



City Council Minutes – February 3, 2012

At 8:30 p.m. the Anacortes City Council, Mayor Dean Maxwell and Human Resources Director Emily Schuh convened with professional facilitator Vicki Stasch, M.S., for a Team Building and Goal Setting workshop. City Councilmembers Eric Johnson, Ryan Walters, Erica Pickett, Brad Adams, Bill Turner, Cynthia Richardson and Brian Geer were present.

Council agreed on the following guidelines for the day:

1. Keep it light/humor
2. Honesty/trust that
3. Don't put people down/name calling
4. Focus on issue/not person
5. No idea is a bad idea
6. Seek first to understand/open minded
7. Beginning for Council
8. No pontificating/Be humble
9. Strive for consensus

Ms. Stasch explained that her role was to keep the discussion on track and on schedule, interpret the discussion and draw everyone into the conversation

Council then brainstormed and agreed on the following guidelines for working together as a Council, at this meeting and moving forward:

1. No comments about staff in public
2. "I" way not the only way
3. Value different approaches
4. Engage everyone
5. Discuss before motions to involve everyone
6. Debate issues not people
7. No second speaking until others heard from
8. Patience with each other

Council and mayor engaged in a series of team building exercises facilitated by Ms. Stasch.

After the 11:00 break the meeting reconvened.

Ms. Stasch reviewed the feedback she had received from individual councilmembers during her phone interviews with each of them before this meeting. She first reviewed what councilmembers felt was working well currently including good working relationships overall compared to a few years ago, professional respectful discussions, and a better relationship with the Port of Anacortes.

Ms. Stasch then presented the five themes identified for discussion at the workshop:

1. Getting to know the newest councilmembers and each other
2. Ensuring transparent and mutually respectful communication with the public
3. Thorough knowledge and discussion of issues prior to vote
4. Appropriate use/protocol for technology/social media
5. Clarification of legislative role of City Council

Ms. Stasch noted that the first theme had been addressed during the morning session and suggested that the group address themes 2, 3 and 5 prior to the lunch break.

Regarding transparent and mutually respectful communication with the public, Ms. Stasch introduced the following topics:

- Education of public about protocol for public input at meetings, i.e. provide guidelines for public input on agenda and review prior to input session.
- Council remaining professional, respectful and open minded.
- Creating a welcoming environment
- Handling disruptive or disrespectful public
- Working with public groups who are accusatory toward Council

Ms. Stasch shared sample Gallery Rules the mayor had brought back from a recent training. Councilmembers discussed posting something similar in the council chambers, on the city website, and possible as an attachment to agendas to help educate citizens about the decorum appropriate for public meetings.

Regarding thorough knowledge and discussion of issues prior to vote, Ms. Stash introduced the following topics:

- Best ways for council to be educated on issues
- Ensuring each councilmember is heard from prior to a vote/avoid cutting each other off
- More lead time/notification on important issues than Friday packets
- How/when to present personal view of an issue
- Legislative role of council

Mr. Johnson suggested that council packets could be distributed to councilmembers and posted for the public earlier than they are now. Mr. Geer noted that most issues are discussed in committee and/or during study sessions, sometimes at length, before appearing on an agenda for action. Mayor Maxwell said Council does not have to take action on any issue until it is ready to do so and outlined the notice requirements and technological constraints that shape the current timeline. He added that staff is available to provide more information on any topic for councilmembers.

Regarding appropriate use/protocol for technology/social media, Ms. Stasch introduced the following topics for further discussion at the afternoon session:

- Using email to communicate with other council members without violating open meeting act
- Use of technology devices during meetings
- Blogs and other social media
- Handout "7 Cardinal Virtues For Email Communications"

Councilmembers then engaged in an extended discussion of public input at meetings, compliance with the Open public meetings act and related topics. The mayor reiterated the difference between the rules governing the legislative and the quasi-judicial functions of the City Council. Mr. Johnson asked about Resolution 1374 establishing City Council meeting procedures and said it was not posted on the City website. He suggested it should be more easily available to the public. Ms. Schuh handed out a draft of a resolution that would update and revise Resolution 1374. Mrs. Richardson suggested that Council review the draft in the next month, eventually take action on revised procedures, then make the procedures available to the public in a variety of formats such as the City website and possibly a brochure or handout. Mr. Walters suggested codifying the procedures for easier access as part of the Anacortes Municipal Code. Ms. Stasch cautioned against relying exclusively on the internet to distribute information.

Mrs. Richardson initiated a discussion about accepting citizen comments on topics that are included on a regular meeting agenda but not as part of a public hearing. She noted that the Citizen Hearings portion of the agenda has typically been reserved for topics that are not part of the agenda. Council discussed the nature of representative democracy, the value of receiving new information from the public, the need to allow everyone to be heard, and the need to keep meetings of a reasonable duration and not unduly delay action on proposals. Mr. Walters gave examples of how neighboring jurisdictions provide for public comment during various portions of their meetings. Council discussed ways time limits could be used to provide for more public comment opportunities. Mr. Turner observed that public participation practices

can evolve and improve but certain legal requirements for public notice and public hearings must always be met. Mr. Adams and Mr. Johnson observed again that distribution of council packets late on Thursday does not allow much time for the public to prepare comments or contact their councilmembers or city staff before Monday council meetings. The mayor and council discussed in detail the different rules regarding public input on land use matters and suggested different ways to explain to constituents that councilmembers cannot speak with them *ex parte* about such issues. Mrs. Richardson concluded that she would like to try allowing members of the public a minute or two to speak on any topic, including agenda items, whether during Citizen Hearings or when the agenda item comes up. Councilmembers discussed how often that might happen and what time limits might be appropriate. Mr. Geer argued that a very small percentage of citizens ever attend meetings and that councilmembers should be engaging their constituents outside of meetings to get input. Councilmembers agreed that the approaches were not mutually exclusive. Mrs. Richardson requested a study session to review the draft revisions to Resolution 1374. The mayor said that's why the document was circulated. Mr. Adams suggested that when reviewing the agendas for the next few weeks councilmembers should consider whether additional public comment opportunities on each agenda item would help inform the discussion. All agreed.

