

**WASHINGTON STATE BOUNDARY REVIEW BOARD FOR KING COUNTY  
ORGANIZATION and RULES OF PRACTICE AND PROCEDURE**

(Revised and Adopted January 2009)

(Recorded at King County Superior Court)

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(Revised and Adopted January 2009)

These Rules of Practice and Procedure for the Washington State Boundary Review Board for King County are adopted and maintained in effect, pursuant to and consistent with RCW 36.93.200.

(References used throughout this document to the Board's Executive Secretary shall be synonymous with "Chief Clerk" as specified in RCW 36.93.)

**I. MISSION STATEMENT/PURPOSE:**

The purpose of the Boundary Review Board is to provide an independent review of the creation of municipalities, municipal boundary changes, and boundary changes of special purpose districts within King County, pursuant to RCW 36.93, so that citizens may rely upon logical responsible growth of local governments.

**II. ORGANIZATION**

**A. BOARD MEMBERS**

**1. DUTIES AND RESPONSIBILITIES**

It shall be the duty and responsibility of each member to:

- Attend and participate in regular meetings
- Attend and participate in special meetings called by the Chair
- Keep informed concerning the following documents:
  - Boundary Review Board Manual as a source of reference; keeping same up to date with new materials as provided;
  - Boundary Review Board Act (RCW 36.93);
  - Boundary Review Board Adopted Organization Rules of Practice and Procedure;
  - State Environmental Policy Act (SEPA) and SEPA Guidelines;
  - Appearance of Fairness Doctrine (RCW 42.36);
  - Open Public Meetings Act (RCW 42.30);
  - Growth Management Act (GMA) (RCW 36.70)
  - King County Comprehensive Plan/Countywide Planning Policies
- Attend and participate in Workshop and Conferences – Each new member is expected to attend the Annual New Member Spring Workshop held by the State Association of Boundary Review Boards, and to attend the Annual Fall Conference.

**2. SELECTION OF BOARD MEMBERS**

The Boundary Review Board shall consist of eleven members. Three persons shall be appointed by the Office of the Governor. Three persons shall be appointed by the Office of the King County Executive. Three persons shall be appointed by the mayors of the cities and towns located within King County. Two persons shall be appointed by the Board from nominees of special districts in the County. Terms of office are four years.

No appointee may be an official or employee of the County or a governmental unit in the County, or a consultant or advisor on a contractual or regular retained basis of the County, any governmental unit in the County, or any agency or association thereof. (Authority: RCW 36.93.51)

### 3. OFFICERS

The Board shall, at its Regular Meeting each November, elect from among its members a Chair and a Vice Chair. Each of these officers shall serve for a period of one year, from January through December, and thereafter until their respective successors shall have been elected.

The Chair or Vice Chair may be replaced at any time by a vote of the majority of the members. If a vacancy occurs, the Vice Chair shall serve in the absence of the Chair, and until a new Chair is elected. An election may be held at any time to fill a vacancy in either the Chair or the Vice Chair position. (Authority RCW 36.93.070)

### 4. COMPENSATION

Compensation is provided for attendance at a Regular or at a Special Meeting/Public Hearing called to review a Notice of Intention. Each member of the Board shall be entitled to compensation at the statutory rate per day or major portion thereof for time actually devoted to the work of the Boundary Review Board. Each member shall be entitled to compensation at the statutory rate for other time actually devoted to the work of the Boundary Review Board and performed with the approval of the Chair and/or a majority of the Board. (Authority RCW 36.93.070)

### 5. COMMITTEES

The Chair shall appoint the following Committees to assist and enhance the performance of the Board and its staff, such appointment categories not being limited to those listed herein. The Chair shall serve as ex officio member of all committees.

Steering Committee: To assure continuity and predictability in the actions and decisions of the Board, there is hereby created a Steering Committee. The Steering Committee is a standing Committee on Rules, Procedures, Policies and Precedents. The Vice Chair of the Board shall be the Chair of the Steering Committee. Committee duties and responsibilities shall include but are not limited to the following:

- Review of current rules, policies, procedures to make recommendations to the Board for additions or changes to assist the Board in meeting the objectives of the Boundary Review Board Act; and
- Review and report to the Board regarding State or County policies that relate to decisions of the Board; and
- Review operations of the Boundary Review Board to make recommendations to the Board for changes in procedure which will enable the Board to better serve the needs of its members, staff, and clients; and
- Appoint one member of the Committee to serve on the Board's Budget Committee; and
- Report to the Chair and Board at least annually, on or before October 1st, of findings, recommendations, or general comments of this Committee.

Budget Committee: The Committee duties and responsibilities shall include but are not limited to the following:

- Through its Chair, assist the Executive Secretary in preparing and presenting the Budget and its background documents (in accordance with the current King County requirements) to the Executive and Legislative Branches of King County; and
- Confer with the Executive Secretary and present to the Board at its regular meeting in May a proposed Budget (in accordance with the current King County requirements) for the coming fiscal year.

