

# PUBLIC PARTICIPATION PLAN



## *Cowlitz-Wahkiakum Council of Governments*

Administration Annex / 207 4<sup>th</sup> Avenue North, Kelso, WA 98626

(360) 577-3041; Fax: (855) 710-6381

[cwcog@cwcog.org](mailto:cwcog@cwcog.org); [www.cwcog.org](http://www.cwcog.org)

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**Cowlitz-Wahkiakum Council of Governments**

A Resolution Adopting the )  
2017 Cowlitz-Wahkiakum Council of )  
Governments Public Participation Plan )

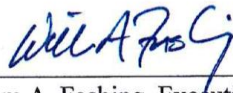
RESOLUTION NO. 2017-05

WHEREAS, Cowlitz-Wahkiakum Council of Governments as the Metropolitan Planning Organization (MPO) for the Longview-Kelso-Rainier Urban Area and lead agency for the Southwest Regional Transportation Planning Organization (SWRTPO), as well as, the administrative agency for the Federal Economic Development Planning Grant is responsible for developing a Public Participation Plan; and

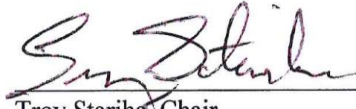
WHEREAS, the *2017 Cowlitz-Wahkiakum Council of Governments Public Participation Plan* meets the requirements of the Code of Federal Regulations 450.210 for the U.S. Department of Transportation which establishes the overall objectives of a qualifying public involvement plan; and

NOW, THEREFORE, BE IT RESOLVED that the Cowlitz-Wahkiakum Council of Governments hereby approves and adopts the 2017 Cowlitz-Wahkiakum Council of Governments Public Participation Plan.

PASSED AND APPROVED this 27<sup>th</sup> day of July, 2017.



William A. Fashing, Executive Director



Troy Stariha, Chair

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## Acronyms

<b>ADA</b>	American’s with Disabilities Act
<b>CEDS</b>	Comprehensive Economic Development Strategy
<b>CFR</b>	Code of Federal Regulations
<b>CWCOG</b>	Cowlitz-Wahkiakum Council of Governments
<b>EDA</b>	Economic Development Administration
<b>EDD</b>	Economic Development District
<b>FHWA</b>	Federal Highway Administration
<b>FTA</b>	Federal Transit Administration
<b>GHCOG</b>	Grays Harbor Council of Governments
<b>HSP</b>	Highway Systems Plan
<b>LCTSC</b>	Lewis County Transportation Strategy Council
<b>RTP</b>	Metropolitan & Regional Transportation Plan Combined
<b>MPO</b>	Metropolitan Planning Organization
<b>PCOG</b>	Pacific Council of Governments
<b>ODOT</b>	Oregon Department of Transportation
<b>PPP</b>	Public Participation Plan
<b>RTIP</b>	Regional Transportation Improvement Program
<b>STIP</b>	State Transportation Improvement Program
<b>SWEDD</b>	Southwest Washington Economic Development District
<b>SWRTPO</b>	Southwest Washington Regional Transportation Planning Organization
<b>TAC</b>	Technical Advisory Committee
<b>UPWP</b>	Unified Planning Work Program
<b>WSDOT</b>	Washington State Department of Transportation
<b>WTP</b>	Washington Transportation Plan

## The Public Participation Plan

The Public Participation Plan (PPP) is the Cowlitz-Wahkiakum Council of Governments' (CWCOG) official policy for involving the public in any federal, state, and local planning processes they may undertake.

The purpose of a PPP is to provide a documented public involvement method that addresses opportunities for the public to review and comment at key decision points within the planning process. The CWCOG's PPP is formulated to meet the federal and state law requirements of public participation within the agency's major programs (see Appendixes A through C), and to also set general standards for special projects undertaken by the CWCOG.

The PPP outlines the adoption and amendment processes for plans, projects, and tasks; comment periods; opportunities for public participation; noticing practices; and strategies for public participation in programs and projects funded with public monies.

The major federal programs of the CWCOG requiring a published Public Participation Plan are the Washington State Department of Transportation's Metropolitan and Regional Planning Organization Programs and the US Department of Commerce, Economic Development Administration Planning Partnership Program for Economically Distressed Areas.

## Objectives for Public Involvement

It is the policy of the CWCOG to follow the strictest laws applicable for any given policy. In the case of Public Participation this is the Federal Code of Regulations (CFR 450.210) for the US Department of Transportation. The CFR establishes the following objectives for the public involvement process. The PPP is the local document that establishes a set of consistent and minimum procedures to meet these requirements.

- ❖ Maintain a **proactive public involvement** process. CFR450.210(a)
- ❖ Establish **early and continuing** public involvement opportunities in developing plans.
- ❖ Provide **timely information** about issues and processes to those affected by developing plans, programs, and projects. CFR450.210(a)(1)i
- ❖ Provide **reasonable public access to technical and policy information** used in the development of plans. CFR450.210(a)(1)ii
- ❖ Provide **adequate public notice** of public involvement activities **to all interested parties**, and time for public review **with reasonable opportunities for comment** at key decision points. CFR450.210(a)(1)iii, CFR450.210(a)(2)
- ❖ To the extent practical, ensure **reasonable public access to open public meetings**. CFR450.210(a)(1)iv

- ❖ To the extent practical, **use visualization techniques**, including maps, graphics, and computer modeling technologies to describe the proposed plan. CFR450.210(a)(1)v
- ❖ To the extent practical, make project **information available electronically** through various formats and means such as the internet and agency web-page. CFR450.210(a)(1)vi
- ❖ **Consider and respond** to public input received during the planning process. CFR450.210(a)(1)vii
- ❖ **Seek out and consider** the needs of those traditionally underserved by existing systems, including but not limited to low-income and minority households. CFR450.210(a)(1)viii
- ❖ Provide periodic reviews to **evaluate and improve** public participation strategies. CFR450.210(a)(1)ix

In addition to addressing federal mandates, the CWCOG will seek to:

- ❖ Educate and inform the public about planning, projects, and issues within their communities and the region.
- ❖ Encourage participation by the Spanish-speaking community by offering Spanish notifications of upcoming projects and plans.
- ❖ Facilitate electronic distribution of project information such as meeting information, minutes, and agendas.
- ❖ Continue to update its policies in order to conform to new regulations, utilize changing technology and trends, and maintain effective public participation practices.

## Opportunities for Public Involvement

Public involvement is an important part of the planning process. When the CWCOG has input from a wide range of stakeholders and other residents, decisions are made that best serve the needs of the community.

A variety of strategies have been identified to encourage and facilitate public involvement in the planning process. Below is a list of outreach techniques that the CWCOG employs to actively solicit public input in the planning process.

- ❖ **Public Notices & Schedules** are posted to the CWCOG website at the beginning of each year ([www.cwco.org](http://www.cwco.org)). Meeting details such as date, time, and location are emailed to stakeholders and public meetings are advertised through media outlets (Appendix D) approximately seven days prior to the meeting. All notifications are made using a standard format.
- ❖ **CWCOG Website** contains information about the CWCOG and its programs, activities, planning studies, final reports, and upcoming meetings or events. As projects and reports are completed, they are made available online along with other resource information that may add value to the public. Drafts of all major plans are available for review and public comment via the CWCOG website in alignment with the timelines set by this policy.
- ❖ **Newsletters** are available in print and electronic formats, providing the public and local government partners updates on studies, projects, programs, and plans. They

can be found on the website, or members of the public may request to be part of the distribution list.

