



2011 Candidate Questionnaire

Washington Coalition for Open Government represents individuals and organizations intent on preserving and protecting Washington's Open Government Laws – Open Records and Open Meetings. Its mission is to represent the public in matters where open government issues are raised, are threatened, or deserves broader exposure. It accomplishes this mission by educating the public and government officials, by action in the legislature and the courts, and by recognizing acts by individuals, organizations, and agencies in support of open government. Coalition members include citizen activists and representatives of government, business, labor, media, law, and public policy organizations.

WCOG members are keenly interested in the views of candidates for public office regarding open government issues. The following questionnaire provides an opportunity for you to share your views on current high-priority open government issues. We sincerely appreciate you taking the time to provide your answers. By submitting your response to the Coalition, you give your consent for the Coalition to publish the information contained in your response on the Coalition's web site at www.washingtoncog.org. We invite you to join the Coalition as well!

The Coalition is a 501(c)(3) non-profit organization and as such does not endorse or contribute to candidates, but will make the responses to this questionnaire available to our members and to the general public, without any "grade" or commentary, so they may be more fully informed when making decisions regarding candidates in the upcoming election. It is our intention to announce **on July 31** to our members and to the statewide and local news media the names of those candidates who have or have not responded to this questionnaire.

Candidate Information

Information Sought	Response
Candidate Name	
Office Sought	
District (if applicable)	
Position Number (if applicable)	
Incumbent (Yes or No)	No
Campaign Mailing Address	
Campaign Phone Number	
Campaign Email Address	
Campaign Web Site Address	

Questions

In each of the sections below, an issue of current concern to open government advocates is explained, and a legislative change related to the concern is described. You are then asked if you would support such legislation. By "support", we mean that, assuming other details of the legislation are not inconsistent with your principles, you would sponsor, co-sponsor, vote for, request, sign, testify in favor of, or otherwise publicly support the legislation described. We invite you to elaborate on each answer, such as explaining the reasoning behind your position or any special insights you may have on the issue based on your personal background or experience.

1. Attorney-Client Communications Privilege – A 2004 state Supreme Court decision declared that the attorney-client communication privilege in RCW 5.60.060(2)(a) must be considered an exemption from the Public Records Act, in addition to the exemption in RCW 42.56.290 which allows only attorney-client communications associated with an active lawsuit to be withheld from disclosure. Many government agencies now claim they can withhold virtually all communication between them and their attorneys, including routine communication not related to any actual or threatened lawsuit. Many citizens are concerned that this blocks disclosure of a substantial amount of information necessary to hold government officials accountable for their decisions and actions.

Legislation has been proposed that would restore the original intent of the Public Records Act with regard to communications between public sector attorneys and their clients, which is that communication between agencies and their attorneys is exempt from disclosure only in relation to an actual controversy (lawsuit) while the controversy remains pending in the courts. Communication between agencies and their attorneys seeking advice on matters not related to an active or threatened lawsuit would be subject to disclosure.

Do you support such legislation? Yes

Additional Comments:

Since the decision to invoke the attorney-client communication privilege is discretionary, would you support a resolution or ordinance to have the government entity to which you seek election commit not to invoke the privilege when there is no actual or threatened lawsuit? **Yes**

Additional Comments:

2. Records of Executive Sessions – The Open Public Meetings Act requires all meetings of the governing bodies of state and local agencies to be open to the public and announced in advance. The law allows the body to meet behind closed doors in "executive session" for certain limited purposes, such as to consult with their attorney on active or pending litigation or to discuss the maximum price they are willing to pay for a parcel of land, so long as the purpose of the closed meeting is announced in advance and the secret discussion is limited to the announced allowed purpose. Some boards would like to record executive sessions, to enable them to resolve any future disputes about what transpired during the meeting, but are concerned that some or all of the recordings would be subject to disclosure under the Public Records Act.

Legislation has been proposed that would exempt executive session recordings, transcripts, and minutes from disclosure under the Public Records Act. Unauthorized disclosure of executive session records would be punishable under laws governing disclosure of confidential information. Agencies would be able to present such records to a court under seal for judicial review to establish that a challenged executive session was proper or for other purposes. If an agency presents a record of an executive session to a court for review and the court determines that part of the executive session was in violation of the Open Public Meetings Act, the court may order the agency to release to the public the part of the recording, transcript, or minutes of the

session that should have been open to the public. Agencies would be able to submit digital recordings of executive sessions for secure confidential storage in the Washington State Digital Archives.

Do you support such legislation? Yes

Additional Comments:

Would you support a resolution or ordinance to have the government entity to which you seek election voluntarily record its executive sessions (as some already do)? **Yes**

Additional Comments:

3. Create a Low-Cost Non-Judicial Process for Review of PRA and OPMA Disputes – Currently, if a request for public records is denied or access procedures not followed, or if the requirements of the Open Public Meetings Act are disobeyed by an agency, the only recourse is to bring a lawsuit in superior court. This can be a very expensive and time-consuming process for both the citizen and the agency involved. Many citizens abandon attempts to access information because they can't afford an attorney; agencies face huge litigation costs when disputes do make it to court.

A task force convened by the Attorney General and the State Auditor recommended legislation that would create a voluntary administrative review process for Public Records Act and Open Public Meetings Act disputes that would not require the expense of hiring a lawyer and going to court. Citizens (not agencies) could choose to use this process, but would not be required to do so; the ability to go to court directly would be preserved for urgent matters, as well as the ability to appeal to the courts when the outcome of the administrative review process is unfavorable.

Do you support such legislation? Yes

Additional Comments:

Would you support an ordinance or resolution to have the government entity to which you seek election voluntarily participate in such a low-cost dispute resolution program, if one were to be established? **Yes**

Additional Comments:

4. Require Open Government Training for Government Employees and Elected Officials – Many of the reported violations of the Public Records Act and the Open Public Meetings Act have resulted from a lack of knowledge or misunderstanding of the statutes and case law. These problems, and the resulting loss of public trust and financial impact on agency budgets due to penalties, could be avoided by ensuring that all government employees have at least a basic knowledge of records retention and access requirements, and that all officials subjected to the OPMA know its requirements.

Legislation has been proposed that would require every government employee and official, both elected and appointed, to receive basic training regarding the principles of open government and their responsibilities under the Public Records Act, Open Public Meetings Act, and the records preservation law, during initial orientation at the beginning of their government service. Annual in-service training would be required to refresh this training, including updates based on changes in statutes or case law. Public records officers and other employees who have custody of records or respond to records requests would receive more comprehensive training consistent with their responsibilities. This training would not be long or expensive, and could easily be provided as a free online course developed and maintained under the supervision of the Attorney General.

Do you support such legislation? Yes

Additional Comments: It is astounding the number of candidates, let alone sitting officials that like to plead, "I was not aware of the law!"

Would you support a resolution or ordinance to have the government entity to which you seek election require the described training (as some already do) in advance of a state requirement being adopted? **Yes**

Additional Comments:

5. Improving Preservation and Access to Electronic Records – Most records and communications of public agencies today are in electronic form – email, databases, word processing documents, spreadsheets, and the like – and huge volumes of such data exist. These electronic records are public records like any other record, subject to the retention requirements of RCW 40.14 and to public access under RCW 42.56. Because electronic records are so easily destroyed, agencies should be required to archive email and other electronic records in a manner that prevents any individual employee from intentionally or accidentally destroying them without proper review. In addition, some agencies interpret the Public Records Act as allowing them to print electronic records onto paper before providing them to requestors, even though creating paper records is time consuming and expensive, and often of no practical use to the requestor because of the volume of information. With a minimum of training and with no special software, records can be provided electronically, exempt information redacted electronically, and provided to the requester quickly and at minimal cost.

Legislation has been proposed to clarify that electronic records are required to be provided in electronic form if it can be done with commonly-available software and media. Agencies would not be permitted to convert records to paper form simply for convenience of redaction or to enable them to establish a per-page copying charge. Agencies would be required to provide data as email attachments when possible, to avoid the need to charge for media for mailing. Agencies that have the ability to scan paper records into electronic form and send them to requesters electronically would be required to do so upon request, and would be allowed to charge a scanning fee to cover the actual labor cost of scanning.

Do you support such legislation?

Additional Comments:

Would you support a resolution or ordinance to have the government entity to which you seek election commit to properly archive electronic records and to provide records in electronic form on request?

Additional Comments:

6. Oppose Elimination of the Sunshine Committee – Many exemptions to the Public Records Act come into existence as obscure sections of bills that do not reference the Public Records Act itself, and are never reviewed by experts in public records law. Since Washington's public records law was passed with a 72% vote as part of I-276 in 1972, the number of exemptions was grown from 10 to nearly 400. The Public Records Exemptions Accountability Committee (the "Sunshine Committee") was created in 2007 to review every exemption, undertake a thorough analysis including opportunities for stakeholder testimony and participation, and make a recommendation to the legislature on whether each exemption should be retained, modified, or eliminated. The Sunshine Committee operates at very low cost, and yet in recent legislative sessions there have been multiple proposals to eliminate the Sunshine Committee and end its important work.

Do you oppose eliminating the Sunshine Committee? No

Additional Comments: It is part of the checks and balance system in our way of government. I believe that any attachment, rider, etc., should be reviewed prior to submission to the legislative body.

7. Oppose Attacks on Public Records Access – During recent legislative sessions, several bills were introduced that would have made it more difficult or expensive to access public records or that would otherwise discourage citizens from using their right to know what their government is doing. These included bills that would have enabled agencies to charge citizens for simply inspecting records without making copies, substantially increased the cost of copies, enabled agencies to charge for copies made for the agency's convenience that the requester didn't ask for, charged people to access records if processing their requests took more than a certain number of hours per month, enabled agencies to charge high fees for access to certain types of data, required a conference with an agency before filing a PRA enforcement action in court, eliminated penalties for agencies found to have illegally withheld records, required penalties to be paid to the state rather than to the requester, eliminated mandatory recovery of attorney fees and court costs for citizens successfully suing to enforce the PRA, and others. These bills are often introduced at the request of agencies who fail to recognize that public records disclosure is a core part of every agency's mission, and who view accountability and transparency as a burden rather than essential to the exercise of the sovereignty of the people.