Legislative Committee: The Committee duties and responsibilities shall include but are not limited to the following:

- Keep informed concerning legislation, proposed or adopted, that will or could affect the performance and/or decisions of the Board; and
- Report such legislation to the Board at a meeting of the Board on as regular a basis as required by activities of the Legislature; and
- Work as closely as possible with the Executive Secretary on legislative issues; and
- Attend Legislative hearings and testify when required on behalf of the board and its interests.

Nominating Committee: The Committee duties and responsibilities shall include but are not limited to the following:

- Nomination of candidates to serve as Chair and as Vice Chair of the Boundary Review Board in order to assure continuity of representation in those offices.
- Recruitment and assessment of candidates for Board positions. Recommendations for candidates to serve on the Board may be provided to the Office of the Governor, King County and Cities in King County. Candidates for Special Purpose Districts shall be interviewed by the Nominating Committee and shall be presented for the approval of the full Board in Executive Session.

Personnel Committee: The Committee duties and responsibilities shall include but are not limited to the following:

- Recruitment, assessment and selection of candidates for Board staff positions. Candidates shall be presented for the approval of the full Board in Executive Session.
- Preparation of an annual performance appraisal of the Executive Secretary, which shall be completed in writing and presented for the approval of the full Board in Executive Session.
- Responsibility for addressing personnel matters as necessary.

## B. BOARD STAFF

### 1. Executive Secretary

An Executive Secretary shall be selected by the Board, in accordance with the provisions of RCW 36.93.070. The Executive Secretary shall perform his/her statutory duties as prescribed by RCW 36.93, by the Boundary Review Board Organization Rules of Practice and Procedure, and consistent with applicable King County Personnel Guidelines adopted by reference herein.

The Executive Secretary shall be accountable to the Board through the Chair, who may seek full Board review of operations to ensure satisfactory administration of the office.

### 2. Administrative Assistant

An Administrative Assistant shall be selected by the Executive Secretary and the Board. The Administrative Assistant shall perform his/her duties as prescribed by the Boundary Review Board Organization Rules of Practice and Procedure, and consistent with applicable King County Personnel Guidelines adopted by reference herein.

The Administrative Assistant shall be accountable to the Board through the Executive Secretary, in order to ensure satisfactory administration of the office.

3. Additional Board Staff

The Executive Secretary shall select additional staff members as approved by the Board to carry out the objectives of the Board. They shall perform their duties as prescribed by the Board's Organization Rules, under the supervision of the Executive Secretary. Such positions may be full time or part time, at the discretion of the Board, and such positions may be terminated at any time by the Board. Employment shall be consistent with applicable King County Personnel Guidelines adopted by reference herein.

4. Legal Services

An Attorney-at-Law (e.g., Special Assistant Attorney General) shall be selected by the Board, in accordance with the provisions of RCW 36.93.070. The Attorney-at-Law shall perform his/her statutory duties as prescribed by RCW 36.93, by the Boundary Review Board Organization Rules of Practice and Procedure, and consistent with applicable King County Personnel Guidelines adopted by reference herein.

The Attorney-at-Law shall be accountable to the Board through the Chair, who may seek full Board review of operations to ensure satisfactory administration of the office.

**III. OPERATIONS: PRACTICE AND PROCEDURES**

**A. OFFICE PROCEDURES**

1. The Boundary Review Board offices shall be open to the Board members and to the public Monday through Friday for an established period, during normal business hours, of not less than 40 hours per week.
2. The Boundary Review Board shall maintain staff sufficient to respond to public petitions, inquiries and concerns, and to carry out directives and actions of the Board.
3. The Boundary Review Board staff shall keep informed concerning current Board Organization and Rules of Practice and Procedure and applicable King County policies and regulations; and shall take all actions necessary to assure performance in accordance with all adopted rules and procedures.
4. All such activities are to be conducted within the limitations placed by each adopted annual budget.

**B. CORRESPONDENCE AND RECORDS MAINTENANCE**

1. All correspondence to the Board shall be received at the office of its Executive Secretary, Seattle, Washington.
2. All correspondence, notices, applications and other documents relating to a Notice of Intention on file with the Board shall be provided to the Board in hard copy form and must include the signature of the author(s).
3. All correspondence, notices, applications and other documents related to the official business of the Board shall be retained on file with the Boundary Review Board for the period of time required by law.
4. Notice of Intention files and other records shall be stored at the Boundary Review Board offices for the required retention period. Application files and other records shall then be transferred to King County Archives for permanent storage as required by law.

**IV. NOTICES OF INTENTION – PROCEDURES:**

**A. SUBMITTAL REQUIREMENTS**

**1. Proposed Actions Requiring Notices of Intention**

As prescribed by RCW 36.93, et al, the Washington State Boundary Review Board for King County is empowered to consider applications for:

- The creation, dissolution, incorporation, disincorporation, consolidation, or change in the boundary of any city, town, or special district; or
- The assumption of any city or town of all or part of the assets, facilities, or indebtedness of a special purpose district which lies partially within such city or town; or
- The establishment of or change in the boundaries of a mutual water and sewer system or separate sewer system by a water-sewer district pursuant to RCW 57.08.065, as now or hereafter amended; or
- The extension of permanent water or sewer service outside of its existing corporate boundaries by a city, town, or special purpose district.