- ❖ **Distribution lists** are used to continually update interested parties and media contacts via email. Interested parties can join these lists and receive meeting and project information by contacting the CWCOG office at [cwcoq@cwcoq.org](mailto:cwcoq@cwcoq.org).
- ❖ **Workshops, forums, and open houses** may be held on topics associated with a specific plan or project. Such workshops will be designed to educate and/or engage participants on specific topics. These are advertised no less than a month in advance through the website, distribution lists, and media outlets listed in Appendix D.
- ❖ **Focus groups** may be conducted when community or stakeholder feedback is needed. Members of project-specific stakeholder groups or targeted community groups are contacted either through mail or electronic means such as email or website posting with an invitation to participate. The results and documents are incorporated into the respective planning document(s).
- ❖ **Surveys** may be used to update plans, for issue(s) identification, and other data gathering activities. They are disseminated to target populations identified through the project or planning process. Data can be collected either through an on-line service such as SurveyMonkey.com or by flyers sent out through stakeholder mailings, public gathering places, or door-to-door questionnaires. The survey process and results are then incorporated into their respective planning document(s).

## CWCOG

The Cowlitz-Wahkiakum Council of Governments (CWCOG) is a voluntary association of local governments in Washington State's Cowlitz and Wahkiakum counties and Oregon State's City of Rainier. The Council was formed in 1961 as a regional planning commission under RCW 36.70.060-130, and re-organized in 1974 under RCW 36.64.080-110 for the purpose of studying regional and governmental issues of mutual interest and concern. Within this arena, CWCOG administers several projects and programs that aid the region in addressing these issues.

### Major Plans & Policies of the CWCOG

The CWCOG maintains several general plans and policies that apply to the agency as a whole and have application to the agency's major programs and federal funding.

#### ❖ **Public Participation Plan**

The PPP is considered both a policy and plan of the CWCOG. As such, it is reviewed and approved by the CWCOG Executive Committee to be submitted for adoption by the CWCOG Board. The public review period will be advertised prior to submission to the CWCOG Board in alignment with the objectives and guidelines set by this policy.

To ensure effectiveness and compliance with federal and state regulations, the PPP is evaluated biennially. Amendments to the plan are made as necessary to ensure the strategies for public involvement remain effective and to capture legislative requirements.

Additionally, all public participation activities conducted will be reported as required by law and included in plans, documents, or reports as appropriate. Information shall include the status of strategies recommended in the PPP and any project-specific PPPs that have been developed. The evaluation and any subsequent reporting process will help to assess progress toward meeting the objectives of the plan and engaging the public in the decision-making process.

#### ❖ **Title VI Plan**

The Title VI Plan is considered both a policy and plan of the CWCOG. As such it is reviewed and approved by the CWCOG Executive Committee to be submitted for adoption by the CWCOG Board. The Title VI Plan is not required to have a public review process; but it impacts the PPP by setting the guidelines by which the CWCOG complies with the laws and regulations governing the fair and equal treatment of any person regardless of race, color, national origin, handicap/disability, sex, age, income, or minority status.

#### ❖ **Open Public Meetings Policy**

The CWCOG adheres to the Open Public Meetings Act (RCW 42.30) for those meetings or events identified as public forums. This includes, but is not limited to, reasonable access to the meeting facility and, if requested, interpretive services.

#### ❖ **Special Plans & Reports**

Special project plans and general reports requiring review by the public, shall be publicized prior to adoption or submission to the appropriate governing board(s) in alignment with the objectives and guidelines set by this policy. Due to the special

nature of these types of plans and reports, the public review process and information publicized for such vary. In such cases the CWCOG shall include the hierarchy of authority, approval process, and other such details in order to meet the general objectives and guidelines set by this policy.

### Public Comment & Review Timelines

The CWCOG will provide official windows of time during which the public can review and comment on plans and projects which are under consideration for adoption by the CWCOG Board. Drafts of all major programs, studies, and tasks will be made available for public review and comment.

The length of these public comment periods and the specific procedures followed will vary based on the type of document or subject under consideration. For the major programs administered by the CWCOG, those periods and procedures are specifically addressed within the program sections of this policy.

All comments can be sent by mail to:

**Cowlitz-Wahkiakum Council of Governments**  
**Administration Annex / 207 4<sup>th</sup> Ave North**  
**Kelso, WA 98626**

OR electronically to [cwcog@cwcog.org](mailto:cwcog@cwcog.org).

All comments received will be documented and handled according to the appropriate program or project's policy.

- ❖ 15 days for general reports not listed
- ❖ 45 days for the PPP



## Transportation

The CWCOG is designated by Washington State as the Metropolitan Planning Organization (MPO), and as such is federally mandated and authorized to fulfill the state planning requirements for the Washington/Oregon bi-state Longview-Kelso-Rainier urbanized area. The governing MPO Board is advised by the Cowlitz Area Technical Advisory Committee (CATAC).

In its role as the MPO, the CWCOG also fulfills the role of lead agency for the five-county Southwest Washington Regional Transportation Planning Organization (SWRTPO). The SWRTPO, through voluntary and contractual partnerships, fulfills state planning requirements for the county regions of Cowlitz, Grays Harbor, Lewis, Pacific, and Wahkiakum. The governing RTPO Board is advised by these regional partners and their associated Technical Advisory Committees (TAC).

- ❖ Cowlitz County: MPO Board & Cowlitz Area TAC
- ❖ Wahkiakum County: MPO Board & Wahkiakum TAC
- ❖ Grays Harbor County:  
Grays Harbor Council of Governments (GHCOG) &  
GHCOG TAC
- ❖ Lewis County:  
Lewis County Transportation Strategy Council (LCTSC) &  
Lewis County TAC
- ❖ Pacific County: Pacific Council of Governments (PCOG) &  
PCOG TAC

## Major Plans of the Transportation Program

The SWRTPO and MPO are responsible for the following transportation planning programs and studies.

### ❖ **Regional Transportation Plan (RTP)**

The RTP is a 20-year look into the future that covers the Metropolitan Planning Area (MPA) and the five-county SWRTPO Area. It envisions long-term transportation needs for the region, serving as the basis for decisions and guiding the expenditures of available federal transportation funds.

### ❖ **Regional Transportation Improvement Program (RTIP)**

The RTIP provides a four-year work program that lists all regionally significant and federally funded transportation projects and programs to be carried out within the MPA and the SWRTPO region. Regionally significant and federally funded transportation projects and programs are compiled from the local city and county Transportation Improvement Programs (TIPs) to create the RTIP. Significant amendments to the RTIP for federally funded and regionally significant projects are required to go before the MPO/CWCOG Board for approval. “Significant amendments” thresholds are defined within the RTIP document. Once approved, the amendment is then forwarded as a request to WSDOT to be included in the State Transportation Improvement Program (STIP) according to their published amendment schedule.