Do you oppose attempts to make it more difficult for citizens to access public records, such as those described? Yes

Additional Comments:

Would you work within the statewide organization that represents the government entity to which you are seeking election (such as the Association of Washington Cities, Washington State Association of Counties, Washington Association of County Officials, Washington State School Directors Association, Washington Public Ports Association, Washington Fire Commissioners Association, etc.) and try to stop that organization from supporting legislation that would make it more difficult for citizens to access public records? **Yes**

Additional Comments:

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Candidate Information

Information Sought	Response
Candidate Name	David Stalheim
Office Sought	Whatcom County Executive
District (if applicable)	
Position Number (if applicable)	
Incumbent (Yes or No)	No
Campaign Mailing Address	David Stalheim for County Executive P.O. Box 2628 Bellingham, WA 98227
Campaign Phone Number	360-303-1430

Campaign Email Address	votestalheim@gmail.com
Campaign Web Site Address	www.davidstalheim.com

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Legislation has been proposed that would restore the original intent of the Public Records Act with regard to communications between public sector attorneys and their clients, which is that communication between agencies and their attorneys is exempt from disclosure only in relation to an actual controversy (lawsuit) while the controversy remains pending in the courts. Communication between agencies and their attorneys seeking advice on matters not related to an active or threatened lawsuit would be subject to disclosure.

Do you support such legislation? Yes

Additional Comments: **Elected officials and the attorneys representing them are often forgetting that they work for the public, and the public has a right to know and understand the reason for government decisions.**

Since the decision to invoke the attorney-client communication privilege is discretionary, would you support a resolution or ordinance to have the government entity to which you seek election commit not to invoke the privilege when there is no actual or threatened lawsuit? **Yes**

Additional Comments:

2. Records of Executive Sessions – The Open Public Meetings Act requires all meetings of the governing bodies of state and local agencies to be open to the public and announced in advance. The law allows the body to meet behind closed doors in "executive session" for certain limited purposes, such as to consult with their attorney on active or pending litigation or to discuss the maximum price they are willing to pay for a parcel of land, so long as the purpose of the closed meeting is announced in advance and the secret discussion is limited to the announced allowed purpose. Some boards would like to record executive sessions, to enable them to resolve any future disputes about what transpired during the meeting, but are concerned that some or all of the recordings would be subject to disclosure under the Public Records Act.

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Do you support such legislation? Yes

Additional Comments: I worked In Oregon where executive sessions were recorded and where the media attended. While a bit unusual compared to Washington, I can attest that the integrity of the conversations being limited to truly executive matters was significantly better as a result of this check and balance in Oregon.

Would you support a resolution or ordinance to have the government entity to which you seek election voluntarily record its executive sessions (as some already do)? **Yes**

Additional Comments:

3. Create a Low-Cost Non-Judicial Process for Review of PRA and OPMA Disputes – Currently, if a request for public records is denied or access procedures not followed, or if the requirements of the Open Public Meetings Act are disobeyed by an agency, the only recourse is to bring a lawsuit in superior court. This can be a very expensive and time-consuming process for both the citizen and the agency involved. Many citizens abandon attempts to access information because they can't afford an attorney; agencies face huge litigation costs when disputes do make it to court.

A task force convened by the Attorney General and the State Auditor recommended legislation that would create a voluntary administrative review process for Public Records Act and Open Public Meetings Act disputes that would not require the expense of hiring a lawyer and going to court. Citizens (not agencies) could choose to use this process, but would not be required to do so; the ability to go to court directly would be preserved for urgent matters, as well as the ability to appeal to the courts when the outcome of the administrative review process is unfavorable.

Do you support such legislation? Yes

Additional Comments: Having worked as a citizen on public records requests over the past year, I have seen first hand the challenges faced by citizens in gaining access to public records. While there does need to be changes made, I am concerned that another administrative re

Would you support an ordinance or resolution to have the government entity to which you seek election voluntarily participate in such a low-cost dispute resolution program, if one were to be established? **Yes**

Additional Comments:

4. Require Open Government Training for Government Employees and Elected Officials – Many of the reported violations of the Public Records Act and the Open Public Meetings Act have resulted from a lack of knowledge or misunderstanding of the statutes and case law. These problems, and the resulting loss of public trust and financial impact on agency budgets due to penalties, could be avoided by ensuring that all government employees have at least a basic knowledge of records retention and access requirements, and that all officials subjected to the OPMA know its requirements.

Legislation has been proposed that would require every government employee and official, both elected and appointed, to receive basic training regarding the principles of open government and their responsibilities under the Public Records Act, Open Public Meetings Act, and the records preservation law, during initial orientation at the beginning of their government service. Annual in-service training would be required to refresh this training, including updates based on changes in statutes or case law. Public records officers and other employees who have custody of records or respond to records requests would receive more comprehensive training consistent with their responsibilities. This training would not be long or expensive, and could easily be provided as a free online course developed and maintained under the supervision of the Attorney General.

Do you support such legislation? Yes

Additional Comments: The lack of education as to the rules is the primary reason for violations of the Public Records Act and Open Public Meetings Act. Newly elected officials and key department staff need training in order to ensure compliance.

Would you support a resolution or ordinance to have the government entity to which you seek election require the described training (as some already do) in advance of a state requirement being adopted? **Yes**

Additional Comments:

5. Improving Preservation and Access to Electronic Records – Most records and communications of public agencies today are in electronic form – email, databases, word processing documents, spreadsheets, and the like – and huge volumes of such data exist. These electronic records are public records like any other record, subject to the retention requirements of RCW 40.14 and to public access under RCW 42.56. Because electronic records are so easily destroyed, agencies should be required to archive email and other electronic records in a manner that prevents any individual employee from intentionally or accidentally destroying them without proper review. In addition, some agencies interpret the Public Records Act as allowing them to print electronic records onto paper before providing them to requestors, even though creating paper records is time consuming and expensive, and often of no practical use to the requestor because of the volume of information. With a minimum of training and with no special software, records can be provided electronically, exempt information redacted electronically, and provided to the requester quickly and at minimal cost.

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Do you support such legislation? Yes

Additional Comments: The public can be far more effective in understanding what government does if it can search electronic records. For example, a scanned document provided electronically is nothing more than an image. Providing large databases in a format that allows analysis makes that database meaningful, rather than a pile of papers. Time is as crucial to public involvement as it is to efficient government. This is a situation where both can co-exist.

Would you support a resolution or ordinance to have the government entity to which you seek election commit to properly archive electronic records and to provide records in electronic form on request? **Yes**

Additional Comments:

6. Oppose Elimination of the Sunshine Committee – Many exemptions to the Public Records Act come into existence as obscure sections of bills that do not reference the Public Records Act itself, and are never reviewed by experts in public records law. Since Washington’s public records law was passed with a 72% vote as part of I-276 in 1972, the number of exemptions was grown from 10 to nearly 400. The Public Records Exemptions Accountability Committee (the “Sunshine Committee”) was created in 2007 to review every exemption, undertake a thorough analysis including opportunities for stakeholder testimony and participation, and make a recommendation to the legislature on whether each exemption should be retained, modified, or eliminated. The Sunshine Committee operates at very low cost, and yet in recent legislative sessions there have been multiple proposals to eliminate the Sunshine Committee and end its important work.

Do you oppose eliminating the Sunshine Committee? No

Additional Comments:

7. Oppose Attacks on Public Records Access – During recent legislative sessions, several bills were introduced that would have made it more difficult or expensive to access public records or that would otherwise discourage citizens from using their right to know what their government is doing. These included bills that would have enabled agencies to charge citizens for simply inspecting records without making copies, substantially increased the cost of copies, enabled agencies to charge for copies made for the agency’s convenience that the requester didn’t ask for, charged people to access records if processing their requests took more than a certain number of hours per month, enabled agencies to charge high fees for access to certain types of data, required a conference with an agency before filing a PRA enforcement action in court, eliminated penalties for agencies found to have illegally withheld records, required penalties to be paid to the state rather than to the requester, eliminated mandatory recovery of attorney fees and court costs for citizens successfully suing to enforce the PRA, and others. These bills are often introduced at the request of agencies who fail to recognize that public records disclosure is a core part of every agency’s mission, and who view accountability and transparency as a burden rather than essential to the exercise of the sovereignty of the people.

Do you oppose attempts to make it more difficult for citizens to access public records, such as those described? Yes

Additional Comments: I have seen serious abuses of Public Records by citizens that have caused untold loss of time from public servants. For example, requesting extensive public records but never actually inspecting those records is a waste of time. On the other hand, public agencies might make the process more efficient. I do think that there needs to be some meaningful reform of the laws to avoid the abuses that I have seen.

Would you work within the statewide organization that represents the government entity to which you are seeking election (such as the Association of Washington Cities, Washington State Association of Counties, Washington Association of County Officials, Washington State School Directors Association, Washington Public Ports Association, Washington Fire Commissioners Association, etc.) and try to stop that organization from supporting legislation that would make it more difficult for citizens to access public records? **Yes**

Additional Comments: Again, there is a need for reform to avoid abuses without undermining the purpose of public records. Groups need to sit down together and come up with some meaningful ways to provide records but avoid the abuse which undermines the long term goal of publ

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Candidate Information

Information Sought	Response
Candidate Name	Grace Larsen
Office Sought	School board of directors
District (if applicable)	Pateros
Position Number (if applicable)	
Incumbent (Yes or No)	Yes
Campaign Mailing Address	97 Bill Shaw Rd. Pateros, WA 98846
Campaign Phone Number	509-923-9568
Campaign Email Address	lars7@q.com

Campaign Web Site Address	
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Do you support such legislation? No

Additional Comments:

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Additional Comments:

2. Records of Executive Sessions – The Open Public Meetings Act requires all meetings of the governing bodies of state and local agencies to be open to the public and announced in advance. The law allows the body to meet behind closed doors in "executive session" for certain limited purposes, such as to consult with their attorney on active or pending litigation or to discuss the maximum price they are willing to pay for a parcel of land, so long as the purpose of the closed meeting is announced in advance and the secret discussion is limited to the announced allowed purpose. Some boards would like to record executive sessions, to enable them to resolve any future disputes about what transpired during the meeting, but are concerned that some or all of the recordings would be subject to disclosure under the Public Records Act.

