

General Rules and Guidance on Speaking Events & Requests

- All fifteen Commissioners were elected to represent constituencies and geographies within Clark County. As such, all Commissioners are encouraged to actively communicate and update groups in the area(s) they represent.
- Commissioners who may belong to a group as a member or as an active liaison or participant are encouraged to reach out to those groups to see if they would like a presentation on the 2021 amendment measures. See the guidance table for more information on presentations involving such groups.
- If speaking in an official Commissioner capacity and/or on behalf of the Commission, please use the master Charter Amendments 2021 Power Point presentation and speaker's notes/script. Those can be made available to any Commissioner.
- Commissioners interested in speaking about the 2021 amendment measures are encouraged to coordinate with the Public Information and Communications Sub-Committee and organize a practice session or two with the official Charter Amendments 2021 presentation.
- All Commissioners should review and become familiar with the list of Frequently Asked Questions about the 2021 amendment measures once that becomes available (currently targeted for a late-August launch).
- Requests for speakers through the Commissioner speaker request portal on the web page will be understood to be requesting one or more commissioners in their public official Commissioner capacity to speak to the requesting group, and will be speaking representing the Commission. These events will be posted on the Commission web page. Generally, the assignment will be on a rotating basis to a Commissioner representing the district, an at-large Commissioner with expressed interest in that event, and a co-chair.
- Speaking requests through the portal may request a specific Commissioner to speak to that group. Additionally, there may be direct requests from groups not through the portal but to individual commissioners requesting specific individual(s) to speak to that group. Please check the "Guidance Table for Speaking Events and Activities involving one or more Commissioners" for further direction. When specific speaker requests are made, the Commission will honor that request but the Communications and Public Information Sub-committee requests that the Commissioner(s) involved notify the

Executive Team as such so we can track the calendar for speaking engagements. Requests through the portal will be considered Category 1 or 2 on the guidance table.

- Where a requesting group specifically invites someone to speak under Category 1 or 2, if the Commissioner being requested to speak should involve the Co-Chairs to see if they should also attend if the presentation includes speaking on behalf of the Commission.
- Those who have completed speaking engagements are encouraged to coordinate with the Executive Team and the Public Information and Communications Sub-Committee to debrief as well as provide feedback on the master presentation and FAQs.
- Commissioners are encouraged to follow up on question(s) they may not be able to answer in the speaking forum and “get back to them” with responses. Please reach out to the Executive Team and Public Information and Communications Sub-Committee with these follow-up items and we will help develop a response.

Note: legislative bodies such as city and town councils can take an official action supporting or opposing ballot measures provided they comply with the requirements of RCW 42.17A.555: Use of public office or agency facilities in campaigns—Prohibition—Exceptions. For example, there were some city councils who passed resolutions in support of the Home Rule Charter in 2014.

Useful Links

The links below provide background, information and guidance to public officials where there are active ballot measures involved, as with the case of the Clark County Charter Review Commission 2021 amendment ballot measures. These links provide guidance on restrictions or limits about public officials campaigning for or against ballot measures, especially where public facilities (including the Charter Review Commission and county web page and social media as well as official county email addresses). The documents also provide guidance where commissioners can still voice their personal opinions.

RCW 42.17A.555: Use of public office or agency facilities in campaigns—Prohibition—Exceptions.

<https://app.leg.wa.gov/rcw/default.aspx?cite=42.17A&full=true#42.17A.555>

“No elective official nor any employee of his or her office nor any person appointed to or employed by any public office or agency may use or authorize the use of any of the facilities of a public office or agency, directly or indirectly, for the purpose of assisting a campaign for election of any person to any office or for the promotion of or opposition to any ballot proposition. Facilities of a public office or agency include, but are not limited to, use of stationery, postage, machines, and equipment, use of employees of the office or agency during working hours, vehicles, office space, publications of the office or agency, and clientele lists of persons served by the office or agency. However, this does not apply to the following activities:

- (1) Action taken at an open public meeting by members of an elected legislative body or by an elected board, council, or commission of a special purpose district including, but not limited to, fire districts, public hospital districts, library districts, park districts, port districts, public utility districts, school districts, sewer districts, and water districts, to express a collective decision, or to actually vote upon a motion, proposal, resolution, order, or ordinance, or to support or oppose a ballot proposition so long as
 - a. any required notice of the meeting includes the title and number of the ballot proposition, and
 - b. members of the legislative body, members of the board, council, or commission of the special purpose district, or members of the public are afforded an approximately equal opportunity for the expression of an opposing view;
- (2) A statement by an elected official in support of or in opposition to any ballot proposition at an open press conference or in response to a specific inquiry;
- (3) Activities which are part of the normal and regular conduct of the office or agency.
- (4) This section does not apply to any person who is a state officer or state employee as defined in RCW 42.52.010.

Finding—Intent—2006 c 215:

"(1) The legislature finds that the public benefits from an open and inclusive discussion of proposed ballot measures by local elected leaders, and that for twenty-five years these discussions have included the opportunity for elected boards, councils, and commissions of special purpose districts to vote in open public meetings in order to express their support of, or opposition to, ballot propositions affecting their jurisdictions.

(2) The legislature intends to affirm and clarify the state's long-standing policy of promoting informed public discussion and understanding of ballot propositions by allowing elected boards, councils, and commissions of special purpose districts to adopt resolutions supporting or opposing ballot propositions." [2006 c 215 § 1.]