❖ **Unified Planning Work Program (UPWP)**

The UPWP is an annual listing of the MPO and SWRTPO's planning work tasks to be completed in the upcoming fiscal year. The final draft is presented to the MPO/CWCOG Board for final approval after the 15-day comment period and review by the SWRTPO. Any subsequent amendments are reviewed by the SWRTPO and approved by the MPO/CWCOG Board, and are required when there is a change, an addition, or a budget revision resulting from changes to the work program. Amendments involving federal funds may need to be reviewed and approved by the Federal Highway Administration (FHWA) and/or the Federal Transit Authority (FTA).

❖ **Special Studies and Projects**

As needed, the CWCOG will conduct or sponsor planning studies to address a variety of transportation issues or concerns. The need and scope for public involvement will be determined for each project, study, and UPWP task prior to initiation. For studies, projects, and certain tasks conducted under the metropolitan transportation planning program, public participation opportunities may include:

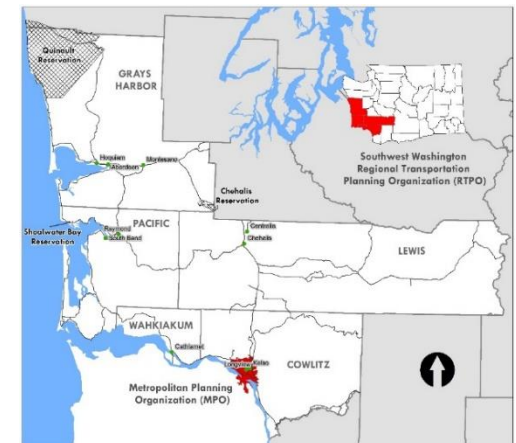
- ◆ **Media releases** will be issued on the project as needed to keep the public informed of study activities and opportunities for involvement and comment.
- ◆ A transportation-related **interested parties list** will be established to identify persons and organizations interested in being informed of project activities.

- ◆ Study and project **progress reports and presentations** will be given at appropriate meetings.
- ◆ Methods for **public comment** on final draft documents will be provided and will be tailored to meet the needs and objectives for specific studies. These can take the form of on-line surveys or access through [www.cwco.org](http://www.cwco.org).
- ◆ **Visual presentations** will be prepared for key study deliverables and presentations will be posted on the CWCOG's web site.

**Public Comment & Review Timelines**

At a minimum, the CWCOG makes plans available for review by the public through its website. Public notice is sent to media outlets noted in Appendix D within Cowlitz, Wahkiakum, Lewis, Grays Harbor, and Pacific Counties in advance of the review period.

- ❖ 15 days for the RTIP
- ❖ 15 days for the RTP
- ❖ 15 days for the UPWP



**Jurisdictions Represented in the SWRTPO - FY 2017**

**Regional Planning Agencies**

Cowlitz-Wahkiakum Council of Governments (CWCOG)  
 Grays Harbor Council of Governments (GHCOG)  
 Lewis County Transportation Strategy Council (LCSTC)  
 Pacific Council of Governments (PCOG)

**Tribal Governments**

Confederated Tribes of Chehalis  
 Cowlitz Tribe  
 Quinault Indian Nation  
 Shoalwater Bay Tribe

**Counties**

Cowlitz County	Pacific County
Grays Harbor County	Wahkiakum County
Lewis County	

**Transit Authorities**

Columbia County Transit  
 Cowlitz Transit Authority  
 Grays Harbor Transit Authority  
 Pacific Transit System  
 Twin Transit Authority

**Cities / Towns**

Aberdeen	Kelso	Pe Ell
Castle Rock	Long Beach	Rainier OR
Cathlamet	Longview	Raymond
Centralia	McCleary	South Bend
Chehalis	Montesano	Toledo
Cosmopolis	Morton	Vader
Elma	Mossyrock	Westport
Hoquiam	Napavine	Winlock
Ilwaco	Oakville	Woodland
Kalama	Ocean Shores	

**Non-Profit/Non-Traditional Transit Providers**

Coastal Counties Community Action Council  
 LEWIS Mountain Transit  
 Lower Columbia Community Action Program  
 Wahkiakum County

**Federal Department of Transportation**

Federal Highway Administration (FHWA)  
 Federal Transit Administration (FTA)

**Port Districts**

Port of Centralia	Port of Kalama
Port of Chehalis	Port of Longview
Port of Chinook	Port of Peninsula
Port of Grays Harbor	Port of Willapa Harbor
Port of Ilwaco	Port of Woodland
Wahkiakum Port District No. 1	
Wahkiakum Port District No. 2	

**State Departments of Transportation**

*Washington State Department of Transportation*  
 SW Region, Vancouver  
 Olympic Region, Tumwater  
*Oregon Department of Transportation*  
 Region 1, Portland

## Economic Development

As the administrative agency for the Southwest Washington Economic Development District (SWEDD) and its Board, the CWCOG facilitates and administers the Economic Development Administration's (EDA) Planning Grants program that supports the efforts of the SWEDD, the development of the Comprehensive Economic Development Strategy (CEDS), as well as annual and semi-annual updates.

The Economic Development District (EDD) covers the three-county region of Cowlitz, Lewis, and Wahkiakum. It is composed of public and private stakeholders within those regions with an interest in economic development issues, and provides guidance to the CWCOG in administering the program.

The CEDS Committee is appointed by the SWEDD and is responsible for assisting in the development, revision, and/or update of the CEDS Plan. The Committee represents the main economic interests of the region and must include private sector representatives as a majority of its membership. In addition, the SWEDD strives to also include: public officials, community leaders, representatives of workforce development boards, representatives of institutions of higher education, minority and labor groups, and private individuals.

## Major Plans of the Economic Development Program

The SWEDD and CWCOG are responsible for the following economic development planning programs and studies.

### **Comprehensive Economic Development Strategy (CEDS)**

The CEDS unites the public and private sectors in the creation of an economic roadmap that analyzes the regional economy and serves as a guide for the establishment of regional goals and objectives. It develops and implements a regional action plan and identifies investment priorities and sources, thus providing benchmarks by which a regional economy can evaluate its opportunities with other regions in the national economy.

As the public and private sector partnerships are critical to the implementation of the CEDS, EDA requires that the plan outline the strategy for maintaining the relationship between the community in general and the private sector in the development and implementation of the CEDS.

### **Public Comment & Review Process**

At a minimum, the CWCOG makes the CEDS available for review by the public through its website. Public notice is sent to media outlets noted in Appendix D within Cowlitz, Lewis, and Wahkiakum Counties in advance of the review period.