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Do you support such legislation? Yes

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Do you support such legislation? Yes

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4. Require Open Government Training for Government Employees and Elected Officials – Many of the reported violations of the Public Records Act and the Open Public Meetings Act have resulted from a lack of knowledge or misunderstanding of the statutes and case law. These problems, and the resulting loss of public trust and financial impact on agency budgets due to penalties, could be avoided by ensuring that all government employees have at least a basic knowledge of records retention and access requirements, and that all officials subjected to the OPMA know its requirements.

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Additional Comments:

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Legislation has been proposed to clarify that electronic records are required to be provided in electronic form if it can be done with commonly-available software and media. Agencies would not be permitted to convert records to paper form simply for convenience of redaction or to enable them to establish a per-page copying charge. Agencies would be required to provide data as email attachments when possible, to avoid the need to charge for media for mailing. Agencies that have the ability to scan paper records into electronic form and send them to requesters electronically would be required to do so upon request, and would be allowed to charge a scanning fee to cover the actual labor cost of scanning.

Do you support such legislation?

Additional Comments:

Would you support a resolution or ordinance to have the government entity to which you seek election commit to properly archive electronic records and to provide records in electronic form on request? **Yes**

Additional Comments:

6. Oppose Elimination of the Sunshine Committee – Many exemptions to the Public Records Act come into existence as obscure sections of bills that do not reference the Public Records Act itself, and are never reviewed by experts in public records law. Since Washington’s public records law was passed with a 72% vote as part of I-276 in 1972, the number of exemptions was grown from 10 to nearly 400. The Public Records Exemptions Accountability Committee (the “Sunshine Committee”) was created in 2007 to review every exemption, undertake a thorough analysis including opportunities for stakeholder testimony and participation, and make a recommendation to the legislature on whether each exemption should be retained, modified, or eliminated. The Sunshine Committee operates at very low cost, and yet in recent legislative sessions there have been multiple proposals to eliminate the Sunshine Committee and end its important work.

Do you oppose eliminating the Sunshine Committee? Yes

Additional Comments:

7. Oppose Attacks on Public Records Access – During recent legislative sessions, several bills were introduced that would have made it more difficult or expensive to access public records or that would otherwise discourage citizens from using their right to know what their government is doing. These included bills that would have enabled agencies to charge citizens for simply inspecting records without making copies, substantially increased the cost of copies, enabled agencies to charge for copies made for the agency's convenience that the requester didn't ask for, charged people to access records if processing their requests took more than a certain number of hours per month, enabled agencies to charge high fees for access to certain types of data, required a conference with an agency before filing a PRA enforcement action in court, eliminated penalties for agencies found to have illegally withheld records, required penalties to be paid to the state rather than to the requester, eliminated mandatory recovery of attorney fees and court costs for citizens successfully suing to enforce the PRA, and others. These bills are often introduced at the request of agencies who fail to recognize that public records disclosure is a core part of every agency's mission, and who view accountability and transparency as a burden rather than essential to the exercise of the sovereignty of the people.

Do you oppose attempts to make it more difficult for citizens to access public records, such as those described? Yes

Additional Comments:

Would you work within the statewide organization that represents the government entity to which you are seeking election (such as the Association of Washington Cities, Washington State Association of Counties, Washington Association of County Officials, Washington State School Directors Association, Washington Public Ports Association, Washington Fire Commissioners Association, etc.) and try to stop that organization from supporting legislation that would make it more difficult for citizens to access public records? **No**

Additional Comments:

Thank You for Your Service!



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Candidate Information

Information Sought	Response
Candidate Name	Mike Fagan
Office Sought	Spokane city council
District (if applicable)	dist 1
Position Number (if applicable)	pos 1
Incumbent (Yes or No)	No
Campaign Mailing Address	ELECT Mike Fagan Spokane City Council POB 18250 Spokane, WA 99228
Campaign Phone Number	509-991-4765

Campaign Email Address	electmikefagan@gmail.com
Campaign Web Site Address	www.electmikefagan.com

Questions

In each of the sections below, an issue of current concern to open government advocates is explained, and a legislative change related to the concern is described. You are then asked if you would support such legislation. By "support", we mean that, assuming other details of the legislation are not inconsistent with your principles, you would sponsor, co-sponsor, vote for, request, sign, testify in favor of, or otherwise publicly support the legislation described. We invite you to elaborate on each answer, such as explaining the reasoning behind your position or any special insights you may have on the issue based on your personal background or experience.

1. Attorney-Client Communications Privilege – A 2004 state Supreme Court decision declared that the attorney-client communication privilege in RCW 5.60.060(2)(a) must be considered an exemption from the Public Records Act, in addition to the exemption in RCW 42.56.290 which allows only attorney-client communications associated with an active lawsuit to be withheld from disclosure. Many government agencies now claim they can withhold virtually all communication between them and their attorneys, including routine communication not related to any actual or threatened lawsuit. Many citizens are concerned that this blocks disclosure of a substantial amount of information necessary to hold government officials accountable for their decisions and actions.

Legislation has been proposed that would restore the original intent of the Public Records Act with regard to communications between public sector attorneys and their clients, which is that communication between agencies and their attorneys is exempt from disclosure only in relation to an actual controversy (lawsuit) while the controversy remains pending in the courts. Communication between agencies and their attorneys seeking advice on matters not related to an active or threatened lawsuit would be subject to disclosure.

Do you support such legislation? Yes

Additional Comments:

Since the decision to invoke the attorney-client communication privilege is discretionary, would you support a resolution or ordinance to have the government entity to which you seek election commit not to invoke the privilege when there is no actual or threatened lawsuit? **Yes**

Additional Comments:

2. Records of Executive Sessions – The Open Public Meetings Act requires all meetings of the governing bodies of state and local agencies to be open to the public and announced in advance. The law allows the body to meet behind closed doors in "executive session" for certain limited purposes, such as to consult with their attorney on active or pending litigation or to discuss the maximum price they are willing to pay for a parcel of land, so long as the purpose of the closed meeting is announced in advance and the secret discussion is limited to the announced allowed purpose. Some boards would like to record executive sessions, to enable them to resolve any future disputes about what transpired during the meeting, but are concerned that some or all of the recordings would be subject to disclosure under the Public Records Act.

Legislation has been proposed that would exempt executive session recordings, transcripts, and minutes from disclosure under the Public Records Act. Unauthorized disclosure of executive session records would be punishable under laws governing disclosure of confidential information. Agencies would be able to present

such records to a court under seal for judicial review to establish that a challenged executive session was proper or for other purposes. If an agency presents a record of an executive session to a court for review and the court determines that part of the executive session was in violation of the Open Public Meetings Act, the court may order the agency to release to the public the part of the recording, transcript, or minutes of the session that should have been open to the public. Agencies would be able to submit digital recordings of executive sessions for secure confidential storage in the Washington State Digital Archives.

Do you support such legislation? Yes

Additional Comments:

Would you support a resolution or ordinance to have the government entity to which you seek election voluntarily record its executive sessions (as some already do)? **Yes**

Additional Comments:

3. Create a Low-Cost Non-Judicial Process for Review of PRA and OPMA Disputes – Currently, if a request for public records is denied or access procedures not followed, or if the requirements of the Open Public Meetings Act are disobeyed by an agency, the only recourse is to bring a lawsuit in superior court. This can be a very expensive and time-consuming process for both the citizen and the agency involved. Many citizens abandon attempts to access information because they can't afford an attorney; agencies face huge litigation costs when disputes do make it to court.

A task force convened by the Attorney General and the State Auditor recommended legislation that would create a voluntary administrative review process for Public Records Act and Open Public Meetings Act disputes that would not require the expense of hiring a lawyer and going to court. Citizens (not agencies) could choose to use this process, but would not be required to do so; the ability to go to court directly would be preserved for urgent matters, as well as the ability to appeal to the courts when the outcome of the administrative review process is unfavorable.

Do you support such legislation? Yes

Additional Comments:

Would you support an ordinance or resolution to have the government entity to which you seek election voluntarily participate in such a low-cost dispute resolution program, if one were to be established? **Yes**

Additional Comments:

4. Require Open Government Training for Government Employees and Elected Officials – Many of the reported violations of the Public Records Act and the Open Public Meetings Act have resulted from a lack of knowledge or misunderstanding of the statutes and case law. These problems, and the resulting loss of public trust and financial impact on agency budgets due to penalties, could be avoided by ensuring that all government employees have at least a basic knowledge of records retention and access requirements, and that all officials subjected to the OPMA know its requirements.

Legislation has been proposed that would require every government employee and official, both elected and appointed, to receive basic training regarding the principles of open government and their responsibilities under the Public Records Act, Open Public Meetings Act, and the records preservation law, during initial orientation at the beginning of their government service. Annual in-service training would be required to refresh this training, including updates based on changes in statutes or case law. Public records officers and other employees who have custody of records or respond to records requests would receive more comprehensive training consistent with their responsibilities. This training would not be long or expensive,

and could easily be provided as a free online course developed and maintained under the supervision of the Attorney General.