The initiators of the action shall file a Notice of Intention for such applications with the Board, in accord with the applicable provisions of state law, local regulations, and the Boundary Review Board Organization and Rules of Practice and Procedure.

The Board shall hold regularly scheduled public meetings and special public meetings (e.g., public hearings) for the purpose of reviewing such applications.

**2. Format**

All Notices of Intention shall be submitted following the appropriate format. The Executive Secretary shall maintain the effective Notice of Intention Format and furnish it upon request. The Notice of Intention Format may be modified at the discretion of the Boundary Review Board.

**3. Single Parcels Only**

A Notice of Intention shall describe no more than one parcel of land, that is, a parcel whose boundary is defined by a single continuous line.

**4. Due Dates: Filing of Notice of Intention**

The Notice of Intention shall be filed with the Boundary Review Board by the initiator of the proposed action. The filing shall occur within 180 days after the appropriate legislative body(ies) has reviewed and approved the proposed Notice of Intention when: (a) such approval is required by statute, or (b) when such action is initiated by the legislative body or bodies. In such cases, the legislative body or bodies shall be deemed the initiator.

In cases where statutes require the filing of a petition with the County auditor or County legislative body, or the legislative body(ies) of the city(ies), town(s), or special purpose district(s), the Notice of Intention shall be filed with the Boundary Review Board within 180 days following approval of the petition by the legislative body(ies). In such cases, the legislative body(ies) shall be deemed the initiator(s).

Where such approval or agreement by a legislative body is not required, the Notice of Intention shall be filed with the Boundary Review Board prior to the filing of a petition with the County auditor or County legislative authority, whichever of the two is to occur first, according to state statutes. In such cases the petitioners shall be deemed to be the initiators.

In cases where the County legislative authority proposes to create a sewer district pursuant to RCW 56.04.030, and is in receipt of an opinion of the county health officer as provided therein, the county legislative authority shall be deemed the initiator. The County legislative authority shall file a Notice of Intention with the Boundary Review Board no less than thirty (30) days prior to the final public hearing on such matter before the County legislative authority.

5. Fees

All fees shall be paid at the time materials are submitted to the Board. Refund of fees may take place only as permitted by statute. (Authority: RCW 36.93.120).

B. NOTICE OF INTENTION: REVIEW AND PROCESSING PROCEDURES

1. Filing Date

Upon determination that the Notice of Intention is legally sufficient, and that all required review processes have been duly completed, the Executive Secretary shall assign a filing date to be effective as of the time the Notice of Intention is deemed legally sufficient.

2. Declaration as Void

All Notices of Intention not deemed legally sufficient for filing within two months of the date of receipt shall be deemed void. The Executive Secretary shall then return to the initiator all materials therein submitted by the initiator.

3. Notification to King County Offices:

Upon receipt of a complete Notice of Intention, the Executive Secretary will circulate the Notice to appropriate King County Offices and to the Special Assistant Attorney General for the Boundary Review Board. County Departments and the Attorney to the Board will be requested to review the file and, within ten working days, to submit comments in writing, to the Executive Secretary.

4. Notification to Affected Government Entities

Following determination that a Notice of Intention is legally sufficient, the Executive Secretary shall promptly forward notification thereof, with a map showing the location of the area proposed to be affected thereunder, to the governing body of each governmental unit affected by the proposed action. The Executive Secretary will, upon request, provide a full copy of said Notice of Intention, or substance thereof, to any government entity having requested such information. Each government entity receiving notification will be invited to review the file and, to submit comments in writing, within forty-five calendar days, to the Executive Secretary. (Authority RCW 36.93).

5. Notification to the Board

Following determination that a Notice of Intention is legally sufficient, the Executive Secretary shall forward a summary of the application, together with pertinent portions and attachments of said Notice to each Board member. These materials shall be transmitted no later than five (5) days prior to the Board Meeting at which said Notice is to be considered. At that time, any and all pertinent written comments received by the Executive Secretary shall also be transmitted to Board members.

6. Board Review of Notice of Intention

The Board shall review all Notices of Intention, on the basis of the legal description provided therein, in accordance with statutory authorities and the Organization Rules of Practice and Procedure. (Authority: RCW 36.93.90, RCW 36.93.100, RCW 36.93.130 et al)

## 7. Withdrawal

Any Notice of Intention filed with the Board may be withdrawn by the initiator or entity filing the same at any time prior to invoking of the Board's jurisdiction. Thereafter, Notices of Intention may be withdrawn only with the consent of the Board.