- ❖ 30 days for the CEDS

## Jurisdictions Represented in the SWEDD - FY 2017

### Regional Planning Agencies

Cowlitz-Wahkiakum Council of Governments (CWCOG)

### Counties

Cowlitz County  
Lewis County  
Wahkiakum County

### Cities / Towns

Castle Rock	Kelso	Vader
Cathlamet	Longview	Winlock
Centralia	Napavine	Woodland
Chehalis	Pe Ell	
Kalama	Toledo	

### Port Districts

Port of Centralia	Port of Longview
Port of Chehalis	Port of Woodland
Port of Kalama	Wahkiakum County Port Dist. #1

### Chambers of Commerce

Castle Rock	Morton
Centralia-Chehalis	Wahkiakum
Kalama	Woodland
Kelso-Longview	

### Tribal Governments

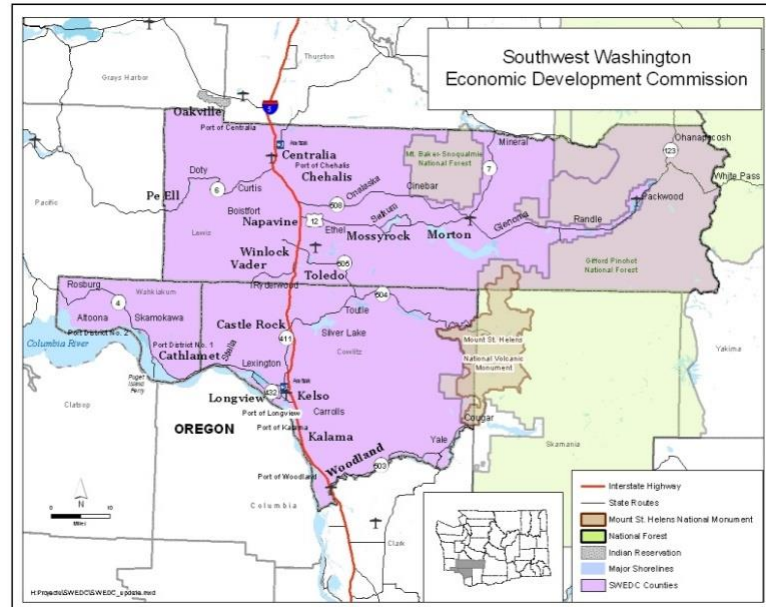
Cowlitz Tribe

### Colleges

Centralia College  
Lower Columbia College  
Washington State University - Cowlitz  
Washington State University - Lewis  
Washington State University - Wahkiakum

### Business Affiliations

Cowlitz Economic Development Council  
Industrial Park At Trans-Alta  
Lower Columbia Community Action Council  
Pacific Mountain Workforce Development Council  
Small Business Development – Cowlitz  
Southwest WA Workforce Development Council



## Appendix A

### U.S. Code of Federal Regulations (CFR) 450.210

For full text, see the Electronic Code of Federal Regulations here:

<https://www.fhwa.dot.gov/legsregs/directives/fapg/cfr0450b.htm>

#### **Subpart B—Statewide Transportation Planning and Programming § 450.210 interested parties, public involvement, and consultation.**

(a) In carrying out the statewide transportation planning process, including development of the long-range statewide transportation plan and the STIP, the State shall develop and use a documented public involvement process that provides opportunities for public review and comment at key decision points.

(1) The State's public involvement process at a minimum shall:

- (i) Establish early and continuous public involvement opportunities that provide timely information about transportation issues and decision making processes to citizens, affected public agencies, representatives of public transportation employees, freight shippers, private providers of transportation, representatives of users of public transportation, representatives of users of pedestrian walkways and bicycle transportation facilities, representatives of the disabled, providers of freight transportation services, and other interested parties;
- (ii) Provide reasonable public access to technical and policy information used in the development of the long-range statewide transportation plan and the STIP;
- (iii) Provide adequate public notice of public involvement activities and time for public review and comment at key decision points, including but not limited to a reasonable opportunity to comment on the proposed long-range statewide transportation plan and STIP;
- (iv) To the maximum extent practicable, ensure that public meetings are held at convenient and accessible locations and times;
- (v) To the maximum extent practicable, use visualization techniques to describe the proposed long-range statewide transportation plan and supporting studies;
- (vi) To the maximum extent practicable, make public information available in electronically accessible format and means, such as the World Wide Web, as appropriate to afford reasonable opportunity for consideration of public information;
- (vii) Demonstrate explicit consideration and response to public input during the development of the long-range statewide transportation plan and STIP;
- (viii) Include a process for seeking out and considering the needs of those traditionally underserved by existing transportation systems, such as low-income and minority households, who may face challenges accessing employment and other services; and
- (ix) Provide for the periodic review of the effectiveness of the public involvement process to ensure that the process provides full and open access to all interested parties and revise the process, as appropriate.

(2) The State shall provide for public comment on existing and proposed processes for public involvement in the development of the long-range statewide transportation plan and the STIP. At a minimum, the State shall allow 45 calendar days for public review and written comment before the procedures and any major revisions to existing procedures are adopted. The State shall provide copies of the approved public involvement process document(s) to the FHWA and the FTA for informational purposes.

(b) The State shall provide for non-metropolitan local official participation in the development of the long-range statewide transportation plan and the STIP. The State shall have a documented process (es) for consulting with non-metropolitan local officials representing units of general purpose local government and/or local officials with responsibility for transportation that is separate and discrete from the public involvement process and provides an opportunity for their participation in the development of the long-range statewide transportation plan and the STIP. Although the FHWA and the FTA shall not review or approve this consultation process (es), copies of the process document(s) shall be provided to the FHWA and the FTA for informational purposes.

(1) At least once every five years (as of February 24, 2006), the State shall review and solicit comments from non-metropolitan local officials and other interested parties for a period of not less than 60 calendar days regarding the effectiveness of the consultation process and any proposed changes. A specific request for comments shall be directed to the State association of counties, State municipal league, regional planning agencies, or directly to non-metropolitan local officials.

(2) The State, at its discretion, shall be responsible for determining whether to adopt any proposed changes. If a proposed change is not adopted, the State shall make publicly available its reasons for not accepting the proposed change, including notification to non-metropolitan local officials or their associations.

(c) For each area of the State under the jurisdiction of an Indian Tribal government, the State shall develop the long-range statewide transportation plan and STIP in consultation with the Tribal government and the Secretary of Interior. States shall, to the extent practicable, develop a documented process (es) that outlines roles, responsibilities, and key decision points for consulting with Indian Tribal governments and Federal land management agencies in the development of the long-range statewide transportation plan and the STIP.

#### **Metropolitan Transportation Planning and Programming, Sub-Part C § 450.316 Interested parties, participation, and consultation.**

(a) The MPO shall develop and use a documented participation plan that defines a process for providing citizens, affected public agencies, representatives of public transportation employees, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public transportation, representatives of users of pedestrian walkways and bicycle transportation facilities, representatives of the disabled, and other interested parties with reasonable opportunities to be involved in the metropolitan transportation planning process.