Do you support such legislation? Yes

Additional Comments:

Would you support a resolution or ordinance to have the government entity to which you seek election require the described training (as some already do) in advance of a state requirement being adopted? **Yes**

Additional Comments:

5. Improving Preservation and Access to Electronic Records – Most records and communications of public agencies today are in electronic form – email, databases, word processing documents, spreadsheets, and the like – and huge volumes of such data exist. These electronic records are public records like any other record, subject to the retention requirements of RCW 40.14 and to public access under RCW 42.56. Because electronic records are so easily destroyed, agencies should be required to archive email and other electronic records in a manner that prevents any individual employee from intentionally or accidentally destroying them without proper review. In addition, some agencies interpret the Public Records Act as allowing them to print electronic records onto paper before providing them to requestors, even though creating paper records is time consuming and expensive, and often of no practical use to the requestor because of the volume of information. With a minimum of training and with no special software, records can be provided electronically, exempt information redacted electronically, and provided to the requester quickly and at minimal cost.

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Do you support such legislation? Yes

Additional Comments:

Would you support a resolution or ordinance to have the government entity to which you seek election commit to properly archive electronic records and to provide records in electronic form on request? **Yes**

Additional Comments:

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Do you oppose eliminating the Sunshine Committee? Yes

Additional Comments: As long as we are assured of this commttee being unbiased. I would like to also look at the explosive growth of the exemptions to ensure that exemptions are not being abused.

7. Oppose Attacks on Public Records Access – During recent legislative sessions, several bills were introduced that would have made it more difficult or expensive to access public records or that would otherwise discourage citizens from using their right to know what their government is doing. These included bills that would have enabled agencies to charge citizens for simply inspecting records without making copies, substantially increased the cost of copies, enabled agencies to charge for copies made for the agency's convenience that the requester didn't ask for, charged people to access records if processing their requests took more than a certain number of hours per month, enabled agencies to charge high fees for access to certain types of data, required a conference with an agency before filing a PRA enforcement action in court, eliminated penalties for agencies found to have illegally withheld records, required penalties to be paid to the state rather than to the requester, eliminated mandatory recovery of attorney fees and court costs for citizens successfully suing to enforce the PRA, and others. These bills are often introduced at the request of agencies who fail to recognize that public records disclosure is a core part of every agency's mission, and who view accountability and transparency as a burden rather than essential to the exercise of the sovereignty of the people.

Do you oppose attempts to make it more difficult for citizens to access public records, such as those described? Yes

Additional Comments:

Would you work within the statewide organization that represents the government entity to which you are seeking election (such as the Association of Washington Cities, Washington State Association of Counties, Washington Association of County Officials, Washington State School Directors Association, Washington Public Ports Association, Washington Fire Commissioners Association, etc.) and try to stop that organization from supporting legislation that would make it more difficult for citizens to access public records? **Yes**

Additional Comments:

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Information Sought	Response
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Office Sought	
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Position Number (if applicable)	
Incumbent (Yes or No)	No
Campaign Mailing Address	
Campaign Phone Number	
Campaign Email Address	
Campaign Web Site Address	

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Do you support such legislation? Yes

Additional Comments:

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Do you support such legislation? Yes

Additional Comments:

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Additional Comments:

3. Create a Low-Cost Non-Judicial Process for Review of PRA and OPMA Disputes – Currently, if a request for public records is denied or access procedures not followed, or if the requirements of the Open Public Meetings Act are disobeyed by an agency, the only recourse is to bring a lawsuit in superior court. This can be a very expensive and time-consuming process for both the citizen and the agency involved. Many citizens abandon attempts to access information because they can't afford an attorney; agencies face huge litigation costs when disputes do make it to court.

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Additional Comments:

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Do you support such legislation? Yes

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Do you support such legislation? Yes

Additional Comments:

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Additional Comments:

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Candidate Information

Information Sought	Response
Candidate Name	Gene Pollard (Cecil Eugene Pollard)
Office Sought	Position 3, Public Hospital District #4
District (if applicable)	Public Hospital District #4
Position Number (if applicable)	#3
Incumbent (Yes or No)	No
Campaign Mailing Address	P.O. Box 1799 Snoqualmie, WA 98065 (Personal and campaign mailing address)
Campaign Phone Number	425-888-4095 (Personal/campaign number)

Campaign Email Address	genepoll@yahoo.com (Personal/Campaign address)
Campaign Web Site Address	pending

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Legislation has been proposed that would restore the original intent of the Public Records Act with regard to communications between public sector attorneys and their clients, which is that communication between agencies and their attorneys is exempt from disclosure only in relation to an actual controversy (lawsuit) while the controversy remains pending in the courts. Communication between agencies and their attorneys seeking advice on matters not related to an active or threatened lawsuit would be subject to disclosure.

Do you support such legislation? Yes

Additional Comments: **Too many jurisdictions, such as Public Hospital District #4, misuse the executive session privilege to hide their actions from the public until they are a fait accompli, and thereafter try to hide the traces leading to their decisions.**

Since the decision to invoke the attorney-client communication privilege is discretionary, would you support a resolution or ordinance to have the government entity to which you seek election commit not to invoke the privilege when there is no actual or threatened lawsuit? **Yes**

Additional Comments:

2. Records of Executive Sessions – The Open Public Meetings Act requires all meetings of the governing bodies of state and local agencies to be open to the public and announced in advance. The law allows the body to meet behind closed doors in "executive session" for certain limited purposes, such as to consult with their attorney on active or pending litigation or to discuss the maximum price they are willing to pay for a parcel of land, so long as the purpose of the closed meeting is announced in advance and the secret discussion is limited to the announced allowed purpose. Some boards would like to record executive sessions, to enable them to resolve any future disputes about what transpired during the meeting, but are concerned that some or all of the recordings would be subject to disclosure under the Public Records Act.

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Do you support such legislation? Yes

Additional Comments: We need more transparency in government, while protecting legitimate uses of the executive session privilege.

Would you support a resolution or ordinance to have the government entity to which you seek election voluntarily record its executive sessions (as some already do)? **Yes**

Additional Comments:

3. Create a Low-Cost Non-Judicial Process for Review of PRA and OPMA Disputes – Currently, if a request for public records is denied or access procedures not followed, or if the requirements of the Open Public Meetings Act are disobeyed by an agency, the only recourse is to bring a lawsuit in superior court. This can be a very expensive and time-consuming process for both the citizen and the agency involved. Many citizens abandon attempts to access information because they can't afford an attorney; agencies face huge litigation costs when disputes do make it to court.

A task force convened by the Attorney General and the State Auditor recommended legislation that would create a voluntary administrative review process for Public Records Act and Open Public Meetings Act disputes that would not require the expense of hiring a lawyer and going to court. Citizens (not agencies) could choose to use this process, but would not be required to do so; the ability to go to court directly would be preserved for urgent matters, as well as the ability to appeal to the courts when the outcome of the administrative review process is unfavorable.

Do you support such legislation? Yes

Additional Comments:

Would you support an ordinance or resolution to have the government entity to which you seek election voluntarily participate in such a low-cost dispute resolution program, if one were to be established? **Yes**

Additional Comments:

4. Require Open Government Training for Government Employees and Elected Officials – Many of the reported violations of the Public Records Act and the Open Public Meetings Act have resulted from a lack of knowledge or misunderstanding of the statutes and case law. These problems, and the resulting loss of public trust and financial impact on agency budgets due to penalties, could be avoided by ensuring that all government employees have at least a basic knowledge of records retention and access requirements, and that all officials subjected to the OPMA know its requirements.

Legislation has been proposed that would require every government employee and official, both elected and appointed, to receive basic training regarding the principles of open government and their responsibilities under the Public Records Act, Open Public Meetings Act, and the records preservation law, during initial

orientation at the beginning of their government service. Annual in-service training would be required to refresh this training, including updates based on changes in statutes or case law. Public records officers and other employees who have custody of records or respond to records requests would receive more comprehensive training consistent with their responsibilities. This training would not be long or expensive, and could easily be provided as a free online course developed and maintained under the supervision of the Attorney General.

Do you support such legislation? Yes

Additional Comments: Why has it taken so long for this common sense legislation? When will it come up for a vote?

Would you support a resolution or ordinance to have the government entity to which you seek election require the described training (as some already do) in advance of a state requirement being adopted? **Yes**

Additional Comments: But many jurisdictions, such as Public Hospital District #4, are unwilling to acknowledge the spirit as well as the law in these cases, so I'm not optimistic.

5. Improving Preservation and Access to Electronic Records – Most records and communications of public agencies today are in electronic form – email, databases, word processing documents, spreadsheets, and the like – and huge volumes of such data exist. These electronic records are public records like any other record, subject to the retention requirements of RCW 40.14 and to public access under RCW 42.56. Because electronic records are so easily destroyed, agencies should be required to archive email and other electronic records in a manner that prevents any individual employee from intentionally or accidentally destroying them without proper review. In addition, some agencies interpret the Public Records Act as allowing them to print electronic records onto paper before providing them to requestors, even though creating paper records is time consuming and expensive, and often of no practical use to the requestor because of the volume of information. With a minimum of training and with no special software, records can be provided electronically, exempt information redacted electronically, and provided to the requester quickly and at minimal cost.

Legislation has been proposed to clarify that electronic records are required to be provided in electronic form if it can be done with commonly-available software and media. Agencies would not be permitted to convert records to paper form simply for convenience of redaction or to enable them to establish a per-page copying charge. Agencies would be required to provide data as email attachments when possible, to avoid the need to charge for media for mailing. Agencies that have the ability to scan paper records into electronic form and send them to requesters electronically would be required to do so upon request, and would be allowed to charge a scanning fee to cover the actual labor cost of scanning.

Do you support such legislation? Yes

Additional Comments: . . . provided that the agency does not misuse this to impose prohibitive fees for "the actual cost of scanning." Should this include staff time? Material cost only? This needs to be clarified in the most generous way to benefit the public. There should be a State-imposed limit to such costs.