## C. INVOKING JURISDICTION

(Authority RCW 36.93.100, RCW 36.93.120, RCW 36.93.160)

### 1. Requirements and Fees

Jurisdiction shall be invoked in order to initiate the hearing process for boundaries of the territory proposed to be annexed, dissolved or consolidated, or within the boundaries of a special purpose district whose assets and facilities are proposed to be assumed by a town or city. Jurisdiction may be invoked only by a party or parties with legal standing to request review, including

- the initiator of the Notice of Intention;
- the governing body of each governmental unit having jurisdiction within the boundaries of the territory proposed for an action (e.g., annexation, assumption)
- the governing body of each city within three miles of the exterior boundaries of such area; and
- registered voters residing within the boundaries of the territory
- registered voters residing within one-quarter mile of the boundaries of the territory if such parties will be directly affected by the proposed action.

Jurisdiction shall be invoked within 45 days of the filing of a Notice of Intention with the Boundary Review Board, consistent with statutory requirements.

Further, consistent with statutory requirements, the request for jurisdiction shall include:

- A brief statement of the purpose for invoking jurisdiction (e.g., modification of boundaries; and
  - A map of the proposed revised annexation area boundaries; and
  - A legal description of annexation boundaries if modifications are proposed to the annexation area
- (Note:** A citizen's group invoking jurisdiction may request that the Boundary Review Board obtain the legal description of the proposed modified annexation area from the appropriate governmental jurisdiction.)
- Fee in the sum of \$200.00 payable to the King County Treasurer

Upon receipt of a legally sufficient request for review, the Board shall set a time, place and date for a Special Meeting to conduct a public hearing to review the proposal.

Commencing from the date the Board receives the complete packet for invoking of jurisdiction and the required fees, the Board is required to hold a Public Hearing and to file a decision within a 120-day time period as provided by statute.

### 2. Withdrawal of Request

A request for review filed pursuant to RCW 36.93.100 by a party(ies) with legal standing (e.g., King County, affected government unit, registered voters within or affected by the proposed action) may be withdrawn by the initiator of the request at any time prior to the Board setting

a time, place and date for a hearing on the proposal. No request for review may be withdrawn following the establishment of a time, place and date for such hearing without the express authorization of such withdrawal by the Board.

(Note: Please refer to Section VI for discussion of hearings for incorporations.)

## V. REGULAR MEETINGS AND SPECIAL MEETINGS/PUBLIC HEARINGS

### A. Rules of Practice: Appearance of Fairness

#### 1. Ex-Parte Communication

With respect to matters pending before the Board or matters that may come before the Board, members shall abstain from any and all communications with persons or governmental or private entities which are, or are expected to be, parties to such action before the Board. In the course of a public meeting, members shall avoid conversations with any party to the action except when such conversation is on the record.

It shall be the duty and responsibility of each member to disclose at the earliest opportunity any private communication. Such disclosure shall be made to the Chair and the Legal Counsel for the Board. If a member receives a letter or other written communication relating to a matter before the Board from a source other than the Office of the Board, that member shall transmit the material to the Executive Secretary for inclusion in the record. (Authority: RCW 42.36.060).

The purpose of this rule is to advance the Board's goal that its members maintain impartiality and the appearance of impartiality before, during, and after its decision-making process. Board members should refrain from public comment on proposals that have come before the Board.

#### 2. Disclosure

It shall be the duty and responsibility of each member to be familiar with the Appearance of Fairness Doctrine (RCW 42.36) and to disclose to the Board and Counsel, at the earliest opportunity, any concerns/conflicts with respect to compliance with the Doctrine.

#### 3. Procedures to be followed by Board/Chair with Reference to Appearance of Fairness: Ex-Parte Communications and Disclosure.

Upon disclosure of concern/conflict related to Appearance of Fairness, the affected Board member may withdraw from the Board proceedings. Upon withdrawing from the proceedings, the member shall leave the hearing room.

If the Member does not withdraw, the Chair shall, at the earliest opportunity, upon the opening of a Regular Meeting or Special Meeting/Public Hearing, report to the parties present the occurrence and nature of the member's disclosure.

In this instance, the Chair shall, at each hearing on the proposal:

- a. Request that the member place on the record the substance of any written or oral ex-parte communication concerning the decision or action; and
- b. State the parties' rights to rebut the substance of the communication on the subject to which the communication related.

(Authority: RCW 42.36.060)

## B. REGULAR MEETING PRACTICES AND PROCEDURES

### 1. Regular Meeting Date

The Board shall designate a regular meeting date by Resolution, and may hold special meetings at such other times and/or places as determined by Resolution. (Authority: RCW 36.93.070).

### 2. Rules of Order

All Regular Meetings of the Board shall be conducted in accordance with "Robert's Rules of Order", herein incorporated by reference, except as may be modified by the within Organization Rules of Practice and Procedures. (Authority: RCW 36.93.070)

### 3. Attendance

Attendance at all meetings is a statutory responsibility. Members unable to attend a meeting shall so notify staff prior to the meeting. A member absent from Board meetings three consecutive times without communicated excuse shall confer with the Board Chair as to his/her continued interest in serving on the Board

### 4. Quorum

A quorum at a Regular Meeting shall consist of a majority of the appointed membership, and any/all action(s) affecting the decisions/deliberations of the Board shall take place with a quorum present. A quorum, once established, shall exist for the duration of the meeting.

