

1 GOVERNANCE

1.1 By-Laws

ARTICLE 1: IDENTIFICATION

Identification:

The name of the organization is Whitman County Rural Library District with headquarters in Colfax, Washington.

ARTICLE 2: PURPOSE

Purpose:

The purpose of the Whitman County Rural Library District Board is to represent the library both to the people and to the governing officials. It is the trustee's obligation to see that adequate funds are obtained for good library service, to promote the best possible use of all library resources in the area, to improve existing libraries, and extend library service to those not previously served. The basic philosophy of the Library Board of Trustees shall conform to the tenets set forth in the Library Bill of Rights. (Appendix 8.1).

ARTICLE 3: BOARD OF DIRECTORS

Section 1: Number and Qualification:

The governing body of the library is composed of five members as appointed by the County Commissioners.

Section 2: Term of Office:

A trustee's office shall be five years. No trustee shall serve more than two full consecutive terms. A former Board member can be reappointed after a lapse of one year. If a member is appointed to serve an unexpired term of office, it does not count as a full term, leaving the option of two more terms for the member.

Section 3: Disqualification, Vacancies:

A trustee's position shall be declared vacant if:

A trustee moves from Whitman County.

When any trustee fails to attend at least three consecutive meetings of the Board.

It shall be the duty of the Library Director, under the direction of the Board of Trustees, to advertise the opening, interview qualified applicants, and recommend the best candidate(s) to the Whitman County Board of Commissioners for appointment. Should this be moved to go with director, or deleted – I saw your note crossing it off in your policy manual

Section 4: Officers:

Officers of the Board shall be chairman, vice-chairman and secretary. Officers shall be elected at the regular annual meeting in November of the previous year. An officer may succeed himself/herself. Vacancies in the

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office shall be filled by vote at the next regular meeting of the Board after the vacancy occurs. The duties of the officers are as follows:

The chairman shall preside at meetings and perform such other duties as custom and law devolve upon the chairman.

The vice-chairman shall assume the duties of the chairman in the event of the absence or disability of the chairman.

The secretary shall assume duties appropriate to the office as needed.

The Director or designee shall serve as executive secretary to keep true and accurate records of all proceedings of the Board meetings. The Director has no vote on the Board.

Section 5: Indemnity Agreement:

The Board of Trustees shall abide by the American Library Trustee Association indemnification statement, as follows:

“It should be considered mandatory that every library have an adequate level of insurance coverage. If any claim or action not covered by insurance or State Statute is instituted against a trustee of the Library System arising out of an act or omission by a trustee, acting in good faith for a purpose considered to be in the best interest of the System; or if any claim or action not covered by insurance or State Statute is instituted against a trustee, allegedly arising out of an act or omission occurring within the scope of their duties as such a trustee; the System shall at the request of the trustee:

Appear and defend against the claim or action; and

Pay or indemnify the trustee for a judgment and court costs, based on such a claim or action; and

Pay or indemnify the trustee for a compromise or settlement of such a claim or action, providing the settlement is approved by the Board of Trustees.”

Decision as to whether the System shall retain its own attorney or reimburse the trustee expenses to their own legal counsel rest with the Board of Trustees and shall be determined by the nature of the claim or action. The term trustee shall include any former trustee of the System.

ARTICLE 4: MEETINGS

Section 1: Time:

The Library Board shall meet on the third Tuesday of each month in the afternoon at the Whitman County Library or at the place designated at the preceding meeting.

Section 2: Special Meetings:

Special meetings of the Board of Trustees may be called by the chairman or upon written request of three members, for the transaction of business as stated in the meeting request. Notice stating the time and place of any

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special meeting and the purpose for which it is called shall be given each member of the Board of Trustees three days in advance of the meeting.

Section 3: Executive Sessions:

The Board may go into an executive session during any meeting, but they must announce the purpose of the executive session and the amount of time they expect it to take as in RCW 42.30.110 (1.9 Open Public Meetings Act). If the session lasts longer than the stated time, the Board must announce the additional time required to any members of the public in attendance.

Section 4: Quorum:

A quorum for transaction of business shall consist of a simple majority.