Would you support a resolution or ordinance to have the government entity to which you seek election commit to properly archive electronic records and to provide records in electronic form on request? **Yes**

Additional Comments:

6. Oppose Elimination of the Sunshine Committee – Many exemptions to the Public Records Act come into existence as obscure sections of bills that do not reference the Public Records Act itself, and are never

reviewed by experts in public records law. Since Washington's public records law was passed with a 72% vote as part of I-276 in 1972, the number of exemptions was grown from 10 to nearly 400. The Public Records Exemptions Accountability Committee (the "Sunshine Committee") was created in 2007 to review every exemption, undertake a thorough analysis including opportunities for stakeholder testimony and participation, and make a recommendation to the legislature on whether each exemption should be retained, modified, or eliminated. The Sunshine Committee operates at very low cost, and yet in recent legislative sessions there have been multiple proposals to eliminate the Sunshine Committee and end its important work.

Do you oppose eliminating the Sunshine Committee? Yes

Additional Comments: The proposal to eliminate the Sunshine Committee is OUTRAGEOUS!

7. Oppose Attacks on Public Records Access – During recent legislative sessions, several bills were introduced that would have made it more difficult or expensive to access public records or that would otherwise discourage citizens from using their right to know what their government is doing. These included bills that would have enabled agencies to charge citizens for simply inspecting records without making copies, substantially increased the cost of copies, enabled agencies to charge for copies made for the agency's convenience that the requester didn't ask for, charged people to access records if processing their requests took more than a certain number of hours per month, enabled agencies to charge high fees for access to certain types of data, required a conference with an agency before filing a PRA enforcement action in court, eliminated penalties for agencies found to have illegally withheld records, required penalties to be paid to the state rather than to the requester, eliminated mandatory recovery of attorney fees and court costs for citizens successfully suing to enforce the PRA, and others. These bills are often introduced at the request of agencies who fail to recognize that public records disclosure is a core part of every agency's mission, and who view accountability and transparency as a burden rather than essential to the exercise of the sovereignty of the people.

Do you oppose attempts to make it more difficult for citizens to access public records, such as those described? Yes

Additional Comments: Absolutely! Many of the actions mentioned here are more suited to a Bernie Madoff and Omar Khadafi! Are we a democracy or what? Public Hospital District #4 is little more than a Ponzi Scheme to keep high-paid executives employed, not to mention their full-time attorney, who is also a State legislator. They need employ no lobbyist; they have hired their own in-house.

Would you work within the statewide organization that represents the government entity to which you are seeking election (such as the Association of Washington Cities, Washington State Association of Counties, Washington Association of County Officials, Washington State School Directors Association, Washington Public Ports Association, Washington Fire Commissioners Association, etc.) and try to stop that organization from supporting legislation that would make it more difficult for citizens to access public records? **Yes**

Additional Comments: I'm considering joining your organization, because your efforts for openness and transparency in government are admirable. It's the lack of these that has undermined citizens' faith in government generally. While we may have little direct impact on govern

Thank You for Your Service!



2011 Candidate Questionnaire

Washington Coalition for Open Government represents individuals and organizations intent on preserving and protecting Washington's Open Government Laws – Open Records and Open Meetings. Its mission is to represent the public in matters where open government issues are raised, are threatened, or deserves broader exposure. It accomplishes this mission by educating the public and government officials, by action in the legislature and the courts, and by recognizing acts by individuals, organizations, and agencies in support of open government. Coalition members include citizen activists and representatives of government, business, labor, media, law, and public policy organizations.

WCOG members are keenly interested in the views of candidates for public office regarding open government issues. The following questionnaire provides an opportunity for you to share your views on current high-priority open government issues. We sincerely appreciate you taking the time to provide your answers. By submitting your response to the Coalition, you give your consent for the Coalition to publish the information contained in your response on the Coalition's web site at www.washingtoncog.org. We invite you to join the Coalition as well!

The Coalition is a 501(c)(3) non-profit organization and as such does not endorse or contribute to candidates, but will make the responses to this questionnaire available to our members and to the general public, without any "grade" or commentary, so they may be more fully informed when making decisions regarding candidates in the upcoming election. It is our intention to announce **on July 31** to our members and to the statewide and local news media the names of those candidates who have or have not responded to this questionnaire.

Candidate Information

Information Sought	Response
Candidate Name	Betty DeLay
Office Sought	Snohomish County Assessor
District (if applicable)	
Position Number (if applicable)	
Incumbent (Yes or No)	No
Campaign Mailing Address	22431 40th Dr.NE Arlington , Wash. 98223
Campaign Phone Number	360-435-7285
Campaign Email Address	22431 40th Dr. NE Arlington, wa.98223

Campaign Web Site Address	
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Questions

In each of the sections below, an issue of current concern to open government advocates is explained, and a legislative change related to the concern is described. You are then asked if you would support such legislation. By "support", we mean that, assuming other details of the legislation are not inconsistent with your principles, you would sponsor, co-sponsor, vote for, request, sign, testify in favor of, or otherwise publicly support the legislation described. We invite you to elaborate on each answer, such as explaining the reasoning behind your position or any special insights you may have on the issue based on your personal background or experience.

1. Attorney-Client Communications Privilege – A 2004 state Supreme Court decision declared that the attorney-client communication privilege in RCW 5.60.060(2)(a) must be considered an exemption from the Public Records Act, in addition to the exemption in RCW 42.56.290 which allows only attorney-client communications associated with an active lawsuit to be withheld from disclosure. Many government agencies now claim they can withhold virtually all communication between them and their attorneys, including routine communication not related to any actual or threatened lawsuit. Many citizens are concerned that this blocks disclosure of a substantial amount of information necessary to hold government officials accountable for their decisions and actions.

Legislation has been proposed that would restore the original intent of the Public Records Act with regard to communications between public sector attorneys and their clients, which is that communication between agencies and their attorneys is exempt from disclosure only in relation to an actual controversy (lawsuit) while the controversy remains pending in the courts. Communication between agencies and their attorneys seeking advice on matters not related to an active or threatened lawsuit would be subject to disclosure.

Do you support such legislation? Yes

Additional Comments: **Its called Public Records...the public has a right to know what is going on in OUR GOVERNMENT. Because it always ends up in our purse/billfold. We need to know where, what , and how come...The buck stops with us, I want to know what my money is being spen**

Since the decision to invoke the attorney-client communication privilege is discretionary, would you support a resolution or ordinance to have the government entity to which you seek election commit not to invoke the privilege when there is no actual or threatened lawsuit? **Yes**

Additional Comments: **Our government should be and open door policy period, nothing should be behind closed doors, NOTHING....**

2. Records of Executive Sessions – The Open Public Meetings Act requires all meetings of the governing bodies of state and local agencies to be open to the public and announced in advance. The law allows the body to meet behind closed doors in "executive session" for certain limited purposes, such as to consult with their attorney on active or pending litigation or to discuss the maximum price they are willing to pay for a parcel of land, so long as the purpose of the closed meeting is announced in advance and the secret discussion is limited to the announced allowed purpose. Some boards would like to record executive sessions, to enable them to resolve any future disputes about what transpired during the meeting, but are concerned that some or all of the recordings would be subject to disclosure under the Public Records Act.

Legislation has been proposed that would exempt executive session recordings, transcripts, and minutes from disclosure under the Public Records Act. Unauthorized disclosure of executive session records would be

punishable under laws governing disclosure of confidential information. Agencies would be able to present such records to a court under seal for judicial review to establish that a challenged executive session was proper or for other purposes. If an agency presents a record of an executive session to a court for review and the court determines that part of the executive session was in violation of the Open Public Meetings Act, the court may order the agency to release to the public the part of the recording, transcript, or minutes of the session that should have been open to the public. Agencies would be able to submit digital recordings of executive sessions for secure confidential storage in the Washington State Digital Archives.

Do you support such legislation? No

Additional Comments: Again I stand on open government... executive sessions, ect. should be made available to the public, the taxpayers are the backbone of this whole process and it involves THEIR money, so let them see what they are paying for.

Would you support a resolution or ordinance to have the government entity to which you seek election voluntarily record its executive sessions (as some already do)? **Yes**

Additional Comments: Absolutely, why not... there should be nothing to hide... its our tax dollars.Why would the county Assessors office need to hide something?

3. Create a Low-Cost Non-Judicial Process for Review of PRA and OPMA Disputes – Currently, if a request for public records is denied or access procedures not followed, or if the requirements of the Open Public Meetings Act are disobeyed by an agency, the only recourse is to bring a lawsuit in superior court. This can be a very expensive and time-consuming process for both the citizen and the agency involved. Many citizens abandon attempts to access information because they can't afford an attorney; agencies face huge litigation costs when disputes do make it to court.

A task force convened by the Attorney General and the State Auditor recommended legislation that would create a voluntary administrative review process for Public Records Act and Open Public Meetings Act disputes that would not require the expense of hiring a lawyer and going to court. Citizens (not agencies) could choose to use this process, but would not be required to do so; the ability to go to court directly would be preserved for urgent matters, as well as the ability to appeal to the courts when the outcome of the administrative review process is unfavorable.

Do you support such legislation? Yes

Additional Comments: Access to information should be readily available and not depend on the size of your wallet.

Would you support an ordinance or resolution to have the government entity to which you seek election voluntarily participate in such a low-cost dispute resolution program, if one were to be established? **Yes**

Additional Comments: Absolutely, we are charged for everything and over charged. Enough is enough in my opinion.Our government entities are nickel /dimeing us to death..

4. Require Open Government Training for Government Employees and Elected Officials – Many of the reported violations of the Public Records Act and the Open Public Meetings Act have resulted from a lack of knowledge or misunderstanding of the statutes and case law. These problems, and the resulting loss of public trust and financial impact on agency budgets due to penalties, could be avoided by ensuring that all government employees have at least a basic knowledge of records retention and access requirements, and that all officials subjected to the OPMA know its requirements.

Legislation has been proposed that would require every government employee and official, both elected and appointed, to receive basic training regarding the principles of open government and their responsibilities under the Public Records Act, Open Public Meetings Act, and the records preservation law, during initial orientation at the beginning of their government service. Annual in-service training would be required to refresh this training, including updates based on changes in statutes or case law. Public records officers and other employees who have custody of records or respond to records requests would receive more comprehensive training consistent with their responsibilities. This training would not be long or expensive, and could easily be provided as a free online course developed and maintained under the supervision of the Attorney General.