### 5. Participation and Voting

Each Board Member and the Chair shall be expected to participate in deliberations and to vote on all Resolutions and all Actions, unless the member abstains or withdraws from the proceedings or discussion on the issue. The vote of each member on a Resolution shall be recorded. Any member voting on a Resolution and Hearing Decision must have been present during at least one session of the hearing or modification hearing and/or during the Regular Meeting at which the proceedings included discussion of the Resolution.

A member may vote on a Resolution and Hearing Decision by telephone, provided arrangements are made for participation in the discussion and vote through use of a speaker phone.

### 6. Postponements/Adjournments

The Chair may postpone or continue any pending matter at any time, or the Board may adjourn to any particular time and place or to a time and place subject to notice as provided by law.

### 7. Meeting Minutes

All official actions for the Board shall be provided in writing and incorporated in the official minutes of the Board. Upon request, such minutes shall be communicated to any interested party.

The Executive Secretary shall record all motions made at each meeting. Motions shall be recorded verbatim, including the names of the maker, the second thereon, and the number of members voting for or against, or abstaining on a vote for an action. Minutes shall also identify members who leave the meeting prior to adjournment and state the departure time.

Minutes of all meetings shall be produced and distributed with the Agenda a minimum of five days before the next regularly scheduled meeting.

Audio tapes of all meetings shall be maintained in the office of the Boundary Review Board for a period not less than 90 days. The cost of duplicating any tape shall be borne by the requestor.

8. Legal Opinions

All questions of law, as related to Regular Meetings, shall be referred by the Board to the Special Assistant Attorney General of the State of Washington for opinion. (Authority: RCW 36.93.070)

C. SPECIAL MEETINGS (PUBLIC HEARINGS)

1. Notification for a Public Hearing

After jurisdiction has been invoked, the Board shall give written notice of the date, time and place of the Public Hearing. Such notice shall be provided as follows: (Authority: RCW 36.93.160)

a. Written Notice to Affected Parties

Notification shall be provided to affected parties within the boundaries of the territory proposed to be annexed, formed, incorporated, disincorporated, dissolved or consolidated, or within the boundaries of a special purpose district whose assets and facilities are proposed to be assumed by a town or city, and to the governing body of each city within three miles of the exterior boundaries of such area. Affected parties include:

- the initiator of the Notice of Intention,
- the party(ies) invoking jurisdiction, and
- the governing body of each government unit having jurisdiction with respect to the proposed action.
- other government units and/or other parties that are required by law to be notified of each hearing.

Notification shall be provided no later than thirty (30) days in advance of that hearing. The Notice shall advise the affected entities of the opportunity to provide testimony and materials (e.g., narrative statements, records, exhibits) commenting upon the proposed action for consideration at the Public Hearing.

b. Notice in Publication of General Circulation

As prescribed in RCW 36.93.160, notice of the date, time and place of the Public Hearing shall also be given by the publication in any newspaper of general circulation in the area of the proposed boundary change. The notice shall be published at least three (3) times, the last publication of which shall be not less than five (5) days prior to the date set for the Public Hearing.

The notification will also advise of the opportunity to provide testimony and materials (e.g., narrative statements, records, exhibits) commenting upon the proposed action for consideration at the Public Hearing.

c. Posting of Notices

As prescribed in RCW 36.9.160, notice of the of the date, time and place of the Public Hearing shall also be posted not less than five (5) days prior to the date set for the Public Hearing.

Notices shall be posted in ten (10) public places in the affected area when the area is ten (10) acres or more. When the area affected is less than ten (10) acres, five (5) notices shall be posted in five (5) places.

The notification will also advise of the opportunity to provide testimony and materials (e.g., narrative statements, records, exhibits) commenting upon the proposed action for consideration at the Public Hearing.

2. Supplemental Information for Review

After the Board's jurisdiction has been invoked, the Executive Secretary will provide, via written notification and/or posting of notices, an opportunity for affected parties to provide materials (e.g., narrative statements, records, exhibits) commenting upon the proposed action for consideration at the Public Hearing. Affected parties may include:

- the initiator of the Notice of Intention;
- the governing body of each governmental unit having jurisdiction within the boundaries of the territory proposed for an action (e.g., annexation, assumption)
- the governing body of each city within three miles of the exterior boundaries of such area; and
- citizens residing within the boundaries of the territory
- citizens residing, doing business, or owning property within the boundaries of the territory and/or within one-quarter mile of the boundaries of the territory if such parties will be directly affected by the proposed action.

Written materials received by the Board Staff no later than fourteen working days prior to the scheduled Special Meeting will be provided in the Agenda Packet that is distributed to the Board no later than seven days in advance of the Public Hearing.

Written materials received by the Board Staff within thirteen working days of the scheduled Special Meeting will be provided to the Board at the Public Hearing. Materials may also be submitted to the Board at the Public Hearing.

The Board may seek additional information from affected parties. Such inquiry shall be conducted at the request of any Board member, and such request and response shall be at a Public Hearing before the Board.