Disposition of violations before January 1, 1995: "Any violations occurring prior to January 1, 1995, of any of the following laws shall be disposed of as if chapter 154, Laws of 1994 were not enacted and such laws continued in full force and effect: *RCW 42.17.130, chapter 42.18 RCW, chapter 42.21 RCW, and chapter 42.22 RCW." [1994 c 154 § 226.]

*Reviser's note: RCW 42.17.130 was recodified as RCW 42.17A.555 pursuant to 2010 c 204 § 1102, effective January 1, 2012."

Washington Administrative Code WAC 390-05-271, General applications of RCW 42.17A.555.

<https://app.leg.wa.gov/wac/default.aspx?cite=390-05-271>

- (1) RCW 42.17A.555 does not restrict the right of any individual to express their own personal views concerning, supporting, or opposing any candidate or ballot proposition, if such expression does not involve a use of the facilities of a public office or agency.
- (2) RCW 42.17A.555 does not prevent a public office or agency from (a) making facilities available on a nondiscriminatory, equal access basis for political uses or (b) making an objective and fair presentation of facts relevant to a ballot proposition, if such action is part of the normal and regular conduct of the office or agency.

Municipal Resources Service Center Guidance

<https://mrsc.org/Home/Stay-Informed/MRSC-Insight/June-2021/Election-Season-Tips-Reminders.aspx>

<https://mrsc.org/Home/Explore-Topics/Governance/Candidates-and-Newly-Elected-Officials/Use-of-Public-Facilities-to-Support-or-Oppose-Ball.aspx>

Association of Washington Cities Guidelines

https://wacities.org/docs/default-source/Legislative/awcpdcguidelines.pdf?sfvrsn=3422594f_2

Guidance Table for Speaking Events and Activities involving one or more Commissioners

This is a lookup table to provide guidance on how RCW 42.17A.555: “Use of public office or agency facilities in campaigns — Prohibition — Exceptions” and Washington Administrative Code (WAC) 390-05-271, “General applications of RCW 42.17A.555.”

The WAC guidance is:

- (3) RCW 42.17A.555 does not restrict the right of any individual to express their own personal views concerning, supporting, or opposing any candidate or ballot proposition, if such expression does not involve a use of the facilities of a public office or agency.
- (4) RCW 42.17A.555 does not prevent a public office or agency from (a) making facilities available on a nondiscriminatory, equal access basis for political uses or (b) making an objective and fair presentation of facts relevant to a ballot proposition, if such action is part of the normal and regular conduct of the office or agency.

Working definitions based on the RCW and WAC developed for Charter Review Commissioners are:

- Public facility: use of county web page to notice or publicize the event, use of the master Commission presentation and speaker notes/script, use of official Commissioner county email address to coordinate with event organizers
- Public official: Speaking as a commissioner, speaking on behalf of the commission.
- Commission presentation and speaker notes: although these are considered public documents and available for public review and use, they have been generated as if someone is speaking on behalf of the commission.

Note: there is nothing that precludes any commissioner from watching or listening to the event that would contribute toward an inadvertent meeting quorum as long as they are not actively speaking, deliberating or otherwise perceived as conducting business of the Commission.

Reference Table: Types of Speaking Activities and Guidance

Category	Examples	Guidance
1, Public Facility & Official	Larger, public forums, such as League of Women Voters; media events such as the Columbian, Reflector, Clark County Today, etc.; CVTV programs; media events broadcast countywide; speaking engagements through the portal.	Use master presentation and speaker notes/script, provide balanced information on background and intent of amendment measure(s), avoid personal opinions.
2, Public Facility & Official	Smaller audience events: neighborhood associations, business organizations, trade organizations, partisan groups where request is through the portal.	Recommend using master presentation and speaker notes/script. If asked for a pro/con or other opinion, the commissioner has the right to express that opinion as long as they caveat at first they are speaking for themselves, and not the commission.
3, Not using a public facility and not primarily speaking on behalf of the Commission	Smaller audience events: neighborhood associations, business organizations, trade organizations, partisan groups where request is made directly to a commission and not through the portal. These events will <u>not</u> be posted on the Commission’s calendar on the county web site.	If using the master Commission presentation and speaker notes/script, speaker should caveat that they are presenting the Commission’s public information document. If asked for a pro/con or other opinion, the commissioner has the right to express that opinion but should it is advised they first caveat they are speaking for themselves, and not the commission. Ensure that no more than seven (7) commissioners are present to avoid an open public meeting conflict.
4, Not using a public facility and not primarily speaking on behalf of the Commission	Personal, small group events, meetings, updates to groups in which one or more commissioners may be a member. These events will <u>not</u> be posted on the Commission’s calendar on the county web site.	If using the master Commission presentation and speaker notes/script, speaker should caveat that they are presenting the Commission’s public information document. If asked for a pro/con or other opinion, the commissioner has the right to express that opinion but should it is advised they first caveat they are speaking for themselves, and not the commission. Ensure that no more than seven (7) commissioners are present to avoid an open public meeting conflict.
5, Pro-Con Forum	Pro-con, public forums, advertised and publicized as such. May be posted on the Commission’s calendar on the county web site as a matter of general public interest but not organized by the county or by the Commission.	As long as these are not scheduled using county resources and commissioner “official county” email addresses, it is understood that these are forums or debates on specific measures and commissioners are there representing either the For or Against side. Thus, they are not restricted events or activities under RCW 42.17A.555 and commissioners are there on their personal time and are not speaking on behalf of the commission. Should ensure not more than seven (7) commissioners are actively participating in the event.