

Jon S. Pettit

9725 Rich Road SE, Olympia WA 98501 Phone 360-951-8888, Email jon@jonpettit.us

Thurston County Commissioners

RECEIVED

Board of County Commissioners
2000 Lakeridge Dr SW
Olympia WA 98502-6045

SEP 16 2019

September 15, 2019

<input checked="" type="checkbox"/> DISTRICT 1	<input checked="" type="checkbox"/> CM
<input checked="" type="checkbox"/> DISTRICT 2	<input type="checkbox"/> CLERK
<input checked="" type="checkbox"/> DISTRICT 3	<input type="checkbox"/> _____

Dear Commissioners and County Manager,

This Tuesday represents decision day for me, as to actions or directions taken to address the issue of the Proposed New Courthouse Ballot issue. You should consider if the Board of County Commissioners violated the Open Public Meetings Act, and if it has followed the RCW guidelines for Board of County Commissioners under chapter 36.32. This letter is my last request that you nullify the Ordinance 2019-15757. I need not go any further than pursuing violations of RCW 42.30 Open Public Meetings Act, and having all actions made on April 30, 2019 nullified by the court. The same action can be taken for the BOCC meeting on August 27, 2019. I previously addressed this in my letter of September 5, 2019 to the Board of County Commissioners. It is preferred by me that you take proper corrective action related to the one item (Proposed Courthouse Ballot), as opposed to all the actions taken during the illegal meeting(s) becoming nullified through the courts. Unfortunately, should this issue be decided by the courts, the public will lose confidence of existing credibility of the current Board of County Commissioners.

INTENT / LEGAL RAMIFICATIONS

As recorded on April 23, 2019 YouTube video, the **County Manager Ramiro Chavez** stated the express purpose of the Rochester meeting. He said:

"I would like to remind the public that the next Board Meeting which is scheduled for Tuesday April 30th it will be a offsite Board Meeting, it's going to be located, it's going to be held at the Rochester Middle, Rochester Middle School Commons located at 9937 US 12 in Rochester Washington. That meeting will begin at 5:30 in the afternoon. And the reason that you have an offsite meeting is an attempt by the County Commissioners to reach out to the community. This is the first this year, we are planning to have two others on the different districts that you represent, and the specific locations and time will be available. Um but it will be um um located at the Rochester Middle School Commons next Tuesday."

This statement makes clear that the meeting scheduled for Tuesday April 30th was an offsite Board meeting. County Manager now states the meeting was a "SPECIAL" meeting. The following RCW's should help clear any questions as to requirements for meetings.

The RCW's provides for offsite **regular** Board of County Commissioners meetings under RCW 36.32.080. There are specific requirements for "NOTICE" of meetings held outside the county seat, which includes "**at least thirty days**" before the time of the meeting..

RCW 36.32.080

Regular meetings—Joint regular meetings—Regular meetings held outside of the county seat.

(1) The county legislative authority of each county shall hold regular meetings at the county seat or at a location designated in accordance with subsection (2) or (3) of this section to transact any business required or permitted by law.

(2)(a) Any two or more county legislative authorities may hold a joint regular meeting solely in the county seat of a participating county if the agenda item or items relate to actions or considerations of mutual interest or concern to the participating legislative authorities.

(b) A legislative authority participating in a joint regular meeting held in accordance with this subsection (2) must, for purposes of the meeting, comply with notice requirements for special meetings provided in RCW 42.30.080. This subsection (2)(b) does not apply to the legislative authority of the county in which the meeting will be held.

(3)(a) As an alternative option that may be exercised no more than once per calendar quarter, regular meetings may be held at a location outside of the county seat but within the county if the county legislative authority determines that holding a meeting at an alternate location would be in the interest of supporting greater citizen engagement in local government.

(b) The county legislative authority must give notice of any regular meeting held pursuant to this subsection (3) at least **thirty days** before the time of the meeting specified in the notice. At a minimum, notice must be:

(i) Posted on the county's web site;

(ii) Published in a newspaper of general circulation in the county; and

(iii) Sent via electronic transmission to any resident of the county who has chosen to receive the notice required under this section at an email address.