3. Hearing Agenda

An Agenda shall be prepared by the Executive Secretary and distributed to Board members no later than seven calendar days before the Public Hearing. However, the Board may amend the Agenda to consider any other matter pursuant to the hearing that is brought before it by any member thereof.

4. Location of Hearings

The Board may choose to hold Public Hearings at the location where Regular Meetings are conducted or may select another location convenient to and accessible by the initiator of the proposal, the parties invoking jurisdiction and the affected governmental units.

All meetings will be located at sites which meet the requirements of the Americans With Disabilities Act.

5. Hearings Responsibilities

a. Board Member Attendance

Attendance at all Special Meetings for Public Hearings is a statutory responsibility. Members unable to attend any meeting shall so notify staff prior to the meeting. A member unable to attend a Public Hearing shall notify the Executive Secretary prior to the Special Meeting.

b. Quorum

A quorum at a Public Hearing shall consist of a majority of the appointed membership. A quorum shall be present for any action affecting the deliberations/decisions of the Board. A quorum, once established, shall exist for the duration of the meeting.

c. Rules of Order

All Public Hearings of the Board shall be conducted in accordance with "Robert's Rules of Order", herein incorporated by reference, except as may be modified by the within Organization Rules of Practice and Procedures. (Authority: RCW 36.93.070)

6. Hearing Guidelines

a. Responsibilities of Chair

- (i) The Chair shall summarize rules and procedures in effect for the Public Hearing.
- (ii) The Chair shall instruct witnesses on the requirements for testimony for the Public Hearing.
- (iii) The Chair shall enforce rules and procedures and shall maintain order during the course of the Public Hearing.

b. Witness Guidelines

Witnesses shall adhere to the following requirements

- (i) Any initiator of a proposed action, governmental unit, or interested person, may appear before the Board or may be represented by any duly authorized person or persons;
- (ii) Any person desiring to address the Board shall be recognized by the Chair and shall state his/her name and address to the Executive Secretary, and the names of the persons or governmental unit(s) on whose behalf he/she appears;
- (iii) Testimony by witnesses and questions by Board members should be limited to the application of the factors and objectives of RCW 36.93, and other regulatory authorities relevant to the case at hand, and
- (iv) The Chair at his/her discretion may impose time limits or other restrictions on witnesses. Limitations on time or other restrictions shall be stated prior to any testimony being taken, and may be restated in the event that the speaker fails to adhere to such controls. For example, the Chair may:
  - Limit the proponents submitting the Notice of Intention to a prescribed time period, (e.g., 20 minutes, etc.), for formal testimony. The specific time period will be set based upon the complexity of issues, diversity of testimony and the number of witnesses. Limitations placed on proponents shall be applied equally to opponents.
  - Limit the party invoking jurisdiction to a prescribed time period, (e.g., 20 minutes, etc.), for formal testimony. The specific time period will be set based upon the complexity of issues, diversity of testimony and the number of witnesses. Limitations placed on opponents shall be applied equally to proponents.
  - Limit individuals and representatives of community groups to a prescribed time period, (e.g., three minutes for individuals, ten minutes for group

representatives). The specific time period will be set based upon the complexity of issues, diversity of testimony and the number of witnesses. Limitations shall be equally applied to proponents and opponents of the Notice of Intention.

- Permit only Board members to question witnesses. Limitations on witness presentation/testimony imposed hereunder shall not include time required to answer questions posed by Board Members, and shall not include examination of witnesses as provided for in the Board's adopted Rules of Practice and Procedure.

(Authority: RCW 36.93.160)

c. Rebuttal by Proponents

Following the presentation or arguments by opponents to a proposed action, a brief rebuttal may be made by proponents, in accordance with the following;

- (i) Chair may limit the time allowed for rebuttal; and
- (ii) When referring to documents and/or exhibits, person(s) making rebuttal shall identify by number or other identifying description the document/exhibit being used in testimony; and
- (iii) Rebuttal shall be limited to the above conditions and shall not be a summary or closing statement, nor shall it contain additional information unless such information is in answer in accordance with the above condition; and
- (iv) No surrebuttal shall be allowed.

d. Examination of Witnesses

Board members are authorized to examine witnesses to obtain sufficient information to reach a decision on a proposal for action (e.g., annexation, merger). The public may direct questions to the Board, but may not directly examine witnesses. (Authority: RCW 36.93.170, RCW 36.93.180 and RCW 36.93.200, et al.)

e. Sufficiency of Hearing Information for the Record/Additional Hearings

(Authority: RCW 36.93.150, RCW 36.93.160, RCW 36.93.170; RCW 36.93.180)

Following the conclusion of public testimony, the Board may:

