

Preserve Existing Public Comment Period at Regular Meetings
Administrative Procedures Act Petition per RCW 34.05.330
Petition for Amendment of WAC 390-12-010

Proposed Change

WAC 390-12-010
Public disclosure commission—Meetings.

(1) Pursuant to RCW [42.30.075](#), regular meetings of the public disclosure commission are scheduled to be held monthly on the fourth Thursday of each month at 9:30 a.m. unless a different time is noted on an agenda, except November and December when a combined meeting may be scheduled to be held during the first or second week of December.

(2) Commissioners meet monthly to consider and act on policy matters, enforcement matters, rule makings and interpretations, adjudicative proceedings, modification requests, agency management, budget, legislative matters, public and stakeholder input, education and assistance, and other matters consistent with its oversight responsibilities to ensure the agency's mission is fulfilled and to ensure compliance with, and equitable and effective enforcement of, the act. All meetings are conducted in accordance with the Open Public Meetings Act (chapter [42.30](#) RCW) the Administrative Procedure Act (chapter [34.05](#) RCW), and Sturgis Standard Code of Parliamentary Procedure. The passage of any motion adopting, amending or repealing any rule, or recommending changes to the act shall require a majority vote of the members of the commission as distinguished from a quorum of the commissioners.

(3) At the beginning of regular meetings, no less than 10 minutes will be designated as a public comment period. During this time, any member of the public may comment on any matter relating to the agency, subject to the following restrictions:

(a) The chair may limit the amount of time that each commenter may speak for; and

(b) The chair may restrict or prohibit public comment that relates to a specific enforcement matter; and

(c) The chair may extend the public comment period beyond 10 minutes but is not obligated to do so.

Petition Questions & Answers

What is the purpose of this petition?

The purpose of this petition is to get the Commission to reconsider its decision to move the public comment period from the beginning of regular meetings to the end of regular meetings.

Moving the public comment period to the end of meetings defeats the entire purpose for why public comment periods exist. Public comment periods exist so that members of the public can have their perspectives considered as part of the agency's decision-making process. Allowing members of the public to provide comments only after the agency's business has already been concluded would serve no legitimate purpose: it would be a waste of time both for commenters who speak and for the commissioners who listen.

The decision to move the public comment period to the end of meetings appears to have been made without any discussion, without any vote, and without any opportunity for the public to provide input. Ending a long-standing agency tradition that dates all the way back to the 1970s should at least warrant a brief discussion and a vote.

What are the agency's stated reasons for moving the public comment period to the end of meetings?

The agency provided several reasons to justify its decision. First, concerns that allowing public comment at the beginning of meetings would "destroy" the agenda plan and prevent commissioners from being able to leave the meeting on time. This rationale is an inadequate explanation for the change being made. Very few people take the time to show up and speak during the public comment period. In the three years I've watched these meetings I think that the most commenters to have ever shown up is six. The agency has always dealt with this by limiting the amount of time commenters have to speak or moving other items around on the agenda as needed.

The agency also expressed concerns that allowing public comment on enforcement matters would create the appearance that respondents were not treated fairly by the agency. This rationale is an inadequate explanation for the change being made. Comments provided during the comment period have never been considered evidence by the agency and I would challenge the agency to identify a single instance where there was even a perception that a respondent was treated unfairly because of what someone said during public comment.

What are the agency’s actual reasons for moving the public comment period to the end of meetings?

The public comment period has been moved to the end of meetings because the agency wants to be able to “tune out” comments made by the public which are often critical of how the agency is being run. The agency especially wants to be able to ignore voices that are critical of the agency’s ineffective and dysfunctional approach to enforcement and other regulatory issues.

With members of the public effectively shut out of meetings, the commission will only have to hear and consider the perspectives offered by agency staff.

What would adopting this petition do?

Adopting this petition would preserve the opportunity for members of the public to have their perspectives heard and considered on a matter before action is taken on that matter. This petition would also address the agency’s stated rationale by a) allowing the chair to limit the overall public comment period to 10 minutes, b) allowing the chair to restrict public comment on a particular enforcement issue, and c) allowing the chair to restrict the amount of time that each commenter has to speak.

