

Call to Order (Attendance, Agenda, Ethics)
Welcome of new Commissioners
Suyematsu Next Steps
Fort Ward Stables Review
Hoveida Review [BLD24928 DEM](#)
Open Government Training
New/Old Business
Adjourn

Call to Order (Attendance, Agenda, Ethics)

Chair Eric Kortum called the meeting to order at 2:06 PM. Historic Preservation Commissioners in attendance were Sandy Burke, Susan Hughes, Brianna Kosowitz, Terri Bumgardner, Christopher Moreno and Rick Chandler. Also present were City Council Liaison Kirsten Hytopoulos, City Liaison and Senior Planner Kelly Tayara, and City Administrative Specialist Carla Lundgren. The agenda was reviewed, and no conflicts were disclosed.

Review & Approve Minutes – July 23, 2020 & August 6, 2020

Motion: I move to approve both July 23rd and August 6th minutes.

Hughes/Burke: Passed Unanimously

Suyematsu Next Steps

Discussion Only – HPC to create letter and presentation for Council Member Hytopoulos to present to the City Council for consideration in upcoming budget discussions. Commissioners Kortum, Hughes and Burke formed a subcommittee to work on letter and presentation.

Fort Ward Stables ([PLN51760 PRE](#))

Presentation & Discussion Only – (see attached materials) Chair Kortum, Commissioner Bumgardner and Commissioner Moreno creates a subcommittee to perform site visit before next meeting.

Review of Permit Applications

The Commission completed reviews of the following permit applications and Senior Planner Tayara will send Commission comments to the owners:

- Hoveida ([BLD24928 DEM](#)) – *Discussion Only* Requested previous owner & architect

Open Government Training – Deputy City Attorney, Robbie Sepler

Presentation Only

New/Old Business

- Sportsmans Club ([BLD249040 C-DEC](#)) – Application for alteration to a property listed on the Local Register

Motion: I move to waive review of this project.

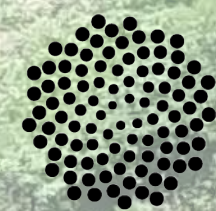
Bumgardner/Burke: Passed Unanimously

- The Laurels & Fort Ward Buildings 15 & 16 nomination discussions

Motion: I move to forward The Laurels & the Ford Ward Buildings nomination to the next meeting.

Burke/Hughes: Passed Unanimously

Adjourn - The meeting adjourned at 4:39 PM



MCLENNAN DESIGN

1584 FORT WARD HILL ROAD NE, BAINBRIDGE ISLAND
PROJECT INTRODUCTION

2020.08.06

HISTORIC FORT WARD



FORT WARD AERIAL VIEW, 1932



HISTORIC BUILDING 15



FORT WARD HILL ROAD, 1941



4532-45 View from East showing left to right Storehouse 5, Storehouse 9, Scalehouse 59, Garage 15, Barracks 16, School 13 in background and Powerhouse 27 in foreground - Naval Radio Station -