- (i) Determine that the record is sufficient to permit the Board to consider the action and close the public hearing to begin deliberations in order to provide a preliminary decision; or
- (ii) Determine that the record is insufficient to permit an informed decision. In such event, the Board may continue the hearing on the proposed action to obtain additional information. The hearing shall be continued to a date and time certain, provided further that the Board shall give notice of such hearing/hearings as prescribed by statute. The Board shall instruct the parties as to the type and extent of the required additional information, designate the appropriate provider of the information, and establish the due date for receipt of that information by the Board; or
- (iii) Consider a modification to the proposed action to be reviewed and a decision conferred at an appropriately scheduled public hearing. An additional hearing or hearing on modification will be conducted, if required pursuant to RCW 36.93. Notice of such public hearing will be provided by the Board as

prescribed by statute (RCW 36.93.160); or; responsibility to provide information necessary for an approval. The Board shall instruct the parties as to the type and extent of the required additional information, designate the appropriate provider of the information, and establish the due date for receipt of that information by the Board; or

- (iv) Determine that the record is insufficient to permit an informed decision and deny the proposal.

f. Resolution and Hearings Decision

(i) Participation and Voting

Each Board Member and the Chair is expected to participate in deliberations and vote on all Resolutions and Hearing Decisions. Any member voting on a Resolution and Hearing Decision must have been present during at least one session of the Public Hearing.

A member may vote on a Resolution and Hearing Decision by telephone, provided arrangements are made for participation in the discussion and vote through use of a video and/or audio device (e.g., speaker phone).

The vote of each member on a Resolution shall be recorded.

(ii) Preparation of the Decision

The Board, by motion at the conclusion of deliberations related to a Public Hearing, shall direct the Executive Secretary to prepare a Resolution and Hearing Decision for consideration. The Board may provide the Executive Secretary with specific direction concerning the citing of Boundary Review Board statutory objectives and factors (RCW 36.93.170 and RCW 36.93.180). The Resolution and Hearing Decision shall be presented at either at the next feasible Regular Meeting or at a properly scheduled Special Meeting.

g. Record of the Proceedings for Public Hearings

(i) Transcript of Hearings

All public hearings before the Board shall be recorded verbatim. Transcripts, or portions thereof, shall be made available to interested persons upon request to the Court Reporter and payment of the costs thereof, which shall include a copy to be filed with the Executive Secretary of the Board. (Authority RCW 36.93.160)

(ii) Minutes of Hearings

All official actions for the Board shall be prepared in written form and incorporated in the official minutes of the Board.

Motions made at each meeting shall be recorded verbatim, including the names of the maker, the second thereon, the number of members voting for or against, or not voting, and the name of any individual disqualifying himself/herself from taking any part in the action. This shall apply equally to any Resolution offered by any Board Member for any reason, so that this becomes an official part of the record.

Minutes shall also record names of members who leave the meeting prior to its adjournment, and the approximate time of departure.

Minutes of all meetings shall be produced and distributed with the Agenda a minimum of seven days before the next regularly scheduled meeting.

Upon request, such minutes shall be provided to any interested party. Audio tapes of all meetings shall be maintained in the office of the Boundary Review Board for a period not less than 90 days. The cost of duplicating any tape shall be borne by the requestor.

7. Appeals of Resolution and Hearing Decisions:

Decisions of the Boundary Review Board may be appealed. Appeals shall be on the record, which shall be furnished by the Appellant. (Authority: RW 36.93.160)

The filing of a timely notice of appeal shall stay the effective date of the decision of the Board until such time as the appeal shall have been adjudicated or withdrawn.

8. Legal Opinions

All questions of law as related to Special Meetings/Public Hearings shall be referred by the Board to the Special Assistant Attorney General of the State of Washington for opinion. (Authority: RW 36.93.170)

## **VI. INCORPORATION PROCEEDINGS**

### **A. NOTICE OF PROPOSAL FOR CIRCULATION OF INCORPORATION PETITIONS**

A Notice of Intent to incorporate a city or a town must be filed with the County legislative authority as prescribed by RCW 35.02

### **B. PUBLIC MEETING PRIOR TO CIRCULATION OF INCORPORATION PETITIONS**

In accordance with state law requiring that the Boundary Review Board hold a public meeting within 30 days after the King County Council receives notification of proposed circulation of incorporation petitions, the Boundary Review Board shall make arrangements for the required public meeting as follows:

1. The Executive Secretary shall inform the Board Chair when notice of the proposed incorporation is received from the King County Council. The Executive Secretary shall obtain the concurrence of the Board Chair, or another Board member designated by the Chair, on arrangements for the required public meeting.
2. The Executive Secretary shall arrange an appropriate meeting facility in or near the proposed new city for a date within 30 days of County Council receipt of notice of the proposal. Timing shall be coordinated with the proponent(s) filing the notice of the incorporation in order to ensure availability to participate in the meeting.
3. The Executive Secretary shall publish notice once at least ten days prior to the public meeting, as required by state law, in the newspaper designated by the King County Council as the official newspaper for King County notifications. A notice may also be published in a local community newspaper, but this service is not required. At the same time that the official notice is sent to the newspaper for publication, mailed notice of the meeting shall be sent to water, sewer, fire and school districts with jurisdiction within the proposed incorporation area, to existing cities in the immediate vicinity of the proposed incorporation, to the Metropolitan King County Council member(s) representing the proposed incorporation area, and to one or more appropriate members of the King County Executive staff.
4. The primary purpose of the public meeting shall be the exchange of information between the proponent(s) who filed Notice of the incorporation and members of the proposed incorporation community. The exchange of information shall include:
  - a. The proponent(s) who filed notice of the incorporation shall have the opportunity to inform the community concerning the proposed incorporation petition.

