participate in a public hearing, their rights as citizen’s to participate, the how to’s in giving public testimony, etc. The State Legislature provides similar tools to help citizens understand how laws are adopted and how bills are enacted. Many of the larger counties currently provide similar tools for their electorate to help them navigate the system. The State Association is no different and we should also develop similar tools. Such tools will enhance our work on behalf of the citizens of our respective county. The push back that has been reported by some counties of disruptive public hearing and irate citizens is a reflection of the public misunderstanding of our roles as a quasi-judicial body whose hands are tied to the RCW’s that we must follow. We must educate them to understand how to address the “Objectives” and “Factors” in such a way that we can rendered a fair decision rather than having appear to have “rubber-stamped” the proposal before us.