Isn’t it sufficient that the agency accepts written comment prior to meetings?

No. There are several reasons for this.

First, written public comments are not always read before meetings. As someone who has watched PDC meetings for over three years now, it has been clear from the dialogue at meetings that the commissioners are not always able to read the written comments submitted beforehand. Having a short public comment period at the beginning of meetings ensures that the commissioners will hear the public’s concerns at least briefly.

Second, the deadline for submitting written comment is the Tuesday before the meeting at 5:00 PM. The agenda for the meeting is typically not released to the public until Monday morning and on occasion staff have not released the meeting agenda until Tuesday morning. This provides the public with anywhere from as little as 8 hours to as much as 32 hours to read the agenda and provide meaningful commentary. Because of our busy schedules and filing deadlines it is not always possible to submit written comments by the deadline. On at least one

occasion, staff did not release a full version of the agenda with all the relevant documents until after the deadline for submitting public comment had already passed.

Lastly, having an opportunity for members of the public to come to agency meetings and speak directly to commissioners helps foster a type of connection that is absent in the submission of written materials. It allows for the commissioners to hear and see commenters as real human beings and not simply a name on a piece of paper. It is easy for the agency to ignore concerns submitted in writing. It is more difficult for the agency to ignore concerns brought forward in spoken comments at the beginning of meetings.

Conclusion

The public comment period that exists at the beginning of regular meetings provides members of the public with an opportunity to have their perspectives heard on an issue before it is decided. Often, it is the only real opportunity they will have where their voices will be heard.

Allowing members of the public to provide comments only after the agency's business has already been concluded would serve no legitimate purpose: it would be a waste of time both for commenters and commissioners alike.

To the extent that the justifications cited by the agency are legitimate, there are far less drastic ways of addressing these concerns. Cancelling an opportunity for members of the public to meaningfully interact with the PDC would be a massive step backwards for the agency.

Please vote to preserve the public's right to meaningfully participate at the agency's meetings.



PUBLIC DISCLOSURE COMMISSION

SPECIAL MEETING

A G E N D A

Monday, December 19, 1977
Second Floor Conference Room, Evergreen Plaza Building, Olympia

7:00 p.m. DISCUSSION OF REQUEST OF GOVERNOR for
expenditure reduction plans--FY1979

REGULAR MEETING

A G E N D A

Tuesday, December 20, 1977
Second Floor Conference Room, Evergreen Plaza Building, Olympia

9:00 a.m. MINUTES

*Review and approval of November 3 & 15, 1977
meeting minutes*

9:10 a.m. COMMISSIONERS CONCERNS/REPORTS

*Mrs. Davis: Request of Common Cause for
opinions on full-time commission*

9:20 a.m. CITIZENS COMMENTS/CONCERNS

9:30 a.m. RULES AND REGULATIONS

(1) *Discussion of possible rule for reporting
"casual lobbying" activities*

(2) *Discussion of possible amendment to WAC
390-16-220 SURPLUS CAMPAIGN FUNDS--DEFINITION*

10:00 a.m. ATTORNEY GENERAL'S REPORT

Recent opinions; status of current litigation

(CONTINUED ON REVERSE)



REGULAR MEETING

Tuesday, July 22, 1980

LOCATION: Evergreen Plaza Building conference room
Second Floor, 711 Capitol Way, Olympia, Washington

9:00 a.m. (1) MINUTES APPROVAL

Review and approval of minutes of the June 24, 1980 regular meeting.

9:05 a.m. (2) CITIZEN COMMENTS/CONCERNS

An opportunity for any citizen to bring to the Commission any item of question or concern.