(1) The participation plan shall be developed by the MPO in consultation with all interested parties and shall, at a minimum, describe explicit procedures, strategies, and desired outcomes for:

- (i) Providing adequate public notice of public participation activities and time for public review and comment at key decision points, including but not limited to a reasonable opportunity to comment on the proposed metropolitan transportation plan and the TIP;
- (ii) Providing timely notice and reasonable access to information about transportation issues and processes;
- (iii) Employing visualization techniques to describe metropolitan transportation plans and TIPs;
- (iv) Making public information (technical information and meeting notices) available in electronically accessible formats and means, such as the World Wide Web;
- (v) Holding any public meetings at convenient and accessible locations and times;
- (vi) Demonstrating explicit consideration and response to public input received during the development of the metropolitan transportation plan and the TIP;
- (vii) Seeking out and considering the needs of those traditionally underserved by existing transportation systems, such as low-income and minority households, who may face challenges accessing employment and other services;
- (viii) Providing an additional opportunity for public comment, if the final metropolitan transportation plan or TIP differs significantly from the version that was made available for public comment by the MPO and raises new material issues which interested parties could not reasonably have foreseen from the public involvement efforts;
- (ix) Coordinating with the statewide transportation planning public involvement and consultation processes under subpart B of this part; and
- (x) Periodically reviewing the effectiveness of the procedures and strategies contained in the participation plan to ensure a full and open participation process.

(2) When significant written and oral comments are received on the draft metropolitan transportation plan and TIP (including the financial plans) as a result of the participation process in this section or the interagency consultation process required under the EPA transportation conformity regulations (40 CFR part 93), a summary, analysis, and report on the disposition of comments shall be made as part of the final metropolitan transportation plan and TIP.

(3) A minimum public 1000 of 45 calendar days shall be provided before the initial or revised participation plan is adopted by the MPO. Copies of the approved participation plan shall be provided to the FHWA and the FTA for informational purposes and shall be posted on the World Wide Web, to the maximum extent practicable.

(b) In developing metropolitan transportation plans and TIPs, the MPO should consult with agencies and officials responsible for other planning activities within the MPA that are affected by transportation (including State and local planned growth, economic development, environmental protection, airport operations, or freight movements) or coordinate its planning process (to the maximum extent practicable) with such planning activities. In addition, metropolitan transportation plans and TIPs shall be developed with due consideration of other related planning activities within the

metropolitan area, and the process shall provide for the design and delivery of transportation services within the area that are provided by:

- (1) Recipients of assistance under title 49 U.S.C. Chapter 53;
- (2) Governmental agencies and non-profit organizations (including representatives of the agencies and organizations) that receive Federal assistance from a source other than the U.S. Department of Transportation to provide non-emergency transportation services; and
- (3) Recipients of assistance under 23 U.S.C. 204.

(c) When the MPA includes Indian Tribal lands, the MPO shall appropriately involve the Indian Tribal government(s) in the development of the metropolitan transportation plan and the TIP.

(d) When the MPA includes Federal public lands, the MPO shall appropriately involve the Federal land management agencies in the development of the metropolitan transportation plan and the TIP.

(e) MPOs shall, to the extent practicable, develop a documented process(es) that outlines roles, responsibilities, and key decision points for consulting with other governments and agencies, as defined in paragraphs (b), (c), and (d) of this section, which may be included in the agreement(s) developed under §450.314.

**§ 450.322 Development and content of the metropolitan transportation plan.(i)**

The MPO shall provide citizens, affected public agencies, representatives of public transportation employees, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public transportation, representatives of users of pedestrian walkways and bicycle transportation facilities, representatives of the disabled, and other interested parties with a reasonable opportunity to comment on the transportation plan using the participation plan developed under §450.316(a).

The metropolitan transportation plan shall be published or otherwise made readily available by the MPO for public review, including (to the maximum extent practicable) in electronically accessible formats and means, such as the World Wide Web.

**§ 450.324 Development and content of the transportation improvement program (TIP)**

(b) The MPO shall provide all interested parties with a reasonable opportunity to comment on the proposed TIP as required by §450.316(a). In addition, in nonattainment area TMAs, the MPO shall provide at least one formal public meeting during the TIP development process, which should be addressed through the participation plan described in §450.316(a). In addition, the TIP shall be published or otherwise made readily available by the MPO for public review, including (to the maximum extent practicable) in electronically accessible formats and means, such as the World Wide Web, as described in §450.316(a).

## Appendix B

### U.S. Department of Commerce Economic Development Administration

#### CEDS SUMMARY OF REQUIREMENTS

**Note:** *This document provides a synopsis of the requirements for comprehensive economic development strategies. For further information, interested parties are directed to section 302 of the Public Works and Economic Development Act of 1965 (42 U.S.C. § 3162) and EDA's regulations at 13 C.F.R. part 303. The document is intended to serve as a convenient source for requirements relating to the CEDS. Nothing in this document is intended to supersede or otherwise modify EDA's statute, regulations, policies or procedures.*

**Introduction:** A comprehensive economic development strategy (CEDS) is designed to bring together the public and private sectors in the creation of an economic roadmap to diversify and strengthen regional economies. The CEDS should analyze the regional economy and serve as a guide for establishing regional goals and objectives, developing and implementing a regional plan of action, and identifying investment priorities and funding sources. A CEDS integrates a region's human and physical capital planning in the service of economic development. Integrated economic development planning provides the flexibility to adapt to global economic conditions and fully utilize the region's unique advantages to maximize economic opportunity for its residents by attracting the private investment that creates jobs for the region's residents. A CEDS must be the result of a continuing economic development planning process developed with broad-based and diverse public and private sector participation, and must set forth the goals and objectives necessary to solve the economic development problems of the region and clearly define the metrics of success. Finally, a CEDS provides a useful benchmark by which a regional economy can evaluate opportunities with other regions in the national economy.

**Who should develop a CEDS?** A Planning Organization seeking to formulate and implement a regional economic development program will benefit from developing a CEDS. Successful economic development efforts are based on CEDS that provide an economic roadmap to diversify and strengthen regional economies. The Public Works and Economic Development Act of 1965, as amended (PWEDA), requires a CEDS in order to apply for investment assistance under EDA's Public Works or Economic Adjustment Assistance Programs. At EDA's discretion, EDA may accept CEDS that it has funded or CEDS prepared independently of EDA investment assistance or oversight.

The following sections set out below on "Planning Organizations" and "Strategy Committees" cover the requirements for EDA-funded CEDS, while the remainder of this document pertains to technical requirements for CEDS. *It should be noted that in*

*determining the acceptability of a CEDS prepared independently of EDA investment assistance or oversight for projects under 13 C.F.R. parts 305 or 307, EDA may in its discretion determine that the CEDS is acceptable without it fulfilling every requirement set out in 13 C.F.R. § 303.7. In doing so, EDA shall consider the circumstances surrounding the application for investment assistance, including emergencies or natural disasters, and the fulfillment of the requirements of Section 302 of PWEDA.*

#### A. EDA-funded CEDS

Pursuant to 13 C.F.R. § 303.6, if EDA awards Investment Assistance to a Planning Organization to develop, revise, or replace a CEDS, the Planning Organization must follow the procedures set forth in paragraphs A.1 and A.2.