Councilmembers then engaged in an extended discussion of ensuring thorough understanding of issues before voting. Mr. Adams said he felt Council sometime made motions too quickly and that the tone of the discussion changes when a motion is on the floor. Mr. Turner observed that a motion can always be amended or voted down and a new one proposed. Mr. Johnson and Mr. Walters said they prefer to have a motion on the floor to focus the discussion as long as there is no pressure to vote hastily.

Mrs. Richardson initiated a discussion of the legislative role of council. She said most of the legislative actions taken by Council are based on staff proposals and that councilmembers rarely generate legislation. She sought suggestions on how that situation might be altered. Mr. Johnson suggested that Council Committees should take a more active legislative role to draft policies. Mr. Turner and Mr. Geer agreed. Mr. Johnson requested a study session on the committee structure. Mrs. Richardson agreed. Ms. Schuh offered that staff are happy to assist councilmembers and committees to research and draft policies. The mayor asked that councilmembers copy him on such requests so he can help manage staff workloads.

At 12:30 the group broke for lunch. At 1:00 the group reconvened and was joined by department heads: Museum Director Steve Oakley, Parks and Recreation Director Gary Robinson, Fire Chief Richard Curtis, Public Works Director Fred Buckenmeyer, Planning Director Ryan Larsen, City Attorney Brad Furlong, Library Director Cynthia Harrison, Finance Director Steve Hoglund and Police Chief Bonnie Bowers.

The expanded group engaged in some team building exercises. Department heads then took turns introducing themselves, briefly outlining their department's role in the City, and identifying current challenges for their department.

At 2:00 Information Systems Manager Jose Cervantes joined the meeting for a discussion on Technology Protocol and Requests. Mayor Maxwell outlined the legal and technological challenges of allowing personal electronic devices to access city data. Ms. Schuh distributed a draft Personal Digital Equipment Access Policy for Elected Officials. Mr. Cervantes discussed computer security and how important it is to protect the city's computer networks from hackers. He said the draft policy, which has been in development since late last year, requires devices to be compatible with Microsoft Exchange ActiveSync software so that the IT department can remote wipe the device if it is lost, stolen or otherwise compromised and can also enforce password protection for devices. He quoted statistics on the amount of spam and number of hacking attempts the city firewalls fend off on a regular basis.

Mr. Turner asked how the IT department responds to public records requests for email. Mr. Cervantes outlined the searching capabilities of the archiving software the city implemented last year. Mr. Furlong reminded that attorney/client communications are privileged and should be filtered out and reviewed by counsel prior to production. Mrs. Richardson began a lengthy discussion among councilmembers about retainage requirements for city business sent to councilmembers' personal email addresses. Mr. Cervantes and Mr. Furlong advised that all such email should be retained and may be subject to

production in the event of a public records request. Councilmembers agreed that all city business should be directed to city email accounts and that constituents should be asked to redirect any communications regarding city business. Mr. Furlong clarified that any email exchange between four or more councilmembers, even in a series of exchanges, is considered a public meeting and is subject to the open public meetings act. He strongly advised councilmembers not to conduct any discussions via email and never to use Reply All. Mrs. Richardson asked if her reply to a single constituent is then forwarded to all councilmembers by that constituent, does that constitute a public meeting? Mr. Furlong said no because she had no control over that.

Ms. Schuh distributed a handout on the 7 Cardinal Virtues of Email Communication and a handout from a March 2009 Washington Cities Insurance Authority training on public meetings for councilmember reference.

Mr. Johnson raised the question of blogs where all councilors and members of the public can read and potentially respond. Mr. Furlong likened that sort of indirect communication to a letter to the editor or a billboard and said his reading is that doesn't constitute a public meeting; communication has to be intentional towards an addressee to be a meeting. He added that using the city logo on personal website is not appropriate. Mayor Maxwell said blogs aren't appropriate in city government because they exclude citizens who don't have or don't use that technology. He said City Council needs to conduct all its business in council chambers. Mr. Furlong said when evaluating new electronic media he uses the test: what is the paper equivalent? He warned that the courts haven't ruled yet on whether blogs are public meetings and strongly suggested that Anacortes does not want to pay to test that issue in the courts.

Councilmembers and staff closed the workshop by sharing their visions for Anacortes ten years hence. Ms. Stasch summarized the action items recorded during the workshop:

- Clarifying the distinction between resolutions and ordinances
- Establishing guidelines for the public explaining City Council procedures
 - put them on website
 - make a brochure to hand out
- Schedule a study session to standardize committees
- Involve department heads to help develop legislation (keep the mayor informed)
- Ensure that all councilmembers weigh in on issues before voting

Mr. Geer urged acting on the items. Mrs. Richardson suggested scheduling similar retreats at least every two years. Mrs. Harrison suggested continuing the discussion of evolving social media. At approximately 3:00 p.m. the meeting adjourned.