BUILDING 15 – THE BARRACKS

EXTERIOR, 2015



SOUTHWEST CORNER, 2016



ROOF DETAIL, 2016





BUILDING 15 – THE BARRACKS



EXISTING STRUCTURE, 2016



NORTHERN WINDOW, 2016

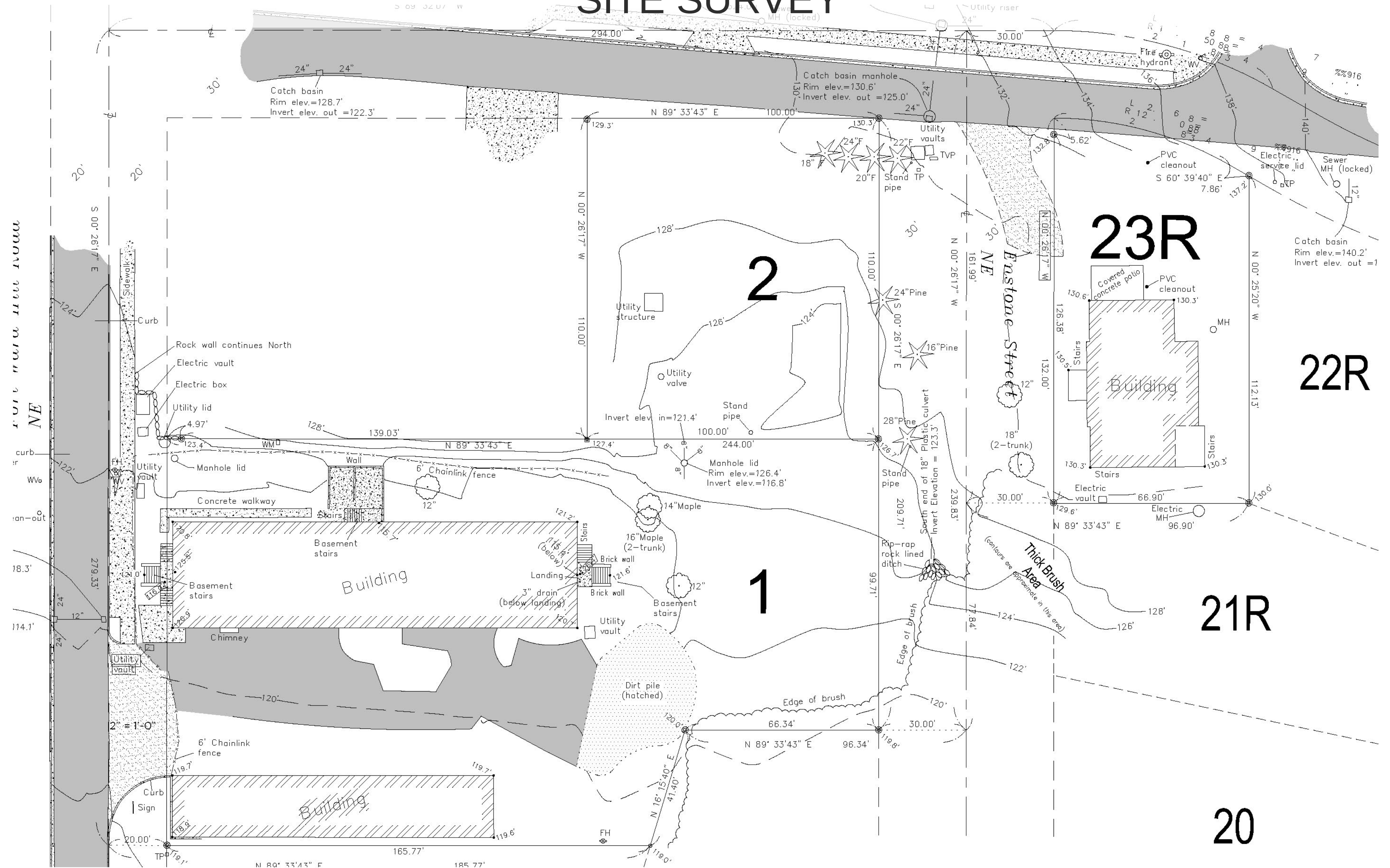


DORMER WINDOWS, 2016

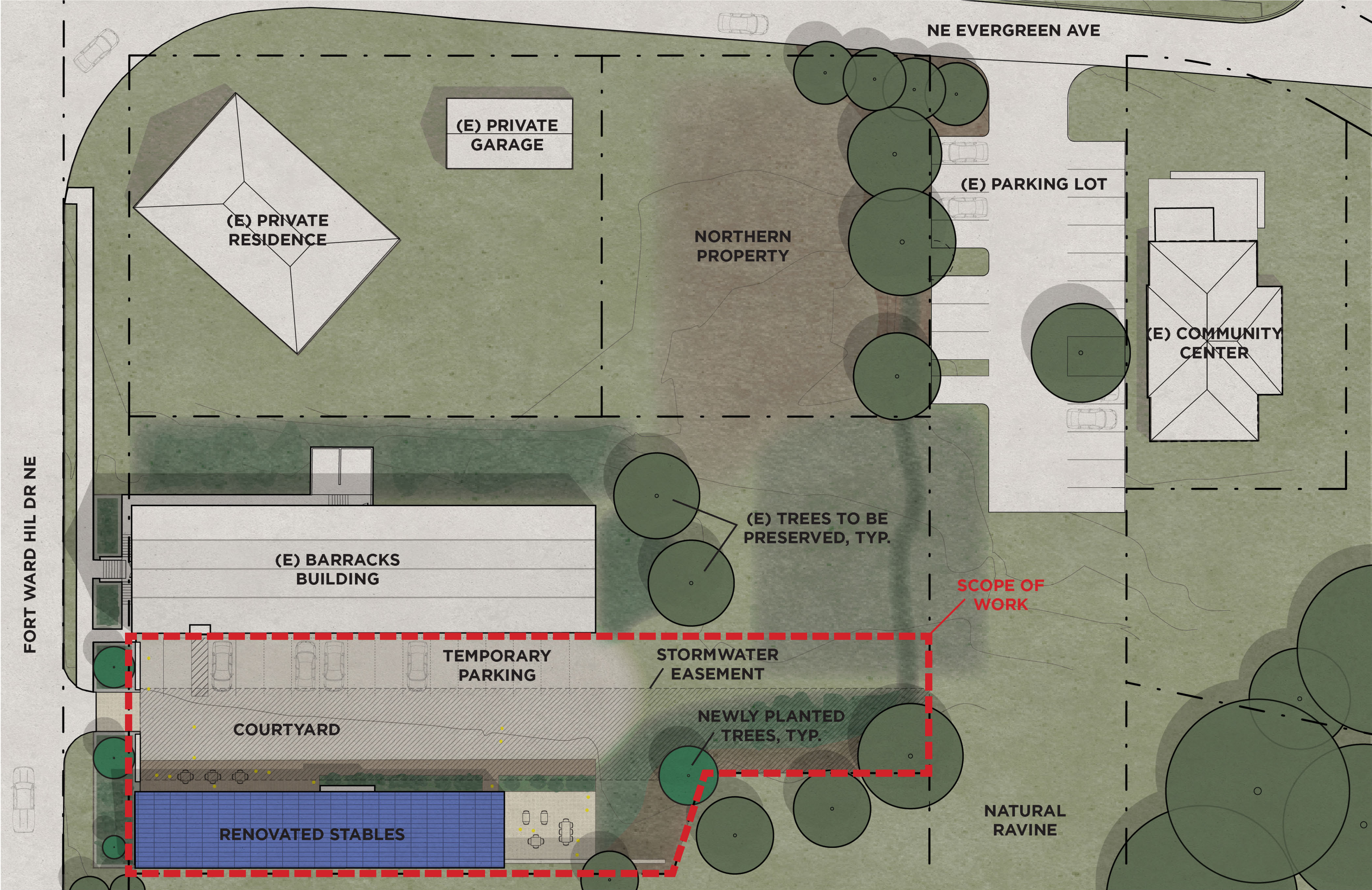
BUILDING 16 – THE STABLES



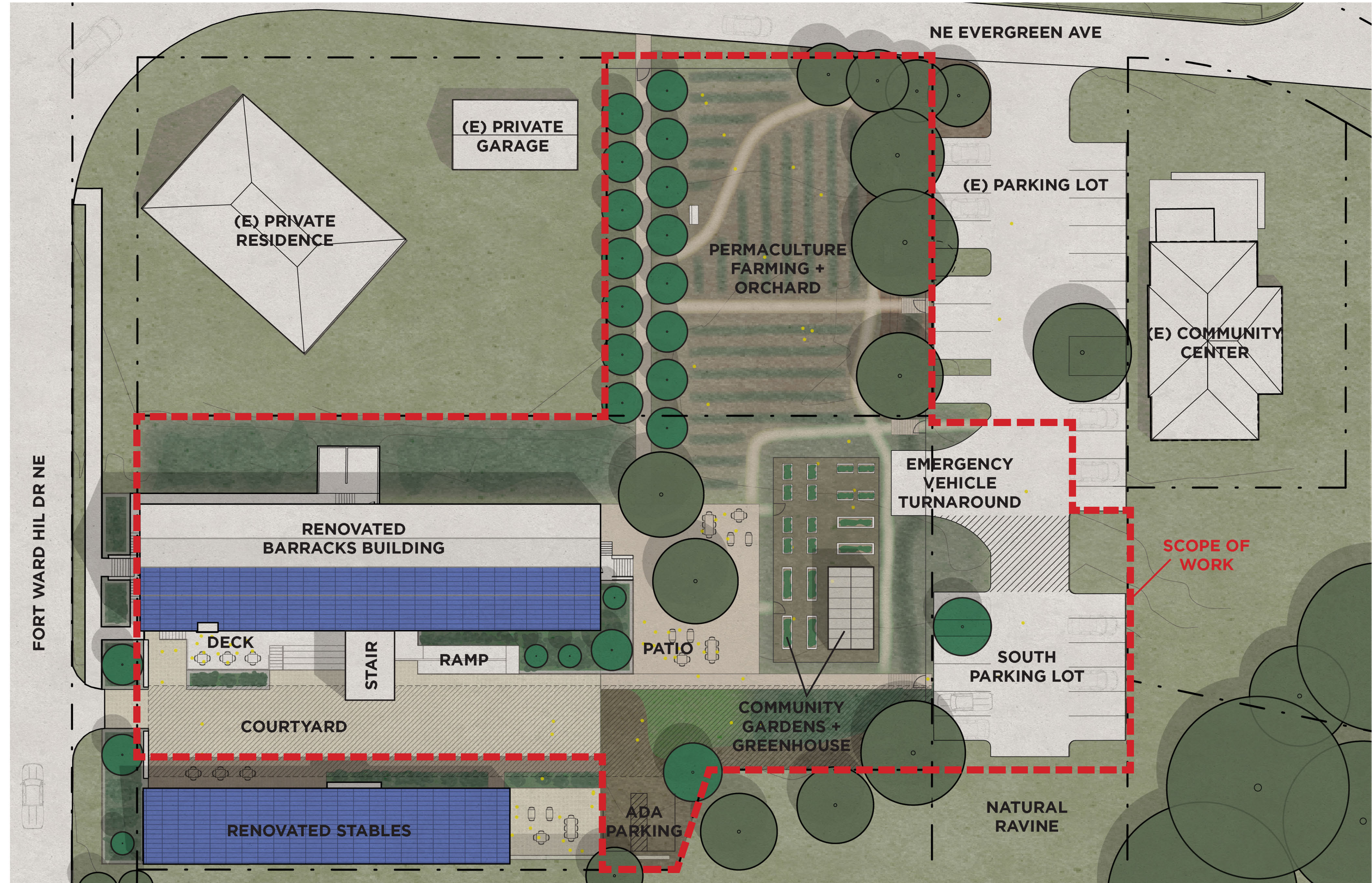
SITE SURVEY



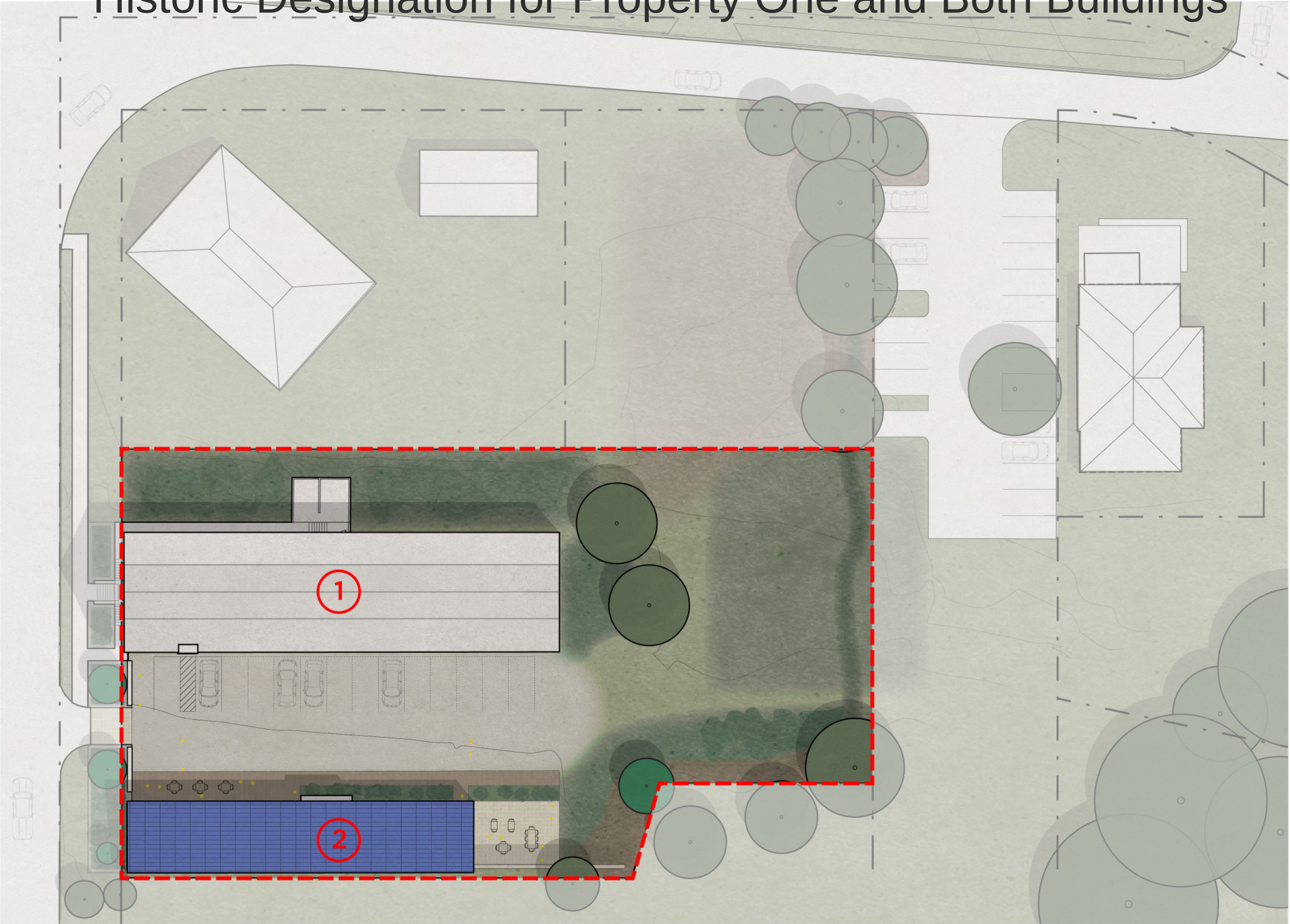
SITE PLAN – PHASE 1



SITE PLAN – PHASE 2



Historic Designation for Property One and Both Buildings







Fika cafe

1.5 COFFEE
2 AMERICANO
4 LATTE
1.75 PASTA

OFFICE



CLASSROOM



The background features abstract, overlapping green geometric shapes, primarily triangles and polygons, in various shades of green, creating a modern and dynamic visual effect.

Annual Open Public Meetings Act Training for Members of City Advisory Groups

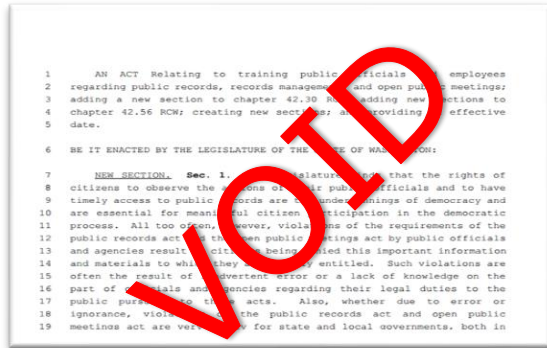
Today's Topics

1. Purposes of the OPMA.
2. General OPMA requirements.
3. Regular and special meetings.
4. Rules on public attendance and conduct during meetings.
5. Serial meetings.
6. Email, texting, and social media.

Purposes of the OPMA

- ▶ People of Washington don't yield sovereignty to local governments and agencies.
- ▶ The people insist on remaining informed.
- ▶ Public servants in the state exist to aid in the conduct of the people's business.
- ▶ It's the intent of the OPMA that the actions of public servants be taken openly and that their deliberations be conducted openly.

The Penalties Can Be Serious



- A Councilmember who knowingly participates in an illegal meeting is subject to a \$500 fine against them personally for a first violation and \$1,000 for any subsequent violation.
- Attorney fees and court costs are awarded to successful OPMA plaintiffs.
- Additionally, ordinances, resolutions, and other legislative acts adopted at an illegal meeting are void.

General OPMA Requirements

1. All meetings of the governing body must be open to the public
2. No secret ballots
3. Ordinances, resolutions, rules, regulations, and orders must be adopted at a public meeting or they are invalid

What is a “Meeting”?