Section 5: Open Public Meetings: The Board will follow the rules laid down in RCW 42.30 concerning the Open Public Meetings Act (1.9 Open Public Meetings Act).

Section 6: Parliamentary Authority:

Robert's Rules of Order, latest revised edition, shall govern the parliamentary procedure of the meetings.

ARTICLE 5: COMMITTEES

Section 1: Ad Hoc Committee:

Ad Hoc committees for the study of special problems shall be appointed by the chairman, with the approval of the Board, to serve until the final report of the work for which they were appointed has been filed.

ARTICLE 6: DUTIES OF THE BOARD OF TRUSTEES

Adhere to practice and procedures as spelled out in the Washington State Public Library trustee manual:

- Employ a qualified Library Director – maintain an on-going performance appraisal process for the Director.

- Identify and adopt written policies to govern the operation and programs of the library.

- Ensure that the library has a long-range planning process with implementation goals and evaluation.

- Ensure that the library has an active marketing program. Participate when appropriate.

- Secure adequate funds and investments to carry out the library's program – assist in the preparation and presentation of the annual budget.

- Be familiar with local, state, and federal library laws, as well as any pending legislation.

- Participate at all Board meetings and see that accurate records are kept on file. Comply with Freedom of Information regulations.

- Attend trustee meetings and workshops.

- Appoint liaison to attend Friends of the Library meetings.

- Network with community members to advocate for the library and seek their input for services.

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ARTICLE 7: DIRECTOR

The Director shall be considered the executive officer of the Board and shall have sole charge of the administration of the library under the direction and review of the Board. The Director shall be held responsible for the care of the buildings and equipment, for the employment and direction of the staff, for the efficiency of the library's service to the public, and for the operation of the library under the financial conditions set forth in the annual budget. The Director shall attend all Board meetings.

If the Director fails in the performance of above duties the Board has the authority to ask for the resignation of said person or terminate his/her appointment, effective date of termination shall be set by the Board.

ARTICLE 8: MILEAGE AND EXPENSES

Board members may be reimbursed for mileage to attend library meetings.

ARTICLE 9: AMENDMENTS

These by-laws may be amended at any regular meeting of the Board with a quorum present, by majority vote of the members present.

1.2 Policy, Mission, and Values Statements

Policy Statement

The Whitman County Library Board of Trustees sets forth as a primary goal the basic tenets of the Library Bill of Rights (Appendix 8.1) and the Freedom to Read Statement (Appendix 8.2)

Mission Statement

The mission of Whitman County Rural Library is to be our community's #1 resource for information, recreation, and discovery.

Values Statement

Intellectual Freedom.
Equal Access for all.
Respect for diversity.
Personal and organizational accountability.
Providing services, technologies, and library materials based on the needs and desires of the community.
Individual pursuit of learning as an informed citizenry is the foundation of a democratic society.
Basic literacy and information literacy as critical life skills in our every-changing world.
Reading as a means towards education, enlightenment, and enjoyment.
The library as a social and information commons.
Helpful, friendly service.
Collaboration and partnerships with public, private, and library organizations.
Cooperation, collaboration, and partnerships with area residents, businesses, libraries, and public and private agencies and organizations.
Fiscal and professional responsibility.

Service Roles Defined for Whitman County Rural Library by the Strategic Plan

Heart of the community.
Popular materials focus.
Center for lifelong learning.
Access to information and community referral.
Community Development

Please see the "Whitman County Rural Library District: Strategies for the Future, 2016 and Beyond" for goals, objectives, and development of strategic plan.

1.3 Organization and Structure

Whitman County Library is organized and operates under the County Rural Library District Laws of the State of Washington, this policy and procedure manual, and other statutes applicable to public libraries

The policy and procedure manual may be amended at any regular meeting of the Library Board of Trustees with a quorum present, by majority vote of the members present.

A headquarters is maintained where administrative offices will supervise services throughout the area.

Library service is extended to all residents of the Rural Library District by means of branch libraries and mail service. Additional outreach programs will be provided as dictated by need and budget limitations.