9:10 a.m. (3) COMMISSIONER CONCERNS/REPORTS

(a) *Mr. Vanik: Circumstances for employing special legal counsel.*

9:30 a.m. (4) REPORTING MODIFICATIONS

(a) *Bockman for Governor Committee--Requests reporting modification from some of the campaign reporting requirements for candidate Mary Nell Bockman.*

9:45 a.m. (5) STAFF REPORTS

- (a) *Attorney General's Report*
 - (1) *Recent opinions; status of litigation.*
- (b) *Administrator's Report*
 - (1) *1979 Lobbying Expenditures*
 - (2) *"...And Shall Not Partake In Partisan Politics"--An abstract of master's degree study by Scott Huntley*
 - (3) *Letter from William Fritz re: Floating Homes Association newsletter*
 - (4) *Complaint re: Federal Way School District levy campaign*
 - (5) *Referral from State Auditor of examination of Washington Association of Sheriffs & Police Chiefs*

LUNCH BREAK * * * * *

1:30 p.m. (6) *1981-83 Budget Request*

(6) LATE-FILING WAIVER REQUESTS



STATE OF WASHINGTON
PUBLIC DISCLOSURE COMMISSION

403 Evergreen Plaza, Mail Stop FJ-42 • Olympia, Washington 98504-3342 • (206) 753-1111 • FAX: (206) 753-1112

A G E N D A

Regular Meeting

Tuesday, July 23, 1991

Location: Second Floor Conference Room
Evergreen Plaza Building
711 Capitol Way
Olympia, Washington

9:00 am.

MINUTES

Review and approval of the minutes of the regular meeting of June 25, 1991.

CITIZEN COMMENTS/CONCERNS

COMMISSIONER COMMENTS/CONCERNS

9:10 am.

INTERPRETIVE STATEMENTS/RULINGS

1. Request of Bruce A. Koppe for review of interpretation of the term "officer"
2. Agency lobbying on initiatives to the Legislature

9:30 am.

RULES

1. Public hearing and possible permanent adoption of:
Amend **WAC 390-20-052** Application of RCW 42.17.190--Reports of Agency Lobbying
Amend **WAC 390-14-045** Records Index
Amend **WAC 390-37-060** Enforcement Procedures--Investigation of Complaints--Initiation of Hearing
Amend **WAC 390-37-100** Enforcement Procedures--Conduct of Hearings

"The public's right to know of the financing of political campaigns and lobbying and the financial affairs of elected officials and candidates far outweighs any right that these matters remain secret and private."



STATE OF WASHINGTON

PUBLIC DISCLOSURE COMMISSION

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REGULAR COMMISSION MEETING

January 23, 2001

AGENDA

Location: Evergreen Plaza Building
711 Capitol Way, Room 206
Olympia, Washington

Note: All times shown for consideration of agenda items (other than time of convening) are approximate and may vary, depending on the amount of discussion required for each.

9:00 a.m. Minutes

Approval and adoption of the minutes of the regular meeting of October 24, 2000.

Citizen Comments/Concerns

Commissioner Comments/Concerns

9:05 a.m. Legislation* ✓

9:15 a.m. Implementation of JLARC Recommendations ✓

9:30 a.m. Staff Reports

② Executive Director's Report
FY01 Budget Status Report

③ Assistant Director's Report
Year-end Review*
Personnel Update

① Chief Technology Officer's Report
Year-end Review*
Website Usage

Assistant Attorney General's Report

The public's right to know of the financing of political campaigns and lobbying and the financial affairs of elected officials and candidates far outweighs any right that these matters remain secret and private.

RCW 42.17.010 (10)





Regular Commission Meeting - March 26, 2015

March 26, 2015 9:30am

Public Disclosure Commission

711 Capital Way, Room 206 | Olympia, Washington 98504

Note: All times shown for consideration of agenda items (other than time of convening) are approximate and may vary, depending on the amount of discussion required for each.

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9:30 AM - I. Citizen Comments/Concerns | Commissioner Comments/Concerns | Minutes



Approval of Regular Meeting Minutes of February 26, 2015

Presenter - Chair Degginger

9:35 AM - IV. Rulemaking



Discussion and possible approval of draft proposed language to amend WAC 390-18-050 Commercial advertisers – public inspection of records

Preliminary discussion – Procedures for filing complaints

Presenters - Lori Andreson

10:00 AM V. Informational Matter



Penalty Collection Policy Update