**1. Planning Organization:** A Planning Organization (as defined in 13 C.F.R. § 303.2), typically an Economic Development District (EDD) or Indian Tribe, may be eligible for EDA planning investment assistance. The purpose of such assistance is to develop a CEDS for a specific EDA-approved region. The Planning Organization is responsible for:

- Appointing a Strategy Committee (CEDS Committee);
- Developing and submitting to EDA a CEDS that complies with 13 C.F.R. § 303.7;
- Making a new or revised CEDS available for review and comment by the public for a period of at least thirty (30) days prior to submission of the CEDS to EDA;
- Obtaining approval of the CEDS from EDA;
- After obtaining approval of the CEDS, submitting to EDA an updated CEDS performance report annually. The **performance report**, in addition to reporting progress on CEDS implementation, should also discuss community and private sector participation in the CEDS effort. Any performance report that results in a change in the technical components of the EDA-approved CEDS must be available for review and comment by the public for a period of at least thirty (30) days prior to submission of the performance report to EDA;
- Submitting a copy of the CEDS to any Regional Commission if any part of the EDA-approved EDD region is covered by that Commission;
- Submitting a new CEDS to EDA at least every five (5) years, unless EDA or the Planning Organization determines that a new CEDS is required earlier due to changed circumstances.

**2. Strategy Committee:** The Strategy Committee is the entity identified by the Planning Organization as responsible for developing, revising, or replacing the CEDS. The Strategy Committee **must represent the main economic interests** of the region, and **must include Private Sector Representatives** (defined in 13 C.F.R. § 300.3, with respect to any for-profit enterprise, as any senior management official or executive holding a key decision making position, or that person's designee) **as a majority of its membership**. In addition, the Planning Organization should ensure that the Strategy Committee also includes:

- Public officials;
- Community leaders;



- Representatives of workforce development boards;
- Representatives of institutions of higher education;
- Minority and labor groups; and
- Private individuals.

Strategy Committees representing Indian Tribes or States may vary.

## B. Technical Requirements

Pursuant to 13 C.F.R. § 303.7, a Planning Organization must include the following information in a CEDS submitted to EDA.—

**1. Background:** The CEDS must contain a background of the economic development situation of the region that paints a realistic picture of the current condition of the region. This background must include a discussion of the economy, population, geography, workforce development and use, transportation access, resources, environment, and other pertinent information.

**2. Analysis of Economic Development Problems and Opportunities:** The CEDS must include an in-depth analysis of the economic development problems and opportunities that identifies strengths and weaknesses in the regional makeup of human and economic assets, and problems and opportunities posed by external and internal forces affecting the regional economy. This analysis must:

- Incorporate relevant material from other government-sponsored or supported plans and demonstrate consistency with applicable State and local workforce investment strategies.
- Identify past, present, and projected future economic development investments in the region.
- Identify and analyze economic clusters within the region.

**3. CEDS Goals and Objectives – Defining Regional Expectations:** The CEDS must contain a section setting forth goals and objectives necessary to solve the economic problems, or capitalize on the resources, of the region. Any strategic project, program, or activity identified in the CEDS should work to fulfill these goals and objectives.

- Goals are broad, primary regional expectations.
- Objectives are more specific than goals, clearly measurable, and stated in realistic terms considering what can be accomplished over the five (5) year time frame of the CEDS.

**4. Community and Private Sector Participation:** The CEDS must include a section discussing the relationship between the communities in general and the private sector in the development and implementation of the CEDS. Public and private sector partnerships are critical to the implementation of the CEDS.

**5. Strategic Projects, Programs and Activities:** The CEDS must contain a section which identifies regional projects, programs and activities designed to implement the Goals and Objectives of the CEDS. This section should identify and describe:

### Suggested Projects-

- All suggested projects, programs and activities and the projected number of jobs to be created as a result.
- Lead organizations responsibilities for execution of the projects.

**Vital Projects-** A prioritization of vital projects, programs, and activities that address the region's greatest needs or that will best enhance the region's competitiveness, including sources of funding for past and potential future investments. These can be overarching "themes" for regional economic development success and is expected to include components. Funding sources should not be limited to EDA programs.

**6. CEDS Plan of Action:** The plan of action, as described in the CEDS, implements the goals and objectives of the CEDS in a manner that-

- Promotes economic development and opportunity;
- Fosters effective transportation access;
- Enhances and protects the environment;
- Maximizes effective development and use of the workforce consistent with any applicable State or local workforce investment strategy;
- Promotes the use of technology in economic development, including access to high-speed telecommunications;
- Balances resources through sound management of physical development; and
- Obtains and utilizes adequate funds and other resources.

The CEDS must also contain a section that discusses the methodology for cooperating and integrating the CEDS with a State's economic development priorities.

**7. Performance Measures:** The CEDS must contain a section that lists the performance measures used to evaluate the Planning Organization's successful development and implementation of the CEDS, including but not limited to the:

- Number of jobs created after implementation of the CEDS;
- Number and types of investments undertaken in the region;
- Number of jobs retained in the region;
- Amount of private sector investment in the region after implementation of the CEDS; and
- Changes in the economic environment of the region.

These are not meant to be the only performance measures for the CEDS. Most Planning Organizations developing a CEDS will benefit from developing additional quantitative and qualitative measures that will allow them to evaluate progress toward achieving the goals identified as important in their regions.

For more information: [www.eda.gov](http://www.eda.gov)

## Appendix C

### Revised Code of Washington Chapter 42.30

#### OPEN PUBLIC MEETINGS ACT

##### 42.30.010 Legislative declaration.

The legislature finds and declares that all public commissions, boards, councils, committees, subcommittees, departments, divisions, offices, and all other public agencies of this state and subdivisions thereof exist to aid in the conduct of the people's business. It is the intent of this chapter that their actions be taken openly and that their deliberations be conducted openly.

The people of this state do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.

##### 42.30.020 Definitions.

As used in this chapter unless the context indicates otherwise:

(1) "Public agency" means:

(a) 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;

(b) Any county, city, school district, special purpose district, or other municipal corporation or political subdivision of the state of Washington;

(c) Any sub-agency 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;

(d) 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.

(2) "Governing body" means the multimember board, commission, committee, council, or other policy or rule-making body of a public agency, or any committee thereof when the committee acts on behalf of the governing body, conducts hearings, or takes testimony or public comment.

(3) "Action" means the transaction of the official business of a public agency by a governing body including but not limited to receipt of public testimony, deliberations, discussions, considerations, reviews, evaluations, and final actions. "Final action" means a collective positive or negative decision, or an actual vote by a majority of the members of a governing body when sitting as a body or entity, upon a motion, proposal, resolution, order, or ordinance.

(4) "Meeting" means meetings at which action is taken.

##### 42.30.030 Meetings declared open and public.

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 this chapter.

##### 42.30.040 Conditions to attendance not to be required.

A member of the public shall not be required, as a condition to attendance at a meeting of a governing body, to register his or her name and other information, to complete a questionnaire, or otherwise to fulfill any condition precedent to his or her attendance.

##### 42.30.050 Interruptions—Procedure.

In the event that any meeting is interrupted by a group or groups of persons so as to render the orderly conduct of such meeting unfeasible and order cannot be restored by the removal of individuals who are interrupting the meeting, the members of the governing body conducting the meeting may order the meeting room cleared and continue in session or may adjourn the meeting and reconvene at another location selected by majority vote of the members. In such a session, final disposition may be taken only on matters appearing on the agenda. Representatives of the press or other news media, except those participating in the disturbance, shall be allowed to attend any session held pursuant to this section. Nothing in this section shall prohibit the governing body from establishing a procedure for readmitting an individual or individuals not responsible for disturbing the orderly conduct of the meeting.