Any incorporated city or town inside the district may contract for library service. Service outlets in incorporated cities and towns may be by means of branches, deposit collections, or a combination of such outlets.

Incorporated cities may request to become a part of the rural library district as provided by RCW 27.12.360 (1.8 Annexation).

Whitman County Rural Library District:

Is a single county library district which, by law, serves all unincorporated rural areas of the county. By law, the Library Board may choose to contract with incorporated towns to provide library service.

Incorporated cities or towns in Whitman County may request annexation into the Library district. The Board of Trustees has the authority to accept or deny such requests (1.8 Annexation).

Whitman County Library System serves adults and children from the headquarters library, the branch libraries, and with books by mail.

Audience/User Groups:

Whitman County Library System serves all residents of unincorporated areas within the county, all residents of annexed cities, and all residents of all cities contracting with the library system.

Non-residents may use the collection in-house or may choose to acquire a non-resident library card. This card may restrict the non-resident borrower's privileges (4.1 Circulation Policy).

The library has a reciprocal agreement with Neill Public Library in Pullman, WA and Latah County Library in Moscow, ID to provide residents in their service area cards free of charge.

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1.4 Services of the Library

The number one objective at Whitman County Library is friendly, top quality customer service.

The library staff provides guidance and assistance for people to obtain the information they seek in a variety of formats (4.5 Reference Policy).

The library provides information and materials to help people to equip themselves for useful occupational and practical affairs; to increase their competence to form sound judgments; to increase their understanding and appreciation of their cultural heritage; and to promote personal and social well-being.

The library initiates programs, promotes exhibits, and provides other guides to stimulate the use of library materials for the enlightenment of people of all ages. Requests for program sponsorship are evaluated by the Director or designee.

The library cooperates with other community agencies and organizations in ways that meet the mission of the library.

The library accepts a responsibility for securing information beyond its own resources by:

Collecting information about and listing for referral, resources of agencies, institutions, organizations, and individuals in and beyond the community both in print and online. Whitman County Rural Library District cannot accept responsibility for the accuracy of these print or online resources.

Borrowing materials for patrons through interlibrary loans that are not owned by the library and which can't be purchased, or materials for which the demand does not justify purchase (4.2 Interlibrary Loan Policy).

The library will lend to other libraries upon request, adhering to the policies and procedures set forth in OCLC policies (4.2 Interlibrary Loan Policy).

The library endeavors to maintain a balance in its services to all age groups.

The library offers to cooperate with school libraries in the county who wish to utilize some library resources. This is arranged on a case-by-case basis.

The public library cooperates with but cannot perform the function of school and other institutional libraries which are designed to meet curricular needs. The library endeavors to assist school libraries in the proper performance of their function whenever possible. Special borrowing privileges for teachers are allowed as long as such loans do not weaken the collections available to the public. The children's department conducts classroom visits, gives library instruction at the headquarters branch in an effort to promote full use of the public library.

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Other groups, such as physically or mentally challenged, will have the opportunity for equal access to library programs and services.

Library services are provided during the hours which seem to best meet the needs of the community and through service outlets located at points of maximum convenience to the public.

Periodic review is made of library service to determine whether the needs of the community indicate that present services should be altered in any way.

The library may charge such fees or impose such penalties as it deems necessary to assure fair use of its services or to ensure the return of borrowed materials.

1.5 Community Library Services

The library establishes community libraries under the following conditions:

- Need.
- Demand.
- Availability of physical quarters.
- Potential for future growth.
- Contribution for overall service patterns in the area.

Community libraries are maintained by contractual agreements between the library and cities, other entities, or by other arrangements in the unincorporated community.

The community library has regular hours of service which are based on the size and needs of the community served. Such hours are determined by the Director, working in cooperation with the Board of Trustees.

Community libraries are not located in private homes or in school buildings unless there is no other location available.

Branch managers are responsible for library operations as defined in the Branch manual:

- Circulation and reference service of the highest quality.
- Service and special programs for area children like summer reading and story time.
- Library promotion and public relations in local media and newsletters.
- Operation of and assisting customers with library computers or related technologies.
- Collection management, including trips to Colfax to rotate collection.