- b. Residents, property owners, and affected governmental units shall have the opportunity to inform the proponent(s) of their support for or opposition to the proposed incorporation.
  - c. Residents and property owners shall have the opportunity to inform the proponent(s) of their desire to be included in the incorporation or excluded from the incorporation.
  - d. Residents, property owners, and affected governmental units shall have the opportunity to offer to the proponent(s) comments and recommendations concerning content of the incorporation petition, including incorporation area boundaries, the proposed new city form of government, and the name of the proposed new city.
5. A secondary purpose of the public meeting shall be the dissemination of information concerning the incorporation process, including Boundary Review Board procedure for review of incorporation proposals.
- a. The Executive Secretary or another staff representative of the Boundary Review Board shall be available at the public meeting to outline Board procedure related to new city incorporation and answer questions.
  - b. King County shall be invited to send one or more representatives to provide information on County involvement in new city incorporations and answer questions.
  - c. Surrounding cities shall be invited to send representatives to answer questions.
  - d. Water, sewer and fire protection districts with jurisdiction within the proposed incorporation area shall be invited to send representatives to answer questions.
6. The Boundary Review Board shall conduct the meeting as follows:
- a. The meeting shall be held in the evening at a suitable time and location in the vicinity of the proposed new city incorporation.
  - b. The Boundary Review Board Chair shall designate one Board member to serve as moderator of the meeting.
  - c. Board members who are available to attend and choose to do so shall attend as observers only of the exchange of information.
  - d. The initiator(s) signing the notice of the proposed incorporation shall be allowed ten minutes at the beginning of the meeting to present the proposed incorporation petition.
  - e. Persons speaking in opposition to an incorporation, provided an organized opposition group has identified itself to the Board, shall be allowed ten minutes for a presentation. Any opposition group interested in utilizing the opposition time allocation should contact the Board Executive Secretary, prior to the beginning of the meeting, concerning the spokesperson(s) designation and participation.
  - f. Those wishing to speak shall be required to sign in and shall be recognized in the order in which they signed in. Speakers shall be heard one at a time and shall be allowed a maximum of three (3) minutes to speak, until such time as all those who signed in have been heard once. The moderator, at his or her sole discretion, may allow speakers to be heard a second time after all those who signed in have been heard once.
  - g. In order to facilitate input into the content of the incorporation petition, the moderator, at his or her sole discretion, may allow discussion, questioning or exchange of information involving the proponent(s) signing the notice of the incorporation and other meeting participants.

- h. At the completion of public testimony, the proponent(s) who filed notice of the incorporation shall be allowed the final five (5) minutes of the meeting to address any boundary changes requested during the meeting and to inform the community of his/her/their intentions concerning finalization and circulation of the petition.
- i. The King County Executive shall be requested to have his/her staff provide a map of the proposed incorporation area and vicinity for use at the meeting to facilitate discussion of incorporation boundaries.

**C. PUBLIC HEARING**

Pursuant to RCW 35.02, the Boundary Review Board shall review all incorporations in a public hearing. This requirement makes it unnecessary to invoke the jurisdiction of the Board in order to initiate the hearing process. The Public Hearing standards for a proposed Incorporation are described in Section V.C. of the Organization and Rules of Practice and Procedure. For incorporations, the review period established for the Board to hold a hearing and file a decision shall commence the date the Board receives a Notice of Intention which achieves standards for legal sufficiency as provided by statutory mandate.

**VII. AMENDMENTS TO RULES OF PRACTICE AND PROCEDURE**

Any Rule of Practice or Procedure of the Board may be added, amended, or repealed at any time by not less than a majority of the members present at any regular or special meeting.

**A. TYPES OF RULE AMENDMENTS WHICH DO NOT REQUIRE PUBLIC NOTICE/HEARING**

Actions to add, amend or repeal Rules relating to the following matters may be considered at any regularly scheduled public meeting of the Board, as prescribed by RCW 36.93.200:

- Interpretive rules.
- General statements of policy.
- Rules of internal Board organization, procedure or practice.
- Notice of Intention Format
- Internal operating documents and forms

These actions do not require public notice or a public hearing.

**B. TYPES OF RULE AMENDMENTS WHICH REQUIRE PUBLIC NOTICE/HEARING**

As prescribed by RCW 36.93.200, actions to add, amend or repeal all Rules of Policy and Procedure (other than those rules described in Section VII.A.) require consideration at a public hearing. This public hearing may be conducted at a regularly scheduled public meeting or special public meeting. Written public notice must be provided ten (10) days prior to such meeting in such form and in the manner prescribed by RCW 36.93.200. Such notice shall have been published once in the newspaper designated by the King County Council as the official newspaper for King County notifications, or other newspaper of general circulation in the County.