[2016 c 189 § 1. Prior: 2015 c 179 § 1; 2015 c 74 § 1; 1989 c 16 § 1; 1963 c 4 § 36.32.080; prior: 1893 c 105 § 1; Code 1881 § 2667; 1869 p 303 § 5; 1867 p 53 § 5; 1863 p 541 § 5; 1854 p 420 § 5; RRS § 4047. Cf. 1893 c 75 § 1; RRS § 4048.]

Under RCW 36.32.090 state law provides for "Special meetings," which illuminates the requirement of the "purpose" that a special meeting may be called.

RCW 36.32.090

Special meetings—Joint special meetings.

(1) The county legislative authority of each county may hold special meetings at the county seat or at a location designated in accordance with subsection (2) or (3) of this section to transact the business of the county. Notice of a special meeting shall be made as provided in RCW 42.30.080.

(2) A special meeting may be held outside of the county seat at any location within the county if the agenda item or items are of unique interest or concern to the citizens of the portion of the county in which the special meeting is to be held.

(3) Any two or more county legislative authorities may hold a joint special meeting at the county seat or other agreed upon location within the jurisdiction of a participating county if the agenda item or items relate to actions or considerations of mutual interest or concern to the participating legislative authorities.

[2015 c 74 § 2; 1989 c 16 § 2; 1963 c 4 § 36.32.090. Prior: Code 1881 § 2669; 1869 p 304 § 7; 1867 p 53 § 7; 1863 p 541 § 7; 1854 p 420 § 7; RRS § 4049. Cf. 1893 c 75 § 2; RRS § 4050.]

Please keep in mind, that the County Manager had already previously stated (as recorded in video) "the reason that you have a offsite meeting...". The agenda for the meeting was a "regular meeting agenda". The County Manager changed statement now is that the meeting on April 30, 2019 was a "**SPECIAL MEETING**", perhaps to circumvent the lawful requirements of public notice under the "OPEN PUBLIC MEETINGS ACT". This approach violates the Public Trust element of the ACT. The very first section of the ACT opens as follows:

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.

[1971 ex.s. c 250 § 1.]

The following News Release(s) are from the Thurston County website noting the meetings as "weekly Board meetings", and serve as additional documentation of the illegal meetings and actual purposes thereof:

Thurston County News Release

[Current News Releases](#)

[Past News Releases](#)

[Legal Notices](#)

FOR IMMEDIATE RELEASE:

Monday, April 15, 2019

Contact:

Bryan Dominique, Public Information Officer, 360-867-2091, or email
bryan.dominique@co.thurston.wa.us

Commissioners to Hold Evening Board Meeting in Rochester

Meeting to take place at Rochester Middle School on Tuesday, April 30, at 5:30 p.m.

OLYMPIA – In an effort to enhance transparency and take government out into the community, the Thurston County Board of Commissioners are hosting one of their weekly Board meetings at the Rochester Middle School Commons on Tuesday, April 30, 2019 at 5:30 p.m.

What: Board of County Commissioners Meeting

When: Tuesday, April 30, 2019 at 5:30 p.m.

Where: Rochester Middle School Commons, 9937 US-12, Rochester, WA 98579

"I and my fellow commissioners are really looking forward to meeting and hearing from citizens who can't always make it to the Courthouse on a Tuesday afternoon for a board meeting," said Board Chair John Hutchings. "Off-site meetings are just one of the ways we are working to make government more accessible and transparent, and connecting citizens with their local government."

The Board's agenda setting meeting for Tuesday, April 30, will still be held at 9:00 a.m. in Building One, Room 280 of the Thurston County Courthouse Complex, 2000 Lakeridge Drive SW Olympia, WA 98502. Citizens can also watch agenda setting meetings live on the county's YouTube channel at www.youtube.com/c/thurstoncountywashington.