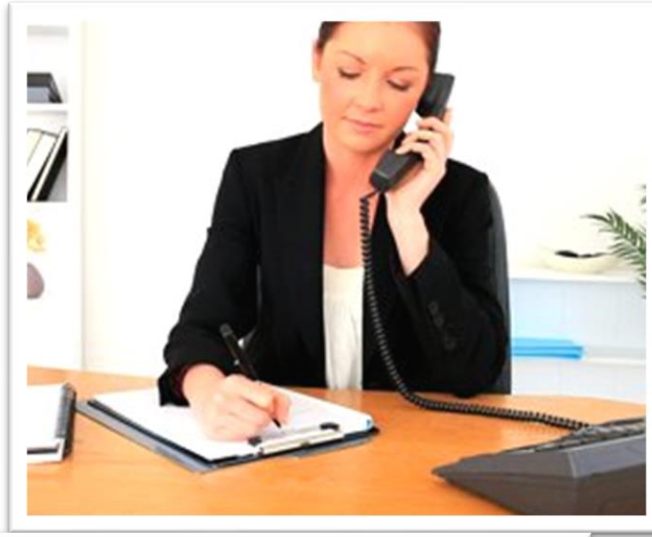
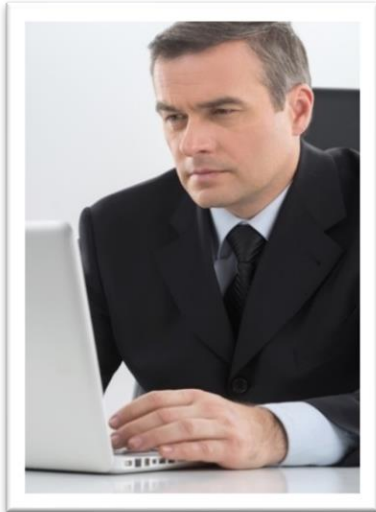


- “Meetings” occur when “action” is taken.

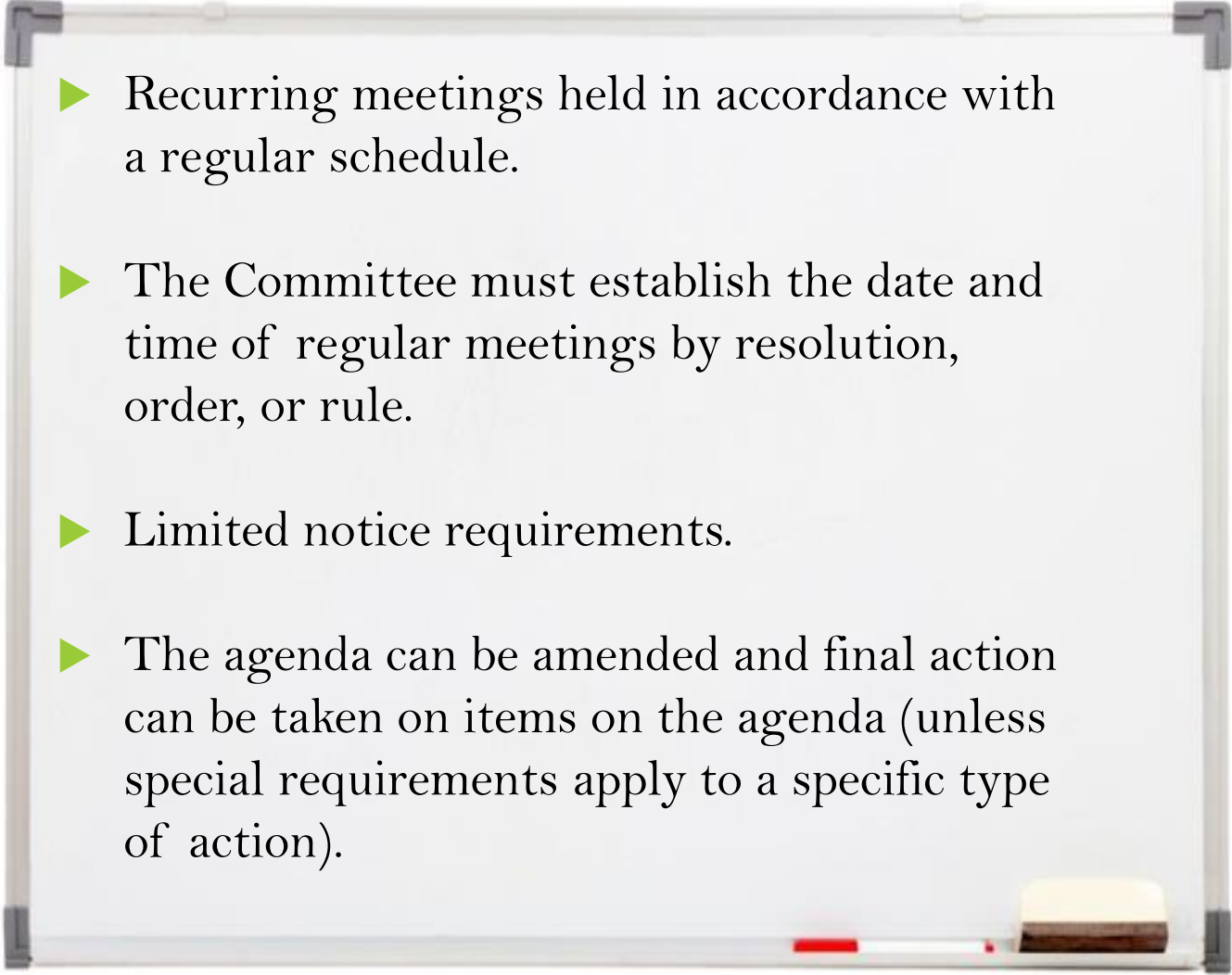
What Constitutes “Action”?

- ▶ “Action” means the transaction of the official business of the Committee by a majority or more of the Committee.
- ▶ Includes discussion, deliberations, public testimony, review, and evaluations.
- ▶ Includes, but isn’t limited to, final action.
- ▶ Final action – a collective decision or voting on motions, resolutions, or ordinances.

Other Types of Activities that Could be Considered a Meeting



Regular Meeting

- 
- ▶ Recurring meetings held in accordance with a regular schedule.
 - ▶ The Committee must establish the date and time of regular meetings by resolution, order, or rule.
 - ▶ Limited notice requirements.
 - ▶ The agenda can be amended and final action can be taken on items on the agenda (unless special requirements apply to a specific type of action).

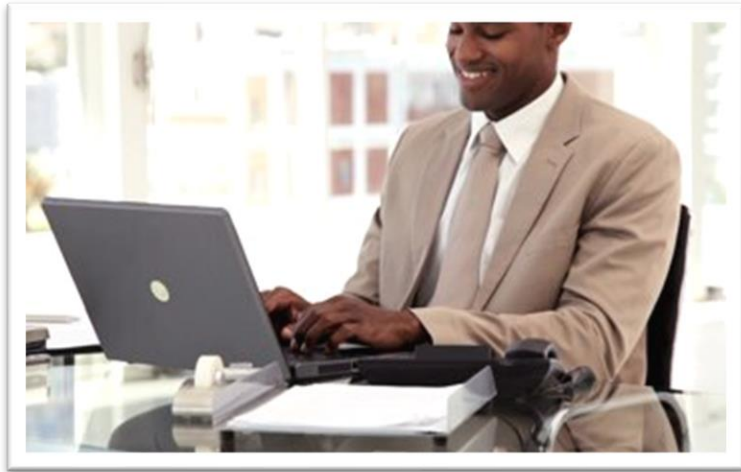
Special Meetings

- ▶ Any meeting other than a regular meeting, regardless of label.
- ▶ May be called by the presiding officer or by a majority of members of the Committee.
- ▶ Has special notice requirements.
- ▶ The meeting may be about more than one topic.
- ▶ However, **no final action** may be taken on a topic **unless the topic was listed in the notice for the meeting.**