##### 42.30.060 Ordinances, rules, resolutions, regulations, etc., adopted at public meetings—Notice—Secret voting prohibited.

(1) No governing body of a public agency shall adopt any ordinance, resolution, rule, regulation, order, or directive, except in a meeting open to the public and then only at a meeting, the date of which is fixed by law or rule, or at a meeting of which notice has been given according to the provisions of this chapter. Any action taken at meetings failing to comply with the provisions of this subsection shall be null and void.

(2) No governing body of a public agency at any meeting required to be open to the public shall vote by secret ballot. Any vote taken in violation of this subsection shall be null and void, and shall be considered an "action" under this chapter.

##### 42.30.070 Times and places for meetings—Emergencies—Exception.

The governing body of a public agency shall provide the time for holding regular meetings by ordinance, resolution, bylaws, or by whatever other rule is required for the conduct of business by that body. Unless otherwise provided for in the act under which the public agency was formed, meetings of the governing body need not be held within the boundaries of the territory over which the public agency exercises jurisdiction. If at any time any regular meeting falls on a holiday, such regular meeting shall be held on the next business day. If, by reason of fire, flood, earthquake, or other emergency, there is a need for expedited action by a governing body to meet the emergency, the presiding officer of the governing body may provide for a meeting site other than the regular meeting site and the notice requirements of this chapter shall be suspended during such emergency. It shall not be a violation of the requirements of

this chapter for a majority of the members of a governing body to travel together or gather for purposes other than a regular meeting or a special meeting as these terms are used in this chapter: PROVIDED, That they take no action as defined in this chapter.

**42.30.075 Schedule of regular meetings—Publication in state register—Notice of change—"Regular" meetings defined.**

State agencies which hold regular meetings shall file with the code reviser a schedule of the time and place of such meetings on or before January of each year for publication in the Washington state register. Notice of any change from such meeting schedule shall be published in the state register for distribution at least twenty days prior to the rescheduled meeting date.

For the purposes of this section "regular" meetings shall mean recurring meetings held in accordance with a periodic schedule declared by statute or rule.

**42.30.077 Agendas of regular meetings—Online availability.**

Public agencies with governing bodies must make the agenda of each regular meeting of the governing body available online no later than twenty-four hours in advance of the published start time of the meeting. An agency subject to provisions of this section is not required to post an agenda if it does not have a web site or if it employs fewer than ten full-time equivalent employees. Nothing in this section prohibits subsequent modifications to agendas nor invalidates any otherwise legal action taken at a meeting where the agenda was not posted in accordance with this section. Nothing in this section modifies notice requirements or shall be construed as establishing that a public body or agency's online posting of an agenda as required by this section is sufficient notice to satisfy public notice requirements established under other laws. Failure to post an agenda in accordance with this section shall not provide a basis for awarding attorney fees under RCW [42.30.120](#) or commencing an action for mandamus or injunction under RCW [42.30.130](#).

**42.30.080 Special meetings.**

(1) A special meeting may be called at any time by the presiding officer of the governing body of a public agency or by a majority of the members of the governing body by delivering written notice personally, by mail, by fax, or by electronic mail to each member of the governing body. Written notice shall be deemed waived in the following circumstances:

- (a) A member submits a written waiver of notice with the clerk or secretary of the governing body at or prior to the time the meeting convenes. A written waiver may be given by telegram, fax, or electronic mail; or
- (b) A member is actually present at the time the meeting convenes.

(2) Notice of a special meeting called under subsection (1) of this section shall be:

- (a) Delivered to each local newspaper of general circulation and local radio or television station that has on file with the governing body a written request to be notified of such special meeting or of all special meetings;
- (b) Posted on the agency's web site. An agency is not required to post a special meeting notice on its web site if it (i) does not have a web site; (ii) employs fewer than ten full-time equivalent employees; or (iii) does not employ personnel whose

duty, as defined by a job description or existing contract, is to maintain or update the web site; and

(c) Prominently displayed at the main entrance of the agency's principal location and the meeting site if it is not held at the agency's principal location. Such notice must be delivered or posted, as applicable, at least twenty-four hours before the time of such meeting as specified in the notice.

(3) The call and notices required under subsections (1) and (2) of this section shall specify the time and place of the special meeting and the business to be transacted. Final disposition shall not be taken on any other matter at such meetings by the governing body.

(4) The notices provided in this section may be dispensed with in the event 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 time requirements of such notice would make notice impractical and increase the likelihood of such injury or damage.

**42.30.090 Adjournments.**

The governing body of a public agency may adjourn any regular, adjourned regular, special, or adjourned special meeting to a time and place specified in the order of adjournment. Less than a quorum may so adjourn from time to time. If all members are absent from any regular or adjourned regular meeting the clerk or secretary of the governing body may declare the meeting adjourned to a stated time and place. He or she shall cause a written notice of the adjournment to be given in the same manner as provided in RCW [42.30.080](#) for special meetings, unless such notice is waived as provided for special meetings. Whenever any meeting is adjourned a copy of the order or notice of adjournment shall be conspicuously posted immediately after the time of the adjournment on or near the door of the place where the regular, adjourned regular, special, or adjourned special meeting was held. When a regular or adjourned regular meeting is adjourned as provided in this section, the resulting adjourned regular meeting is a regular meeting for all purposes. When an order of adjournment of any meeting fails to state the hour at which the adjourned meeting is to be held, it shall be held at the hour specified for regular meetings by ordinance, resolution, bylaw, or other rule.

**42.30.100 Continuances.**

Any hearing being held, noticed, or ordered to be held by a governing body at any meeting may by order or notice of continuance be continued or recontinued to any subsequent meeting of the governing body in the same manner and to the same extent set forth in RCW [42.30.090](#) for the adjournment of meetings.

**42.30.110 Executive sessions.**

(1) Nothing contained in this chapter may be construed to prevent a governing body from holding an executive session during a regular or special meeting:

- (a) To consider matters affecting national security;
- (b) To consider the selection of a site or the acquisition of real estate by lease or purchase when public knowledge regarding such consideration would cause a likelihood of increased price;

- (c) To consider 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. However, final action selling or leasing public property shall be taken in a meeting open to the public;
- (d) To review negotiations on the performance of publicly bid contracts when public knowledge regarding such consideration would cause a likelihood of increased costs;
- (e) To consider, in the case of an export trading company, financial and commercial information supplied by private persons to the export trading company;
- (f) To receive and evaluate complaints or charges brought against a public officer or employee. However, upon the request of such officer or employee, a public hearing or a meeting open to the public shall be conducted upon such complaint or charge;
- (g) To evaluate the qualifications of an applicant for public employment or to review the performance of a public employee. However, subject to RCW [42.30.140\(4\)](#), discussion by a governing body of salaries, wages, and other conditions of employment to be generally applied within the agency shall occur in a meeting open to the public, and when a governing body elects to take final action hiring, setting the salary of an individual employee or class of employees, or discharging or disciplining an employee, that action shall be taken in a meeting open to the public;
- (h) To evaluate the qualifications of a candidate for appointment to elective office. However, any interview of such candidate and final action appointing a candidate to elective office shall be in a meeting open to the public;
- (i) To discuss with legal counsel representing the agency matters relating to agency enforcement actions, or to discuss with legal counsel representing the agency litigation or potential litigation to which the agency, the governing body, or a member acting in an official capacity is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency.