Do you support such legislation? Yes

Additional Comments: Training that helps to give the new employee and oversight of one of the process's they are now involved in can only be consider a valuable asset.

Would you support a resolution or ordinance to have the government entity to which you seek election require the described training (as some already do) in advance of a state requirement being adopted? **Yes**

Additional Comments: The Assessor's job is very important. This position involves every tax payor, home owner,property owner, businesses, ect. To elect and individual that has no real estate background ,appraisal,market analysis,property value,is hard to fathom. I have 20 yrs

5. Improving Preservation and Access to Electronic Records – Most records and communications of public agencies today are in electronic form – email, databases, word processing documents, spreadsheets, and the like – and huge volumes of such data exist. These electronic records are public records like any other record, subject to the retention requirements of RCW 40.14 and to public access under RCW 42.56. Because electronic records are so easily destroyed, agencies should be required to archive email and other electronic records in a manner that prevents any individual employee from intentionally or accidentally destroying them without proper review. In addition, some agencies interpret the Public Records Act as allowing them to print electronic records onto paper before providing them to requestors, even though creating paper records is time consuming and expensive, and often of no practical use to the requestor because of the volume of information. With a minimum of training and with no special software, records can be provided electronically, exempt information redacted electronically, and provided to the requester quickly and at minimal cost.

Legislation has been proposed to clarify that electronic records are required to be provided in electronic form if it can be done with commonly-available software and media. Agencies would not be permitted to convert records to paper form simply for convenience of redaction or to enable them to establish a per-page copying charge. Agencies would be required to provide data as email attachments when possible, to avoid the need to charge for media for mailing. Agencies that have the ability to scan paper records into electronic form and send them to requesters electronically would be required to do so upon request, and would be allowed to charge a scanning fee to cover the actual labor cost of scanning.

Do you support such legislation? Yes

Additional Comments: I support electronic records being provide in a timely manner .Anything that helps the process to become faster and more readily available to the public should be addressed. I don't really support a scanning fee..

Would you support a resolution or ordinance to have the government entity to which you seek election commit to properly archive electronic records and to provide records in electronic form on request? **Yes**

Additional Comments: Everything should be available on request and everyone should have easy access . Openness...

6. Oppose Elimination of the Sunshine Committee – Many exemptions to the Public Records Act come into existence as obscure sections of bills that do not reference the Public Records Act itself, and are never reviewed by experts in public records law. Since Washington’s public records law was passed with a 72% vote as part of I-276 in 1972, the number of exemptions was grown from 10 to nearly 400. The Public Records Exemptions Accountability Committee (the “Sunshine Committee”) was created in 2007 to review every exemption, undertake a thorough analysis including opportunities for stakeholder testimony and participation, and make a recommendation to the legislature on whether each exemption should be retained, modified, or eliminated. The Sunshine Committee operates at very low cost, and yet in recent legislative sessions there have been multiple proposals to eliminate the Sunshine Committee and end its important work.

Do you oppose eliminating the Sunshine Committee? No

Additional Comments: Not if they are reaching their goal, and it is going to benefit, the public..

7. Oppose Attacks on Public Records Access – During recent legislative sessions, several bills were introduced that would have made it more difficult or expensive to access public records or that would otherwise discourage citizens from using their right to know what their government is doing. These included bills that would have enabled agencies to charge citizens for simply inspecting records without making copies, substantially increased the cost of copies, enabled agencies to charge for copies made for the agency’s convenience that the requester didn’t ask for, charged people to access records if processing their requests took more than a certain number of hours per month, enabled agencies to charge high fees for access to certain types of data, required a conference with an agency before filing a PRA enforcement action in court, eliminated penalties for agencies found to have illegally withheld records, required penalties to be paid to the state rather than to the requester, eliminated mandatory recovery of attorney fees and court costs for citizens successfully suing to enforce the PRA, and others. These bills are often introduced at the request of agencies who fail to recognize that public records disclosure is a core part of every agency’s mission, and who view accountability and transparency as a burden rather than essential to the exercise of the sovereignty of the people.

Do you oppose attempts to make it more difficult for citizens to access public records, such as those described? Yes

Additional Comments: Absolutely I do. I have experience at trying to get a copy of a police report, in 2007..I have yet to receive or get a copy of this report. Told 3 times it was not available yet.. after waiting weeks at a times.. This should NEVER happen to a citizen. I am adamant for open files,in any department,especially one's that collect money from taxpayers to exist.. It is and irritant with me.

Would you work within the statewide organization that represents the government entity to which you are seeking election (such as the Association of Washington Cities, Washington State Association of Counties, Washington Association of County Officials, Washington State School Directors Association, Washington Public Ports Association, Washington Fire Commissioners Association, etc.) and try to stop that organization from supporting legislation that would make it more difficult for citizens to access public records? **Yes**

Additional Comments: Absolutely I would. I am tired of all the stuff hid and shoved under the table, put in boxes out of sight so we the people have not a clue what is really going on. Yes, I would be all over that. Full Disclosure, nothing hid, nothing behind closed doors. E

Thank You for Your Service!



2011 Candidate Questionnaire

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Candidate Information

Information Sought	Response
Candidate Name	Steve Harris
Office Sought	Whatcom County Sheriff
District (if applicable)	
Position Number (if applicable)	
Incumbent (Yes or No)	No
Campaign Mailing Address	POB 30982 Bellingham, WA 98228-2982
Campaign Phone Number	360-296-3314
Campaign Email Address	steve@harrisforsheriff.org

Questions

In each of the sections below, an issue of current concern to open government advocates is explained, and a legislative change related to the concern is described. You are then asked if you would support such legislation. By "support", we mean that, assuming other details of the legislation are not inconsistent with your principles, you would sponsor, co-sponsor, vote for, request, sign, testify in favor of, or otherwise publicly support the legislation described. We invite you to elaborate on each answer, such as explaining the reasoning behind your position or any special insights you may have on the issue based on your personal background or experience.

1. Attorney-Client Communications Privilege – A 2004 state Supreme Court decision declared that the attorney-client communication privilege in RCW 5.60.060(2)(a) must be considered an exemption from the Public Records Act, in addition to the exemption in RCW 42.56.290 which allows only attorney-client communications associated with an active lawsuit to be withheld from disclosure. Many government agencies now claim they can withhold virtually all communication between them and their attorneys, including routine communication not related to any actual or threatened lawsuit. Many citizens are concerned that this blocks disclosure of a substantial amount of information necessary to hold government officials accountable for their decisions and actions.

Legislation has been proposed that would restore the original intent of the Public Records Act with regard to communications between public sector attorneys and their clients, which is that communication between agencies and their attorneys is exempt from disclosure only in relation to an actual controversy (lawsuit) while the controversy remains pending in the courts. Communication between agencies and their attorneys seeking advice on matters not related to an active or threatened lawsuit would be subject to disclosure.

Do you support such legislation? Yes

Additional Comments:

Since the decision to invoke the attorney-client communication privilege is discretionary, would you support a resolution or ordinance to have the government entity to which you seek election commit not to invoke the privilege when there is no actual or threatened lawsuit? **Yes**

Additional Comments:

2. Records of Executive Sessions – The Open Public Meetings Act requires all meetings of the governing bodies of state and local agencies to be open to the public and announced in advance. The law allows the body to meet behind closed doors in "executive session" for certain limited purposes, such as to consult with their attorney on active or pending litigation or to discuss the maximum price they are willing to pay for a parcel of land, so long as the purpose of the closed meeting is announced in advance and the secret discussion is limited to the announced allowed purpose. Some boards would like to record executive sessions, to enable them to resolve any future disputes about what transpired during the meeting, but are concerned that some or all of the recordings would be subject to disclosure under the Public Records Act.

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the court determines that part of the executive session was in violation of the Open Public Meetings Act, the court may order the agency to release to the public the part of the recording, transcript, or minutes of the session that should have been open to the public. Agencies would be able to submit digital recordings of executive sessions for secure confidential storage in the Washington State Digital Archives.

Do you support such legislation? Yes

Additional Comments:

Would you support a resolution or ordinance to have the government entity to which you seek election voluntarily record its executive sessions (as some already do)? **Yes**

Additional Comments:

3. Create a Low-Cost Non-Judicial Process for Review of PRA and OPMA Disputes – Currently, if a request for public records is denied or access procedures not followed, or if the requirements of the Open Public Meetings Act are disobeyed by an agency, the only recourse is to bring a lawsuit in superior court. This can be a very expensive and time-consuming process for both the citizen and the agency involved. Many citizens abandon attempts to access information because they can't afford an attorney; agencies face huge litigation costs when disputes do make it to court.

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Do you support such legislation? Yes

Additional Comments:

Would you support an ordinance or resolution to have the government entity to which you seek election voluntarily participate in such a low-cost dispute resolution program, if one were to be established? **Yes**

Additional Comments:

4. Require Open Government Training for Government Employees and Elected Officials – Many of the reported violations of the Public Records Act and the Open Public Meetings Act have resulted from a lack of knowledge or misunderstanding of the statutes and case law. These problems, and the resulting loss of public trust and financial impact on agency budgets due to penalties, could be avoided by ensuring that all government employees have at least a basic knowledge of records retention and access requirements, and that all officials subjected to the OPMA know its requirements.

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Do you support such legislation? Yes

Additional Comments:

Would you support a resolution or ordinance to have the government entity to which you seek election require the described training (as some already do) in advance of a state requirement being adopted? **Yes**

Additional Comments:

5. Improving Preservation and Access to Electronic Records – Most records and communications of public agencies today are in electronic form – email, databases, word processing documents, spreadsheets, and the like – and huge volumes of such data exist. These electronic records are public records like any other record, subject to the retention requirements of RCW 40.14 and to public access under RCW 42.56. Because electronic records are so easily destroyed, agencies should be required to archive email and other electronic records in a manner that prevents any individual employee from intentionally or accidentally destroying them without proper review. In addition, some agencies interpret the Public Records Act as allowing them to print electronic records onto paper before providing them to requestors, even though creating paper records is time consuming and expensive, and often of no practical use to the requestor because of the volume of information. With a minimum of training and with no special software, records can be provided electronically, exempt information redacted electronically, and provided to the requester quickly and at minimal cost.