Public Attendance and Conduct During Meetings



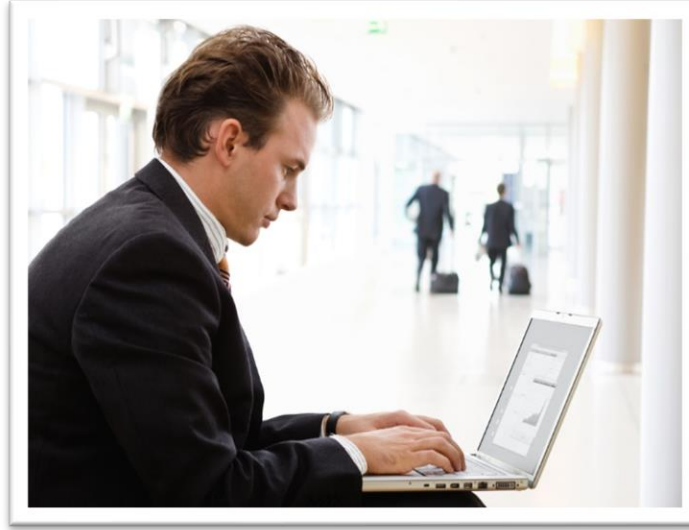
Serial (or “Rolling”) Meetings



Telephone Tree



OPMA and Email



- Discussion by a majority or more of members of a Committee over email can constitute a meeting under the OPMA.
- Courts have created guidelines for members of governing bodies to follow to avoid implicating the OPMA when using email.

The OPMA and Email - Practice Tips

- ▶ Passive receipt of information via email is permissible
- ▶ It's generally ok to email a majority or more of a Committee if you are only providing documents and factual information.
- ▶ For such information-only emails to other members of the governing body, have the first line of the email clearly state: "For informational purposes only. Do not reply."
- ▶ Except for information-only emails, don't send an email to all or a majority of the Committee, and don't use "reply all" when the recipients are all or a majority of the Committee.
- ▶ Alternatively, have a designated staff member email the documents or provide hard copies to each member of the City Council.
- ▶ **PRA Reminder:** Use your City email for all City business.

OPMA and Texting



- **PRA Reminder:** Do not text to conduct Committee business.
- Discussion by a majority or more of members of a Committee over text can constitute a meeting under the OPMA.
- Do not participate in group texts that include majority or more of members of a Committee.

OPMA and Social Media



- **PRA Reminder:** Do not use social media for Committee business.
- Discussion by a majority or more of members of a Committee over social media can constitute a meeting under the OPMA.

Closing Recommendations

OPMA – ELECTRONIC COMMUNICATIONS

PRACTICE TIPS

For Local Government Success



These practice tips are intended to provide practical information to local government officials and staff about electronic communications and requirements under the Open Public Meetings Act (OPMA), chapter 42.30 RCW. Electronic communications between members of an agency's governing body can implicate the OPMA, and these practice tips will help guide you in identifying and addressing key issues in this regard.* For more information and resources visit www.mrsc.org/opmapra

An Email Exchange Can Constitute a Meeting

If you, as a member of the governing body (e.g., city council, board of commissioners, planning commission), communicate with other members of the governing body by email, keep in mind that email exchanges involving a majority of members of the governing body can constitute a "meeting" under the OPMA. This principle also applies to text messaging and instant messaging.

What types of email exchanges can constitute a meeting? If a majority of the members of the governing body takes "action" on behalf of the agency through an email exchange, that would constitute a meeting under the OPMA. Note that taking "action" under the OPMA can occur through mere discussion of agency business, and that any "action" may be taken only in a meeting open to the public. The participants in the email exchange don't have to be participating in that exchange at the same time, as in a "serial" or "rolling" meeting can occur in violation of the OPMA.

Recommendations: As a member of the governing body, consider the following tips to avoid potential OPMA violations:

- Passive receipt of information via email is permissible, but discussion of issues via email by the governing body can constitute a meeting.
- An email message to a majority or more of your colleagues on the governing body is allowable when the message is to provide only documents or factual information, such as emailing a document to all members for their review prior to the next meeting.
- If you want to provide information or documents via email to other members of the governing body, especially regarding a matter that may come before the body for a vote, have the first line of the email clearly state: "For informational purposes only. Do not reply."
- Unless for informational purposes only, don't send an email to all or a majority of the governing body, and don't use "reply all" when the recipients are all or a majority of the members of the governing body.
- Alternatively, rather than emailing materials to your colleagues on the governing body in preparation for a meeting, have a designated staff member email the documents or provide hard copies to each member. It's permissible, for example, for a staff member to communicate via email with members of the governing body in preparation for a meeting, but the staff member needs to take care not to share any email replies with the other members of the governing body as part of that email exchange.

OPMA – EXECUTIVE SESSIONS

CHECKLIST

For Local Government Success



The Open Public Meetings Act (OPMA) requires specific steps be taken in order to hold an executive session. Use this checklist to guide your agency's compliance with the OPMA related to executive sessions.* For more information and resources visit www.mrsc.org/opmapra

	Requirement	Completed/ Applicable
Meeting	An executive session can only be held as part of a regular or special meeting.	Yes
Purpose	The presiding officer announces in open session the purpose of the executive session.	Yes
End Time	The presiding officer announces in open session the time the executive session will end.	Yes
Legal Counsel	Legal counsel is present during the executive session, if required. (See topics below and on the next page for discussions that require the presence of legal counsel.)	Yes
Confidentiality	At the start of the executive session, participants are reminded that discussions are confidential.	Yes
Topics	Related to local governments, the following topics set forth in RCW 42.30.130(1) can be discussed in executive session:	Yes
	• Matters affecting national security. RCW 42.30.130(1)(a).	Yes
	• Lease or purchase of real estate if there's a likelihood that disclosure would increase the price. RCW 42.30.130(1)(b).	Yes
	• Consideration of the minimum offering price for sale or lease of real estate if there's a likelihood that disclosure would decrease the price. RCW 42.30.130(1)(c).	Yes
	• Notice: First action setting or hearing public property must be taken in open session.	Yes
	• Negotiations on the performance of a public bid contract. RCW 42.30.130(1)(d). See back of page.	Yes
	• Complaints or charges brought against a public officer or employee. RCW 42.30.130(1)(f).	Yes
	• Notice: At council's request, discussion must be in open session.	Yes
	• Qualifications of an applicant for public employment. RCW 42.30.130(1)(g). See back of page.	Yes
	• Performance of a public employee. RCW 42.30.130(1)(h). See back of page.	Yes
	• Qualifications of an applicant/candidate for appointment to elective office. RCW 42.30.130(1)(i). See back of page.	Yes
	• Agency enforcement actions. RCW 42.30.130(1)(j). See back of page.	Yes
	• Notice: Requires presence of legal counsel.	Yes
	• Current or potential litigation. RCW 42.30.130(1)(k). See back of page.	Yes
	• Notice: Requires presence of legal counsel.	Yes
	• Legal risks of current or proposed action. RCW 42.30.130(1)(l). See back of page.	Yes
	• Notice: Requires presence of legal counsel.	Yes
Extended End Time	If the executive session is not completed by the originally announced end time, the presiding officer announces the extended end time in open session before returning to executive session.	Yes
Resuspension	Open session is not resumed until after the announced end time.	Yes

Meeting Date: _____
Attendees: _____
Form Completed By: _____
*DISCLAIMER: This checklist is meant to provide summary information on executive sessions; the checklist is not intended to be regarded as specific legal advice. Consult with your agency's legal counsel about this topic as well.

