

**COMMISSIONERS' MINUTES
KITITAS COUNTY, WASHINGTON
COMMISSIONERS CONFERENCE ROOM
SPECIAL MEETING**

MONDAY

11:00 A.M.

SEPTEMBER 13, 2010

Board members present: Chairman Mark McClain, Vice-Chairman Paul Jewell and Commissioner Alan Crankovich.

Others: Catherine Dunn, Deputy Clerk of the Board, Neil Caulkins, Deputy Prosecutor.

SPECIAL MEETING

AGENDA PROCEDURES

COMMISSIONERS

At 11:00 a.m. **Chairman Mark McClain** opened the special meeting to consider a discussion of the Procedures for the Board Agenda Sessions.

Vice-Chairman Jewell reviewed the Board procedures as they are posted on the Commissioners web page. He said the public participation listed for Commissioners meetings on the website was not that which was actually used. **Deputy Prosecutor Neil Caulkins** said this public participation procedures were not codified, but just on the website.

Deputy Prosecutor Caulkins said the meetings in the Courthouse are quintessential public forums because they promote compelling public speech. He said that content based restriction on speech is difficult to regulate. He asked if the County needed to clean up what is listed on the website to avoid a complaint of civil rights obstruction. **Mr. Caulkins** said quintessential public forums are those places where free speech has been performed time out of meaning. A government's ability to limit speech is very limited.

Chairman McClain asked about persons interrupting government business by speaking during the Consent Agenda, for instance. **Mr. Caulkins** said the parameters of limiting public speech are very limited. He said the website currently suggests that you can interrupt the Consent Agenda.

Chairman McClain asked if the County could add to the website a statement "written comments will be received by the Clerk of the Board prior to XX date." **Mr. Caulkins** replied that the Chairman had let Janiece Jump speak on an occasion during the agenda session. He said the Board cannot limit "view based" positions, but they can limit "comment based" positions. Another issue is that the applicant in a public hearing is allowed to speak for 15 minutes but

those wishing to comment from the public are not allowed more than 3 minutes. This is all written on a procedures paper.

Vice-Chairman Jewell said the content based restriction allows everyone to speak or no one, depending on the subject.

Commissioner Crankovich asked if a person could speak on a closed record hearings based on previous public hearings where comments were received. **Mr. Caulkins** said no, they could not.

Vice-Chairman Jewell asked if this would limit the Board's ability to ask questions of people in the audience. **Mr. Caulkins** agreed it would.

Chairman McClain asked if the Board could ask questions of anyone without giving all persons a chance to speak. **Mr. Caulkins** said if one member of the public is limited, all should be limited. When asked about staff members, **Mr. Caulkins** said that staff can always speak to the Board.

Mr. Caulkins cautioned against appearing arbitrary and capricious in the matter of allowing members of the public to speak. **Chairman McClain** asked if the website could be more specific on speaking during meetings, because the Board would not be able to conduct the business of the County if the public kept asking to speak throughout the meetings. He suggested the following:

"The purpose of agenda sessions is for the Board of Commissioner to conduct the regular business of County Government. Any member of the Board of Commissioners may request additional information from staff, or other parties to the particular agenda item. Citizens who wish to comment on any matter that is on the Commissioner's Agenda, may do so in writing by providing comments to the Clerk of the Board prior to the beginning of the agenda. Comments shall not be accepted for "closed record" items.

The Chairman of the Board shall set the agenda or the vice-chairman in his absence. "

Deputy Prosecutor Caulkins said that would satisfy his immediate concerns.

Meeting adjourned at 11:40 a.m.

DEPUTY CLERK OF THE BOARD


Catherine Dunn

KITTITAS COUNTY COMMISSIONERS
KITTITAS COUNTY, WASHINGTON


Mark McClain, Chairman