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Do you support such legislation? Yes

Additional Comments:

Would you support a resolution or ordinance to have the government entity to which you seek election commit to properly archive electronic records and to provide records in electronic form on request? **Yes**

Additional Comments:

6. Oppose Elimination of the Sunshine Committee – Many exemptions to the Public Records Act come into existence as obscure sections of bills that do not reference the Public Records Act itself, and are never reviewed by experts in public records law. Since Washington’s public records law was passed with a 72% vote as part of I-276 in 1972, the number of exemptions was grown from 10 to nearly 400. The Public Records Exemptions Accountability Committee (the “Sunshine Committee”) was created in 2007 to review every exemption, undertake a thorough analysis including opportunities for stakeholder testimony and participation, and make a recommendation to the legislature on whether each exemption should be retained, modified, or eliminated. The Sunshine Committee operates at very low cost, and yet in recent legislative sessions there have been multiple proposals to eliminate the Sunshine Committee and end its important work.

Do you oppose eliminating the Sunshine Committee? No

Additional Comments:

7. Oppose Attacks on Public Records Access – During recent legislative sessions, several bills were introduced that would have made it more difficult or expensive to access public records or that would otherwise discourage citizens from using their right to know what their government is doing. These included bills that would have enabled agencies to charge citizens for simply inspecting records without making copies, substantially increased the cost of copies, enabled agencies to charge for copies made for the agency's convenience that the requester didn't ask for, charged people to access records if processing their requests took more than a certain number of hours per month, enabled agencies to charge high fees for access to certain types of data, required a conference with an agency before filing a PRA enforcement action in court, eliminated penalties for agencies found to have illegally withheld records, required penalties to be paid to the state rather than to the requester, eliminated mandatory recovery of attorney fees and court costs for citizens successfully suing to enforce the PRA, and others. These bills are often introduced at the request of agencies who fail to recognize that public records disclosure is a core part of every agency's mission, and who view accountability and transparency as a burden rather than essential to the exercise of the sovereignty of the people.

Do you oppose attempts to make it more difficult for citizens to access public records, such as those described? Yes

Additional Comments: However, I do believe that there needs to be some means of protecting public agencies from abusive uses of the PRA.

Would you work within the statewide organization that represents the government entity to which you are seeking election (such as the Association of Washington Cities, Washington State Association of Counties, Washington Association of County Officials, Washington State School Directors Association, Washington Public Ports Association, Washington Fire Commissioners Association, etc.) and try to stop that organization from supporting legislation that would make it more difficult for citizens to access public records? **Yes**

Additional Comments: see above comment on those that would abuse the system

Thank You for Your Service!



2011 Candidate Questionnaire

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WCOG members are keenly interested in the views of candidates for public office regarding open government issues. The following questionnaire provides an opportunity for you to share your views on current high-priority open government issues. We sincerely appreciate you taking the time to provide your answers. By submitting your response to the Coalition, you give your consent for the Coalition to publish the information contained in your response on the Coalition's web site at www.washingtoncog.org. We invite you to join the Coalition as well!

The Coalition is a 501(c)(3) non-profit organization and as such does not endorse or contribute to candidates, but will make the responses to this questionnaire available to our members and to the general public, without any "grade" or commentary, so they may be more fully informed when making decisions regarding candidates in the upcoming election. It is our intention to announce **on July 31** to our members and to the statewide and local news media the names of those candidates who have or have not responded to this questionnaire.

Candidate Information

Information Sought	Response
Candidate Name	James M. Cook
Office Sought	Ward 1 Position 1#
District (if applicable)	
Position Number (if applicable)	#1
Incumbent (Yes or No)	Yes
Campaign Mailing Address	James M. Cook @ 1100 Lindstrom St.Aberdeen,WA 98520
Campaign Phone Number	(360) 533-0069
Campaign Email Address	jrcooks@comcast.netN
Campaign Web Site Address	N/A

Questions

In each of the sections below, an issue of current concern to open government advocates is explained, and a legislative change related to the concern is described. You are then asked if you would support such legislation. By "support", we mean that, assuming other details of the legislation are not inconsistent with your principles, you would sponsor, co-sponsor, vote for, request, sign, testify in favor of, or otherwise publicly support the legislation described. We invite you to elaborate on each answer, such as explaining the reasoning behind your position or any special insights you may have on the issue based on your personal background or experience.

1. Attorney-Client Communications Privilege – A 2004 state Supreme Court decision declared that the attorney-client communication privilege in RCW 5.60.060(2)(a) must be considered an exemption from the Public Records Act, in addition to the exemption in RCW 42.56.290 which allows only attorney-client communications associated with an active lawsuit to be withheld from disclosure. Many government agencies now claim they can withhold virtually all communication between them and their attorneys, including routine communication not related to any actual or threatened lawsuit. Many citizens are concerned that this blocks disclosure of a substantial amount of information necessary to hold government officials accountable for their decisions and actions.

Legislation has been proposed that would restore the original intent of the Public Records Act with regard to communications between public sector attorneys and their clients, which is that communication between agencies and their attorneys is exempt from disclosure only in relation to an actual controversy (lawsuit) while the controversy remains pending in the courts. Communication between agencies and their attorneys seeking advice on matters not related to an active or threatened lawsuit would be subject to disclosure.

Do you support such legislation? Yes

Additional Comments: **I feel that all elected officials are in fact public servants and as such work for the people. I believe They have a duty to keep the public informed as much as possible.**

Since the decision to invoke the attorney-client communication privilege is discretionary, would you support a resolution or ordinance to have the government entity to which you seek election commit not to invoke the privilege when there is no actual or threatened lawsuit? **Yes**

Additional Comments:

2. Records of Executive Sessions – The Open Public Meetings Act requires all meetings of the governing bodies of state and local agencies to be open to the public and announced in advance. The law allows the body to meet behind closed doors in "executive session" for certain limited purposes, such as to consult with their attorney on active or pending litigation or to discuss the maximum price they are willing to pay for a parcel of land, so long as the purpose of the closed meeting is announced in advance and the secret discussion is limited to the announced allowed purpose. Some boards would like to record executive sessions, to enable them to resolve any future disputes about what transpired during the meeting, but are concerned that some or all of the recordings would be subject to disclosure under the Public Records Act.

Legislation has been proposed that would exempt executive session recordings, transcripts, and minutes from disclosure under the Public Records Act. Unauthorized disclosure of executive session records would be punishable under laws governing disclosure of confidential information. Agencies would be able to present such records to a court under seal for judicial review to establish that a challenged executive session was proper or for other purposes. If an agency presents a record of an executive session to a court for review and the court determines that part of the executive session was in violation of the Open Public Meetings Act, the

court may order the agency to release to the public the part of the recording, transcript, or minutes of the session that should have been open to the public. Agencies would be able to submit digital recordings of executive sessions for secure confidential storage in the Washington State Digital Archives.

Do you support such legislation? Yes

Additional Comments: Without some sort of oversight in my opinion it would be impossible to be assured that the current rules are being followed.

Would you support a resolution or ordinance to have the government entity to which you seek election voluntarily record its executive sessions (as some already do)? **Yes**

Additional Comments:

3. Create a Low-Cost Non-Judicial Process for Review of PRA and OPMA Disputes – Currently, if a request for public records is denied or access procedures not followed, or if the requirements of the Open Public Meetings Act are disobeyed by an agency, the only recourse is to bring a lawsuit in superior court. This can be a very expensive and time-consuming process for both the citizen and the agency involved. Many citizens abandon attempts to access information because they can't afford an attorney; agencies face huge litigation costs when disputes do make it to court.

A task force convened by the Attorney General and the State Auditor recommended legislation that would create a voluntary administrative review process for Public Records Act and Open Public Meetings Act disputes that would not require the expense of hiring a lawyer and going to court. Citizens (not agencies) could choose to use this process, but would not be required to do so; the ability to go to court directly would be preserved for urgent matters, as well as the ability to appeal to the courts when the outcome of the administrative review process is unfavorable.

Do you support such legislation? Yes

Additional Comments:

Would you support an ordinance or resolution to have the government entity to which you seek election voluntarily participate in such a low-cost dispute resolution program, if one were to be established? **Yes**

Additional Comments:

4. Require Open Government Training for Government Employees and Elected Officials – Many of the reported violations of the Public Records Act and the Open Public Meetings Act have resulted from a lack of knowledge or misunderstanding of the statutes and case law. These problems, and the resulting loss of public trust and financial impact on agency budgets due to penalties, could be avoided by ensuring that all government employees have at least a basic knowledge of records retention and access requirements, and that all officials subjected to the OPMA know its requirements.

Legislation has been proposed that would require every government employee and official, both elected and appointed, to receive basic training regarding the principles of open government and their responsibilities under the Public Records Act, Open Public Meetings Act, and the records preservation law, during initial orientation at the beginning of their government service. Annual in-service training would be required to refresh this training, including updates based on changes in statutes or case law. Public records officers and other employees who have custody of records or respond to records requests would receive more comprehensive training consistent with their responsibilities. This training would not be long or expensive, and could easily be provided as a free online course developed and maintained under the supervision of the Attorney General.