Later this year, the Board will hold two additional evening meetings in districts one and two at locations and dates yet to be determined. Board agendas are available on the Board of County Commissioners website at:

<https://www.thurstoncountywa.gov/bocc/Pages/agendas.aspx>.

Disability Accommodations

To request disability accommodations, contact Whitney Pearsall at 360-786-5440 or email at pearsaw@co.thurston.wa.us at least five days prior to the meeting. Persons with speech or hearing disabilities may call via Washington Relay: 711 or 800-833-6388.

Thurston County News Release

Current News Releases

Past News Releases

Legal Notices

FOR IMMEDIATE RELEASE:

Monday, August 12, 2019

Contact:

Bryan Dominique, Public Information Officer, 360-867-2091, or email
bryan.dominique@co.thurston.wa.us

Commissioners to Hold Evening Board Meeting in Yelm

Meeting to take place at Yelm Middle School on Tuesday, August 27, at 5:30 p.m.

OLYMPIA – In an effort to enhance transparency and take government out into the community, the Thurston County Board of Commissioners are hosting one of their weekly Board meetings at the Yelm Middle School Commons on Tuesday, August 27, 2019 at 5:30 p.m.

What: Board of County Commissioners Meeting

When: Tuesday, August 27, 2019 at 5:30 p.m.

Where: Yelm Middle School Commons, 402 W Yelm Ave, Yelm, WA 98597

The Board's agenda setting meeting for the August 27 agenda will be held on Monday, August 26, at 9:00 a.m. in Building One, Room 280 of the Thurston County Courthouse Complex, 2000 Lakeridge Drive SW Olympia, WA 98502. Citizens can also watch agenda setting meetings live on the county's YouTube channel at www.youtube.com/c/thurstoncountywashington.

Later this year, the Board will hold one additional evening meeting in district one at a location and date yet to be determined. Board agendas are available on the Board of County Commissioners website at: <https://www.thurstoncountywa.gov/bocc/Pages/agendas.aspx>.

Disability Accommodations

To request disability accommodations, contact Whitney Pearsall at 360-786-5440 or email at pearsaw@co.thurston.wa.us at least five days prior to the meeting. Persons with speech or hearing disabilities may call via Washington Relay: 711 or 800-833-6388.

CONCLUSION

After Tuesday's Board of County Commissioner meeting, I will no longer directly address the Board as to the issue of an illegal meeting(s). Should the Board take action to nullify Ordinance 2019-15757 the issue will be closed. Should the Board decide to continue it's present direction, I will have no choice but to turn over to legal counsel for injunction and prosecution. I can live with that comfortably as I have attempted to provide a sufficient alternative to resolve my concerns. If and when the court finds in my

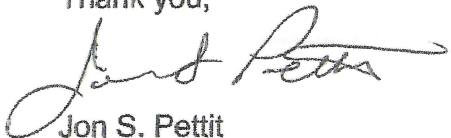
favor, the county will be responsible for all cost and you as Commissioners may be subject to fines (\$500.00 first time) for having an illegal meeting(s). Additionally all actions taken at the illegal meeting(s) will become null and void. You will need to take actions to reverse and remove all items that were on the agenda. They include from the April 30, 2019 meeting:

- **Bicycle Commuter Month Proclamation**
- **National Military Appreciation Month**
- **2019 Snow Storm Response Sheriff's Office Volunteers**
- **Consent Items A and B (Resolution 15755 Pay Plan, and Voucher List)**
- **Department Items #4 through #6 (which includes Ordinance 2019-15757)**

While this list of actions to be reversed and removed may seem excessive, it should bring an awareness of the necessity to follow the law. There may also be financial issues (personal responsibility) if payment of voucher list items were paid without required legal approve before payments were made.

The decisions that were made are yours alone, not the staff or County Manager's. I don't know if this was due to actual intent of absolute incompetence of staff, it doesn't really matter at this point. So the decision as to how things will proceed as to potential legal action, is now in your hands. I will look forward to your decision.

Thank you,



Jon S. Pettit
360-951-8888