OPMA – AGENCY OBLIGATIONS: A STARTING POINT

PRACTICE TIPS

For Local Government Success



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 42.30.030(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 ballot. 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
Member of a governing body	
☐ City or Town Councilmember or Mayor ☐ County Commissioner or County Councilmember ☐ Special Purpose District Commissioner/Board Member	Yes
Member of a subagency created by ordinance or legislative act, e.g.:	
☐ Planning Commission ☐ Library Board ☐ Parks Board ☐ Civil Service Commission	Yes
Member 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, any 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 2014

OPMA – NOTICE REQUIREMENTS

PRACTICE TIPS

For Local Government Success

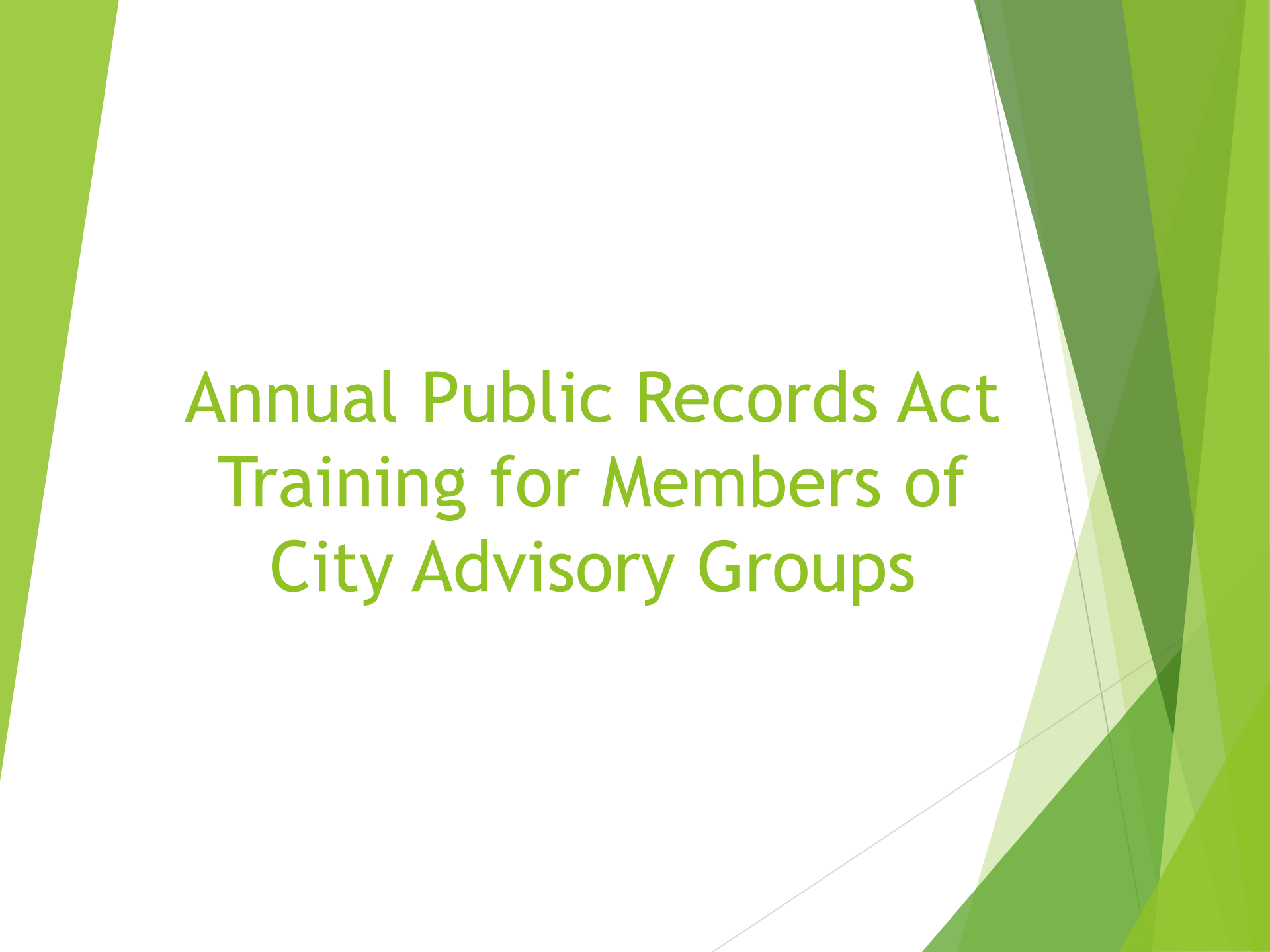


Under the Open Public Meetings Act (OPMA), to ensure that agency deliberations and other actions are conducted and taken openly, agencies are required to provide sufficient public notice of their meetings. Use these practice tips as a starting guide for OPMA notice requirements.* For more information and resources visit www.mrsc.org/opmapra

	Regular Meetings (RCW 42.30.070)	Special Meetings (RCW 42.30.080)
Definition and Agenda	held in accordance with a schedule fixed by ordinance, resolution, policy, or other rule. Effective June 12, 2014, agendas must be made available on the agency's website at least 24 hours in advance of the meeting unless the agency: 1. Doesn't have a website; or 2. Employs fewer than 10 full-time equivalent employees. There are no other notice requirements for regular meetings in the OPMA. However, other relevant laws apply to some local governments. For example, other laws are required to establish a procedure for notifying the public of the preliminary agenda for the forthcoming council meeting (although not necessarily posted as well as regarding upcoming hearings. RCW 35A.22A.160; RCW 35.22.280; RCW 35.23.221; RCW 35.27.205. There are no similar requirements for counties or special purpose districts related to preliminary agendas.	Anything other than a regular meeting. May be called by the presiding officer or a majority of the members of the governing body. The special meeting notice must specify the date, time, and place of the special meeting, and the business to be transacted. Personal notice. Written notice must be delivered personally, by mail, fax, or e-mail at least 24 hours before the meeting to: 1. Each member of the governing body, unless the member submits a written waiver of notice in advance with the clerk, or the member is actually present at the meeting; and 2. Each member of the news media who has on file with the governing body a written request for notice of special meetings. Website notice. Notice must be posted on the agency's website 24 hours in advance of the meeting, unless the agency: 1. Doesn't have a website; or 2. Employs fewer than 10 full-time equivalent employees; or 3. Doesn't employ personnel whose duty as defined by a job description or existing contract, is to maintain or update the website. Notice at agency's principal location. Notice must be prominently displayed at the main entrance of the agency's principal location and the meeting site if the meeting isn't held at the agency's principal location.
Emergency	In an emergency situation (e.g., fire, flood, earthquake, or other emergency), a meeting may be held at a site other than the regular meeting site, and the notice requirements under the OPMA are suspended during such an emergency.	The notices required for special meetings aren't required if a special meeting is called to deal with an emergency involving injury or damage to persons or property or the likelihood of such injury or damage, when those requirements of each notice would make notice impractical and increase the likelihood of such injury or damage.
Holidays	Regular meetings that will be held on a holiday, if a regular meeting falls on a holiday, the meeting must be held on the next business day.	Although not specifically addressed by the OPMA, we recommend that special meetings not be held on holidays out of consideration for public participation.
Resuspension	There are no restrictions on the type of business that may be transacted at regular meetings.	Resuspension cannot be taken on any matter not listed in the special meeting notice.