Do you support such legislation? Yes

Additional Comments: Knowing and understanding the rules is of the utmost importance

Would you support a resolution or ordinance to have the government entity to which you seek election require the described training (as some already do) in advance of a state requirement being adopted? **Yes**

Additional Comments:

5. Improving Preservation and Access to Electronic Records – Most records and communications of public agencies today are in electronic form – email, databases, word processing documents, spreadsheets, and the like – and huge volumes of such data exist. These electronic records are public records like any other record, subject to the retention requirements of RCW 40.14 and to public access under RCW 42.56. Because electronic records are so easily destroyed, agencies should be required to archive email and other electronic records in a manner that prevents any individual employee from intentionally or accidentally destroying them without proper review. In addition, some agencies interpret the Public Records Act as allowing them to print electronic records onto paper before providing them to requestors, even though creating paper records is time consuming and expensive, and often of no practical use to the requestor because of the volume of information. With a minimum of training and with no special software, records can be provided electronically, exempt information redacted electronically, and provided to the requester quickly and at minimal cost.

Legislation has been proposed to clarify that electronic records are required to be provided in electronic form if it can be done with commonly-available software and media. Agencies would not be permitted to convert records to paper form simply for convenience of redaction or to enable them to establish a per-page copying charge. Agencies would be required to provide data as email attachments when possible, to avoid the need to charge for media for mailing. Agencies that have the ability to scan paper records into electronic form and send them to requesters electronically would be required to do so upon request, and would be allowed to charge a scanning fee to cover the actual labor cost of scanning.

Do you support such legislation? Yes

Additional Comments: keeping cost down to the public is very important.

Would you support a resolution or ordinance to have the government entity to which you seek election commit to properly archive electronic records and to provide records in electronic form on request? **Yes**

Additional Comments:

6. Oppose Elimination of the Sunshine Committee – Many exemptions to the Public Records Act come into existence as obscure sections of bills that do not reference the Public Records Act itself, and are never reviewed by experts in public records law. Since Washington’s public records law was passed with a 72% vote as part of I-276 in 1972, the number of exemptions was grown from 10 to nearly 400. The Public Records Exemptions Accountability Committee (the “Sunshine Committee”) was created in 2007 to review every exemption, undertake a thorough analysis including opportunities for stakeholder testimony and participation, and make a recommendation to the legislature on whether each exemption should be retained, modified, or eliminated. The Sunshine Committee operates at very low cost, and yet in recent legislative sessions there have been multiple proposals to eliminate the Sunshine Committee and end its important work.

Do you oppose eliminating the Sunshine Committee? Yes

Additional Comments:

7. Oppose Attacks on Public Records Access – During recent legislative sessions, several bills were introduced that would have made it more difficult or expensive to access public records or that would otherwise discourage citizens from using their right to know what their government is doing. These included bills that would have enabled agencies to charge citizens for simply inspecting records without making copies, substantially increased the cost of copies, enabled agencies to charge for copies made for the agency's convenience that the requester didn't ask for, charged people to access records if processing their requests took more than a certain number of hours per month, enabled agencies to charge high fees for access to certain types of data, required a conference with an agency before filing a PRA enforcement action in court, eliminated penalties for agencies found to have illegally withheld records, required penalties to be paid to the state rather than to the requester, eliminated mandatory recovery of attorney fees and court costs for citizens successfully suing to enforce the PRA, and others. These bills are often introduced at the request of agencies who fail to recognize that public records disclosure is a core part of every agency's mission, and who view accountability and transparency as a burden rather than essential to the exercise of the sovereignty of the people.

Do you oppose attempts to make it more difficult for citizens to access public records, such as those described? Yes

Additional Comments:

Would you work within the statewide organization that represents the government entity to which you are seeking election (such as the Association of Washington Cities, Washington State Association of Counties, Washington Association of County Officials, Washington State School Directors Association, Washington Public Ports Association, Washington Fire Commissioners Association, etc.) and try to stop that organization from supporting legislation that would make it more difficult for citizens to access public records? **Yes**

Additional Comments:

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Candidate Information

Information Sought	Response
Candidate Name	J. Bruce Jackson
Office Sought	School Board
District (if applicable)	6
Position Number (if applicable)	1
Incumbent (Yes or No)	No
Campaign Mailing Address	12815 52nd Place W Mukilteo, WA 98275
Campaign Phone Number	(206) 919-5502
Campaign Email Address	jbrucej@gmail.com

Campaign Web Site Address	schoolboard.brucejackson.info
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Legislation has been proposed that would restore the original intent of the Public Records Act with regard to communications between public sector attorneys and their clients, which is that communication between agencies and their attorneys is exempt from disclosure only in relation to an actual controversy (lawsuit) while the controversy remains pending in the courts. Communication between agencies and their attorneys seeking advice on matters not related to an active or threatened lawsuit would be subject to disclosure.

Do you support such legislation? Yes

Additional Comments:

Since the decision to invoke the attorney-client communication privilege is discretionary, would you support a resolution or ordinance to have the government entity to which you seek election commit not to invoke the privilege when there is no actual or threatened lawsuit? **Yes**

Additional Comments:

2. Records of Executive Sessions – The Open Public Meetings Act requires all meetings of the governing bodies of state and local agencies to be open to the public and announced in advance. The law allows the body to meet behind closed doors in "executive session" for certain limited purposes, such as to consult with their attorney on active or pending litigation or to discuss the maximum price they are willing to pay for a parcel of land, so long as the purpose of the closed meeting is announced in advance and the secret discussion is limited to the announced allowed purpose. Some boards would like to record executive sessions, to enable them to resolve any future disputes about what transpired during the meeting, but are concerned that some or all of the recordings would be subject to disclosure under the Public Records Act.

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the court determines that part of the executive session was in violation of the Open Public Meetings Act, the court may order the agency to release to the public the part of the recording, transcript, or minutes of the session that should have been open to the public. Agencies would be able to submit digital recordings of executive sessions for secure confidential storage in the Washington State Digital Archives.

Do you support such legislation? Yes

Additional Comments:

Would you support a resolution or ordinance to have the government entity to which you seek election voluntarily record its executive sessions (as some already do)? **Yes**

Additional Comments: yes, yes, yes, and yes.

3. Create a Low-Cost Non-Judicial Process for Review of PRA and OPMA Disputes – Currently, if a request for public records is denied or access procedures not followed, or if the requirements of the Open Public Meetings Act are disobeyed by an agency, the only recourse is to bring a lawsuit in superior court. This can be a very expensive and time-consuming process for both the citizen and the agency involved. Many citizens abandon attempts to access information because they can't afford an attorney; agencies face huge litigation costs when disputes do make it to court.

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Do you support such legislation? Yes

Additional Comments: yes, I'm having some difficulty in this area right now!!! I would absolutely endorse and support this. Governing should be transparent to the folks who put us/them there.

Would you support an ordinance or resolution to have the government entity to which you seek election voluntarily participate in such a low-cost dispute resolution program, if one were to be established? **Yes**

Additional Comments:

4. Require Open Government Training for Government Employees and Elected Officials – Many of the reported violations of the Public Records Act and the Open Public Meetings Act have resulted from a lack of knowledge or misunderstanding of the statutes and case law. These problems, and the resulting loss of public trust and financial impact on agency budgets due to penalties, could be avoided by ensuring that all government employees have at least a basic knowledge of records retention and access requirements, and that all officials subjected to the OPMA know its requirements.

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and could easily be provided as a free online course developed and maintained under the supervision of the Attorney General.

Do you support such legislation? Yes

Additional Comments: One of my "issues" is that we have uncontested elections. I would support as long as it doesn't raise the bar to community involvement in the process.

Would you support a resolution or ordinance to have the government entity to which you seek election require the described training (as some already do) in advance of a state requirement being adopted? **No**

Additional Comments: see my answer to the previous question. Adding an ordinance seems to be a burden and my discourage involvement. Based on what I read here, no, I would not support

5. Improving Preservation and Access to Electronic Records – Most records and communications of public agencies today are in electronic form – email, databases, word processing documents, spreadsheets, and the like – and huge volumes of such data exist. These electronic records are public records like any other record, subject to the retention requirements of RCW 40.14 and to public access under RCW 42.56. Because electronic records are so easily destroyed, agencies should be required to archive email and other electronic records in a manner that prevents any individual employee from intentionally or accidentally destroying them without proper review. In addition, some agencies interpret the Public Records Act as allowing them to print electronic records onto paper before providing them to requestors, even though creating paper records is time consuming and expensive, and often of no practical use to the requestor because of the volume of information. With a minimum of training and with no special software, records can be provided electronically, exempt information redacted electronically, and provided to the requester quickly and at minimal cost.

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Do you support such legislation? Yes

Additional Comments: I work providing electronic health records as per national guidelines. There is no reason ALL of these data cannot be posted online. So yes, make it all electronically available - indexed - and very easy for the public to find and view.

Would you support a resolution or ordinance to have the government entity to which you seek election commit to properly archive electronic records and to provide records in electronic form on request? **Yes**

Additional Comments:

6. Oppose Elimination of the Sunshine Committee – Many exemptions to the Public Records Act come into existence as obscure sections of bills that do not reference the Public Records Act itself, and are never reviewed by experts in public records law. Since Washington's public records law was passed with a 72% vote as part of I-276 in 1972, the number of exemptions was grown from 10 to nearly 400. The Public Records Exemptions Accountability Committee (the "Sunshine Committee") was created in 2007 to review every exemption, undertake a thorough analysis including opportunities for stakeholder testimony and participation, and make a recommendation to the legislature on whether each exemption should be retained,

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Do you oppose eliminating the Sunshine Committee? Yes

Additional Comments:

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Do you oppose attempts to make it more difficult for citizens to access public records, such as those described? Yes

Additional Comments:

Would you work within the statewide organization that represents the government entity to which you are seeking election (such as the Association of Washington Cities, Washington State Association of Counties, Washington Association of County Officials, Washington State School Directors Association, Washington Public Ports Association, Washington Fire Commissioners Association, etc.) and try to stop that organization from supporting legislation that would make it more difficult for citizens to access public records? **Yes**

Additional Comments: My goodness yes. Check out my Blog at <http://schoolboard.brucejackson.info> and you will see that I'm trying to drive community involvement and have been making some more graphical displays of the work and challenges ahead of us. Thanks

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