1.6 Other Extension Services

Patrons are encouraged to request material, by author, title, or subject when the local collections do not meet their needs. Such requests are filled from within the library collections, by transfer from headquarters or between outlets. When the collection cannot meet the demand, such requests are forwarded to other agencies according to Interlibrary Loan protocol (4.2 Interlibrary Loan Policy).

Residents of Whitman County Rural Library District are able to use the libraries of Neill Public and Moscow Latah free of charge, thanks to a reciprocal agreement with these libraries. Residents will be required to obtain a card from the library and adhere to their policies.

Teachers wishing to assure the availability of materials for mass student assignments on single or limited topics are urged to contact the library headquarters prior to the assignment. If materials are limited, the library will be happy to place a borrowing period limitation on these materials and/or place some materials on reserve.

A Books by Mail program is offered to Whitman County Rural Library District residents that are homebound or have difficulty accessing conventional services.

Parent Resource Center available on the Whitman County Library website includes early learning opportunities, childcare resources, and child development information.

1.7 Library Buildings

The Board of Trustees assumes responsibility to assure that the headquarters building meets the requirements of modern library service.

Communities are urged to make continuous analysis of community library buildings to determine if they are adequate and inviting. Programs for site acquisition, remodeling or construction should be adopted only after careful study and consultation with the Director and the Library Board.

Quarters for community libraries are provided in all cases by the local cities and towns. Contracts specifying the responsibilities of the Library District and the contracting or annexed city are provided by the Library District and must be signed in order for the District to provide library service at a branch site. Contract uniformity must be maintained.

1.8 Annexation to the Rural Library District

General Purpose:

Annexation is the method by which an incorporated city may become part of the rural library district as provided by RCW 27.12.360.

Method (to be followed in numerical order):

1. Board approval of annexation is required.
2. An ordinance must be passed by the city council stating an intention to annex to the library district.
3. Approval of the ordinance must be made by the Library Board of Trustees.
4. A resolution by the County Commissioners must be made approving a special election.
5. The issue is placed on ballot by the municipality.
6. Approval of the ballot issue by the majority of the voters within the city limits.

Responsibilities of the City Government:

To provide a suitable space for the operation of a library.

To pay the cost of providing heating, lighting, furniture, water, garbage, janitorial services, janitorial supplies, insurance, and other items as negotiated per contract.

To maintain the grounds and the premises and to keep the same in good repair at the city's expense.

Responsibilities of the Library District:

To provide rotating collections of library materials on a monthly basis.

To pay the salaries of the branch manager and substitute.

To set the wages of the branch manager and substitute.

To hire and discharge the branch manager and substitute.

In the case of the City of Colfax, a building/janitorial fee will be computed and assessed to determine annual contract fees.

1.9 Open Public Meetings Act

Legislative declaration (RCW 42.30.010)

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.]

Reviser's Note: Throughout this chapter, the phrases "this act" and "this 1971 amendatory act" have been changed to "this chapter." "This act" [1971 ex.s. c 250] consists of this chapter, the amendment to RCW 34.04.025, and the repeal of RCW 42.32.010 and 42.32.020.

Definitions: As used in this chapter unless the context indicates otherwise:

"Public agency" means:

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;

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

Any subagency 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;

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.

"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.

"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

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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.

"Meeting" means meetings at which action is taken.

[1985 c 366 § 1; 1983 c 155 § 1; 1982 1st ex.s. c 43 § 10; 1971 ex.s. c 250 § 2.]

Notes: Severability – Savings – 1982 1st ex.s. c 43: See notes following RCW 43.52.374.

Meetings declared open and public (RCW 42.30.030)

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.

[1971 ex.s. c 250 § 3.]

Conditions to attendance not to be required (RCW 42.30.040)

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

[1971 ex.s. c 250 § 4.]

Interruptions – Procedure (RCW 42.30.050)

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.

[1971 ex.s. c 250 § 5.]

Ordinances, rules, resolutions, regulations, etc., adopted at public meetings – Notice – Secret voting prohibited. (RCW 42.30.060)

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.

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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.