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

May 2014

The background of the slide features abstract, overlapping geometric shapes in various shades of green, ranging from light lime to dark forest green. These shapes are primarily located on the left and right sides, framing the central text area. The overall design is modern and clean.

Annual Public Records Act Training for Members of City Advisory Groups

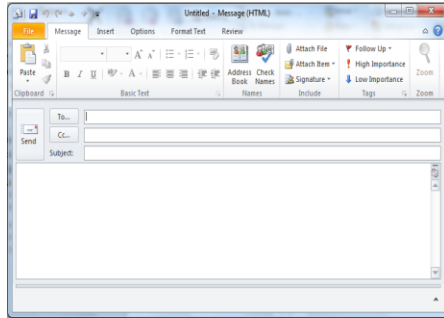
Today's Topics

1. What is a public record?
2. Complying with the PRA.
 - A. Use of email for City business;
 - B. Use of texting for City business;
 - C. Use of social media for City business;
 - D. Use of personal devices for City business; and
 - E. Use of Online Productivity/Collaboration Tools
3. Exemptions and prohibitions.
4. Penalties under the PRA.

Purposes of the PRA

- People don't yield sovereignty to local government
- Maintain right to know
- People maintain control through access to information
- Fully protect public interest

Common Types of Public Records



Prepared
Owned
Used
Retained



Key Concept

- Consider the content of the record.
- A record is a public record if it relates to the conduct of government or the performance of any governmental or proprietary function, and it meets one of the POUR factors.
- A record is not a public record if it relates solely to personal matters and not to agency business.

Using Email for Committee Business

- ▶ Use your City account for all committee business
- ▶ Use your City account only for committee business.
- ▶ Do not use your personal email account to conduct Committee business.
- ▶ If you get a committee-related email message via your personal account, forward the email to your City account, and respond to the sender and indicate to them that all committee-related emails need to be sent to you via your City email address.

Texts Related to Committee Business

- ▶ Do not send texts related to committee business.
- ▶ If you receive a committee-related text message on your personal phone, use the following procedure:
 - 1) Reply with a message stating that all written committee-related communications must be through your City email address.
 - 2) Forward both the original text and your response as an attachment to your City email account.
 - 3) Include the date, sender & recipient name, and brief description of the topic in the subject line of the email.

Social Media and Committee Business

- ▶ Do not use social media for committee business.
- ▶ If you receive a committee-related message on your personal social media account, use the following procedure:
 - 1) Reply with a message stating that all written communication must be through your City email address.
 - 2) Forward both the original message and your response as an attachment to your City email account.
 - 3) Include the date, sender & recipient name, and brief description of the topic in the subject line of the email.

Social Media and Committee Business

- ▶ Every committee is encouraged to work with Kristen Drew, the City's Communications Coordinator
- ▶ Kristen Drew, Communications Coordinator
kdrew@bainbridgewa.gov
206.780.3741 (office)

Email, Text, and Social Media Recap

- ▶ Use your City email account for all committee business.
- ▶ Use your City email account only for committee business.
- ▶ Do not send texts related to committee business.
- ▶ Do not use social media for committee business.

Use of Personal Devices

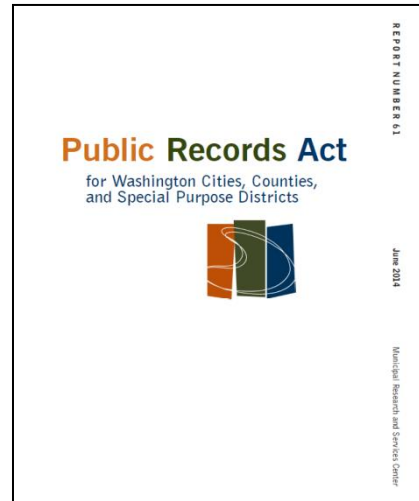
- ▶ Personal Devices = Personal phone, laptop, tablet, etc.
- ▶ To the extent possible, keep committee-related records separate from personal records.
- ▶ Do not delete committee-related records without first forwarding them to your City-issued email account.

Use of Online Productivity/Collaboration Tools

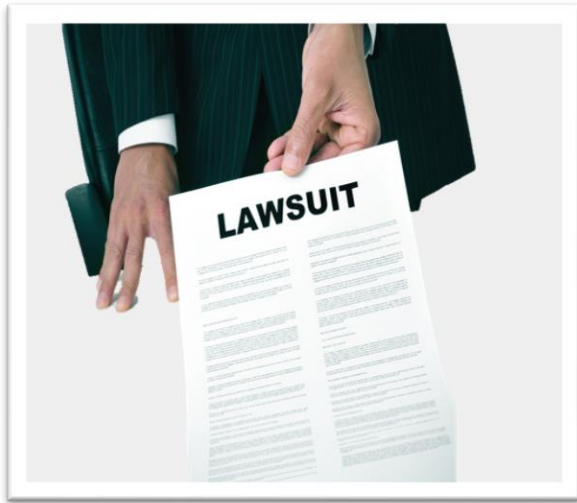
- ▶ Examples: Slack, Trello, Asana, etc.
- ▶ Do not use online productivity/collaboration tools.

Exemptions Under the PRA

- ▶ Exemptions are narrowly construed
- ▶ Exemptions are permissive rather than mandatory



Penalties



References: Chapter 42.56 RCW; chapter 40.16 RCW

PRA Penalties

- ▶ Per day penalties from \$0 to \$100
- ▶ Costs and fees

Also, as a committee member, the appointing authority (e.g., the City Council) has the authority to remove you from the committee based on a violation of City policy.