This subsection (1)(i) does not permit a governing body to hold an executive session solely because an attorney representing the agency is present. For purposes of this subsection (1)(i), "potential litigation" means matters protected by RPC 1.6 or RCW [5.60.060\(2\)\(a\)](#) concerning:

- (i) Litigation that has been specifically threatened to which the agency, the governing body, or a member acting in an official capacity is, or is likely to become, a party;
- (ii) Litigation that the agency reasonably believes may be commenced by or against the agency, the governing body, or a member acting in an official capacity; or
- (iii) Litigation or legal risks of a proposed action or current practice that the agency has identified when public discussion of the litigation or legal risks is likely to result in an adverse legal or financial consequence to the agency;
- (j) To consider, in the case of the state library commission or its advisory bodies, western library network prices, products, equipment, and services, when such discussion would be likely to adversely affect the network's ability to conduct

- business in a competitive economic climate. However, final action on these matters shall be taken in a meeting open to the public;
- (k) To consider, in the case of the state investment board, financial and commercial information when the information relates to the investment of public trust or retirement funds and when public knowledge regarding the discussion would result in loss to such funds or in private loss to the providers of this information;
- (l) To consider proprietary or confidential nonpublished information related to the development, acquisition, or implementation of state purchased health care services as provided in RCW [41.05.026](#);
- (m) To consider in the case of the life sciences discovery fund authority, the substance of grant applications and grant awards when public knowledge regarding the discussion would reasonably be expected to result in private loss to the providers of this information;
- (n) To consider in the case of a health sciences and services authority, the substance of grant applications and grant awards when public knowledge regarding the discussion would reasonably be expected to result in private loss to the providers of this information.
- (2) Before convening in executive session, the presiding officer of a governing body shall publicly announce the purpose for excluding the public from the meeting place, and the time when the executive session will be concluded. The executive session may be extended to a stated later time by announcement of the presiding officer.

**42.30.120 Violations—Personal liability—Civil penalty—Attorneys' fees and costs.**

- (1) Each member of the governing body who attends a meeting of such governing body where action is taken in violation of any provision of this chapter applicable to him or her, with knowledge of the fact that the meeting is in violation thereof, shall be subject to personal liability in the form of a civil penalty in the amount of five hundred dollars for the first violation.
- (2) Each member of the governing body who attends a meeting of a governing body where action is taken in violation of any provision of this chapter applicable to him or her, with knowledge of the fact that the meeting is in violation thereof, and who was previously assessed a penalty under subsection (1) of this section in a final court judgment, shall be subject to personal liability in the form of a civil penalty in the amount of one thousand dollars for any subsequent violation.
- (3) The civil penalty shall be assessed by a judge of the superior court and an action to enforce this penalty may be brought by any person. A violation of this chapter does not constitute a crime and assessment of the civil penalty by a judge shall not give rise to any disability or legal disadvantage based on conviction of a criminal offense.
- (4) Any person who prevails against a public agency in any action in the courts for a violation of this chapter shall be awarded all costs, including reasonable attorneys' fees, incurred in connection with such legal action. Pursuant to RCW [4.84.185](#), any public agency which prevails in any action in the courts for a violation of this chapter may be awarded reasonable expenses and attorney fees upon final judgment and written findings by the trial judge that the action was frivolous and advanced without reasonable cause.

**42.30.130 Violations—Mandamus or injunction.**

Any person may commence an action either by mandamus or injunction for the purpose of stopping violations or preventing threatened violations of this chapter by members of a governing body.

**42.30.140 Chapter controlling—Application.**

If any provision of this chapter conflicts with the provisions of any other statute, the provisions of this chapter shall control: PROVIDED, That this chapter shall not apply to:

- (1) The proceedings concerned with the formal issuance of an order granting, suspending, revoking, or denying any license, permit, or certificate to engage in any business, occupation, or profession or to any disciplinary proceedings involving a member of such business, occupation, or profession, or to receive a license for a sports activity or to operate any mechanical device or motor vehicle where a license or registration is necessary; or
- (2) That portion of a meeting of a quasi-judicial body which relates to a quasi-judicial matter between named parties as distinguished from a matter having general effect on the public or on a class or group; or
- (3) Matters governed by chapter [34.05](#) RCW, the Administrative Procedure Act; or
- (4)(a) Collective bargaining sessions with employee organizations, including contract negotiations, grievance meetings, and discussions relating to the interpretation or application of a labor agreement; or (b) that portion of a meeting during which the governing body is planning or adopting the strategy or position to be taken by the governing body during the course of any collective bargaining, professional negotiations, or grievance or mediation proceedings, or reviewing the proposals made in the negotiations or proceedings while in progress.

**42.30.200 Governing body of recognized student association at college or university—Chapter applicability to.**

The multimember student board which is the governing body of the recognized student association at a given campus of a public institution of higher education is hereby declared to be subject to the provisions of the open public meetings act as contained in this chapter, as now or hereafter amended. For the purposes of this section, "recognized student association" shall mean any body at any of the state's colleges and universities which selects officers through a process approved by the student body and which represents the interests of students. Any such body so selected shall be recognized by and registered with the respective boards of trustees and regents of the state's colleges and universities: PROVIDED, That there be no more than one such association representing undergraduate students, no more than one such association representing graduate students, and no more than one such association representing each group of professional students so recognized and registered at any of the state's colleges or universities.

**42.30.205 Training.**

- (1) Every member of the governing body of a public agency must complete training on the requirements of this chapter no later than ninety days after the date the member either:
  - (a) Takes the oath of office, if the member is required to take an oath of office to assume his or her duties as a public official; or
  - (b) Otherwise assumes his or her duties as a public official.

(2) In addition to the training required under subsection (1) of this section, every member of the governing body of a public agency must complete training at intervals of no more than four years as long as the individual is a member of the governing body or public agency.

(3) Training may be completed remotely with technology including but not limited to internet-based training.

**42.30.210 Assistance by attorney general.**

The attorney general's office may provide information, technical assistance, and training on the provisions of this chapter.

**42.30.900 Short title.**

This chapter may be cited as the "Open Public Meetings Act of 1971".

**42.30.910 Construction—1971 ex.s. c 250.**

The purposes of this chapter are hereby declared remedial and shall be liberally construed.

**Appendix D**

**Media Outlets Utilized by the CWCOG**

<b><u>Cowlitz County</u></b>	
The Daily News	(360) 577-2500

<b><u>Lewis County</u></b>	
East County Journal	(360) 496-5993
The Chronicle	(360) 736-3311
Town Crier (formerly Lewis County News)	(360) 785-3151

<b><u>Grays Harbor</u></b>	
The Daily World	(360) 532-4000
The Vidette	(360) 249-3311

<b><u>Pacific County</u></b>	
Chinook Observer	(360) 642-8181
The Pacific County Press	(360) 875-6805
Willapa Harbor Herald	(360) 942-3466

<b><u>Wahkiakum County</u></b>	
Wahkiakum County Eagle	(360) 975-3391