[1989 c 42 § 1; 1971 ex.s. c 250 § 6.]

Times and places for meetings – Emergencies – Exception (RCW 42.30.070)

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.

[1983 c 155 § 2; 1973 c 66 § 1; 1971 ex.s. c 250 § 7.]

Schedule of regular meetings – Publication in state register – Notice of change – “Regular” meetings defined (RCW 42.30.075)

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.

[1977 ex.s. c 240 § 12.]

Notes: Effective date – Severability – 1977 ex.s. c 240: See RCW 34.08.905 and RCW 34.08.910.

Public meeting notices in state register: RCW 34.08.020.

Special Meetings (RCW 42.30.080)

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 personally or by mail written notice to each member of the governing body; and to each local newspaper of general

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circulation and to each local radio or television station which has on file with the governing body a written request to be notified of such special meeting or of all special meetings. Such notice must be delivered personally or by mail at least twenty-four hours before the time of such meeting as specified in the notice. The call and notice 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. Such written notice may be dispensed with as to any member who at or prior to the time the meeting convenes files with the clerk or secretary of the governing body a written waiver of notice. Such waiver may be given by telegram. Such written notice may also be dispensed with as to any member who is actually present at the meeting at the time it convenes. 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.

[1971 ex.s. c 250 § 8.]

Adjournments (RCW 42.30.090)

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 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.

[1971 ex.s. c 250 § 9.]

Continuances (RCW 42.30.100)

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.

[1971 ex.s. c 250 § 10.]

Executive sessions (RCW 42.30.110)

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

To consider matters affecting national security;

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;

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;

To review negotiations on the performance of publicly bid contracts when public knowledge regarding such consideration would cause a likelihood of increased costs;

To consider, in the case of an export trading company, financial and commercial information supplied by private persons to the export trading company;

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;

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;

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;

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;

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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;

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.

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.

[1989 c 238 § 2; 1987 c 389 § 3; 1986 c 276 § 8; 1985 c 366 § 2; 1983 c 155 § 3; 1979 c 42 § 1; 1973 c 66 § 2; 1971 ex.s. c 250 § 11.]

Notes: Severability – Effective date – 1987 c 389: See notes following RCW 41.06.070. Severability – 1986 c 276: See RCW 53.31.901.

Violations – Personal liability – Penalty – Attorney fees and costs (RCW 42.30.120)

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, 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 one hundred dollars. 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.

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 attorney fees, incurred in connection with such legal action. Pursuant to RCW 4.84.185, any public agency who 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.

[1985 c 69 § 1; 1973 c 66 § 3; 1971 ex.s. c 250 § 12.]

Violations – Mandamus or injunction (RCW 42.30.130)

Any person may commence an action either by mandamus or injunction for the purpose of stopping violations or preventing threatened violations of this

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chapter by members of a governing body.
[1971 ex.s. c 250 § 13.]

Chapter Controlling – Application (RCW 42.30.140)

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:

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

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

Matters governed by chapter 34.05 RCW, the Administrative Procedure Act; or

Collective bargaining sessions with employee organizations, including contract negotiations, grievance meetings, and discussions relating to the interpretation or application of a labor agreement; or

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.

[1990 c 98 § 1; 1989 c 175 § 94; 1973 c 66 § 4; 1971 ex.s. c 250 § 14.]

Notes: Effective date – 1989 c 175: See note following RCW 34.05.010.

Drug reimbursement policy recommendations: RCW 43.20A.365. Mediation testimony competency: RCW 5.60.070 and 5.60.072.

Governing body of recognized student association at college or university – Chapter applicability to (RCW 42.30.200)

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

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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.
[1980 c 49 § 1.]

Short title (RCW 42.30.900)

This chapter may be cited as the "Open Public Meetings Act of 1971".
[1971 ex.s. c 250 § 16.]

Construction – 1971 ex.s c 250 (RCW 42.30.910)

The purposes of this chapter are hereby declared remedial and shall be liberally construed.
[1971 ex.s. c 250 § 18.]

Severability – 1971 ex.s. c 250 (RCW 42.30.920)

If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.
[1971 ex.s. c 250 § 19.]