Closing Recommendations

ELECTRONIC RECORDS – PRA AND RECORDS RETENTION		
DO'S AND DON'TS		
For Local Government Success		
These Do's and Don'ts are intended to provide summary guidance related to use of electronic records and electronic devices in compliance with the Public Records Act (PRA) (chapter 42.56 RCW) and records retention law (chapter 40.54 RCW). For a more thorough analysis of these issues, please review our related guide: Electronic Records – PRA and Records Retention Practice Tips . ¹ For more information and resources also visit www.mrsc.org/opnmapra .		
	Do	Don't
Agency Computer	Do use your agency computer to conduct agency business. This allows your agency to retain records appropriately and locate such records in response to a PRA request.	Don't delete records from your agency computer (or any computer) unless you're certain the records aren't public records, or the records are past their required record retention period. (If you have any doubt about deleting records, check with your agency's legal counsel.)
Personal Computer	Do use your personal computer to remotely access your agency's file server and email server (if your agency allows for such remote access).	Don't use your personal computer to conduct agency business unless you do so by accessing your agency's server(s) remotely. If that's not possible and you use your personal computer to conduct agency business, make sure that you: • Retain all public records with retention value; and • Provide those records to your agency so the agency can retain the records appropriately and make them available if a PRA request is made for such records.
Agency Email Account	Do use your agency email account to conduct agency business. This allows your agency to retain its records appropriately and to locate such records in response to a PRA request.	Don't delete emails sent or received from your agency email account unless you're certain the emails aren't public records, or the emails are past their required record retention period. (If you have any doubt about deleting emails, check with your agency's legal counsel.)

PRA – AGENCY OBLIGATIONS: A STARTING POINT	
CHECKLIST	
For Local Government Success	
The Public Records Act (PRA) establishes basic procedural requirements that each agency must adopt. Use this checklist as a start for PRA compliance. ¹ For more information and resources visit www.mrsc.org/opnmapra .	
☐	Assign a Public Records Officer (PRO) Post the PRO's contact information at the agency's place of business, on the agency's website (if any), and in any relevant publications. RCW 42.56.060 .
☐	Adopt a Local Public Records Act Policy The local PRA policy should outline reasonable regulations for the agency's handling of public records requests, such as the agency's response process when it receives a records request. The policy must be prominently displayed. RCW 42.56.040 .
☐	Publish a List of Exemptions and Prohibitions Found Outside the PRA Publish a list of exemptions and prohibitions to disclose other than those listed in the PRA. RCW 42.56.070 . Examples of these other types of exemptions and prohibitions can be found in Appendix C of MRSC's Public Records Act publication .
☐	Maintain an Index of Public Records Maintain a current index of many types of agency records unless to do so would be unduly burdensome for the agency. If it's unduly burdensome, the agency must adopt a formal order specifying the reasons why and the extent to which compliance would unduly burden or interfere with agency operations. RCW 42.56.070 .
☐	Adopt a PRA Fee Schedule Establish fees for PRA costs, including costs for hard copies, electronic copies, and mailing costs. RCW 42.56.070 and RCW 40.56.030 .
☐	Provide for a Review Procedure for any Denial of Records An agency must provide for review of a denied or limited records. The review can be conducted by the PRO's supervisor, the agency's attorney, or any individual designated by the agency. Review is deemed complete two business days after the initial denial. RCW 42.56.030 .
☐	PRA Training Requirements, Effective July 1, 2014 (see Office of the Attorney General: Open Government Training Act (O & A)): • Every local elected official and every local government PRO must receive records training (PRA training concerning chapter 42.56 RCW and records retention training concerning chapter 40.54 RCW). • This training must be completed no later than 30 days after these elected officials and PROs take their oath of office or assume their duties. They must also receive "refresher" training at intervals of no more than four years.

*DISCLAIMER: This checklist is meant to provide summary information on basic procedural requirements of the PRA; the checklist is not intended to be regarded as specific legal advice. Consult with your agency's attorney about its use as well.

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PRA – HOW TO PERFORM AN ADEQUATE SEARCH FOR RECORDS	
PRACTICE TIPS	
For Local Government Success	
The Public Records Act (PRA), chapter 42.56 RCW, requires that agencies perform an adequate search to locate records responsive to a public records request. The PRA itself doesn't provide detailed provisions on how to conduct an adequate search. Rather, such requirements can be found in court decisions interpreting the PRA, including Neighborhood Alliance v. Spokane County , 172 Wn.2d 702 (2013). These practice tips are based on such case law. Use these tips to guide your agency's search for responsive records. ¹ For more information and resources visit www.mrsc.org/opnmapra .	
Adopt a Standard Methodology to Search for Records (This methodology will apply to each search.)	
1	Records organization. Understand how each department within your agency organizes and retains its records.
2	Implement an effective system for locating and collecting responsive records. With an effective system in place, an agency can more efficiently find records responsive to a PRA request and more easily defend itself against a challenge that its search for records was inadequate, especially in situations in which the agency finds no records responsive to a PRA request. a. How does the agency inform applicable staff and officials about a PRA request? - TIP: Consider having the Public Records Officer (PRO) email the records request to applicable staff and officials and require them to actively respond regarding whether they have responsive records via the "reply" function in Microsoft Outlook (or equivalent). b. Who searches for the records? - TIP: If the PRO searches for records, consider developing a "tip sheet" identifying locations to search for commonly-requested records, listing commonly-used search terms, and providing other key information (see below). - Special Search Tip for Incoming PRA Requests
(These tips are generally applicable to all requests and some are particularly useful for non-routine requests.)	
1	Be clear on what the requester is seeking. • In determining the scope of the search, take care not to interpret the request too narrowly. • If the request is unclear, ask clarifying questions from the requester. • Document any communication the agency has with the requester.

*DISCLAIMER: These practice tips are meant to provide tips on how to perform an adequate search; the tips aren't intended to be regarded as specific legal advice. Consult with your agency's attorney about this topic as well.

Check out MRSC's Public Records (and OPMA) Practice Tips and Checklists.

ELECTRONIC RECORDS – PRA AND RECORDS RETENTION	
PRACTICE TIPS	
For Local Government Success	
These practice tips are intended to provide practical information to local government officials and staff about electronic records and requirements under the Public Records Act (PRA) (chapter 42.56 RCW) and records retention law (chapter 40.54 RCW). The tips are based on real-world experiences, as played out in our courts and otherwise. ¹ For more information and resources visit www.mrsc.org/opnmapra .	
Key Initial Point In the context of these practice tips, it's important to keep in mind that the vast majority of records—including electronic records—that agencies deal with are public records. That said, it's also important to recognize that: (1) not all records prepared, owned, used, or retained by an agency are public records; and (2) not all public records have retention value.	
Key Terms as Used in These Practice Tips Electronic record: An electronic record (e-record) is a record you can access through an electronic device. E-records include documents, emails, voice messages, texts, tweets, instant messages, photos, and videos. Electronic device: An electronic device (e-device) is any device you can use to access e-records. E-devices include desktop computers, laptops, smart phones, other cell phones, and tablets.	
Remember These General Principles for Electronic Records	
1. Think before you "POUR." Regardless of the e-device you use to create or access an e-record, if that e-record, no matter its form, is prepared, owned, used, or retained by the agency, and its content relates to the conduct of government or the performance of any governmental or proprietary function, it's a public record.	
2. Establish agency policies/procedures. Agencies should adopt effective policies and/or procedures related to e-communications and e-devices, including appropriate use and retention requirements.	
3. Failure to comply can be costly. Knowledge of, and compliance with, the rules that apply to production and retention of e-records and use of e-devices is essential, because even inadvertent mistakes can result in serious consequences for your agency.	
What kind of consequences? If a PRA requester wins in court, an agency will be subject to daily penalties ranging from \$0-\$100 per day (the trial court decides the amount), and the court will award attorney fees and costs to the requester in the context of records retention requirements. It's a public record.	