

# PUBLIC PARTICIPATION PLAN



**Cowlitz-Wahkiakum**  
Council of Governments

*Cowlitz-Wahkiakum Council of Governments*

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### **Title VI Notice to Public**

The Cowlitz-Wahkiakum Council of Governments (CWCOG) operates in accordance with all applicable federal and state laws, including Title VI of the Civil Rights Act of 1964, without regard to race, color, national origin, religion, sex, sexual orientation, marital status, age or disability. Those persons with limited English Proficiency may request language assistance through oral, visual, and/or written translation at no cost to the individual. For assistance or questions regarding the CWCOG's Title VI or Limited English Proficiency policies or to file a complaint, please contact the Agency's Title VI Coordinator at (360) 577-3041.

### **Notificación de Título VI al Público**

El CWCOG opera de acuerdo con todas las leyes federales y estatales aplicables, incluido el Título VI de la Ley de Derechos Civiles de 1964, sin distinción de raza, color, origen nacional, religión, sexo, orientación sexual, estado civil, edad o discapacidad. Aquellas personas con dominio limitado del inglés pueden solicitar asistencia lingüística a través de traducción oral, visual y / o escrita sin costo para el individuo. Para asistencia o preguntas sobre el Título VI de CWCOG o las políticas de Dominio Limitado del Inglés o para presentar una queja, comuníquese con el Coordinador del Título VI de la Agencia al (360) 577-3041.

**PLACEHOLDER FOR APPROVED RESOLUTION**

**DRAFT**

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## Acronyms

<b>ADA</b>	Americans with Disabilities Act
<b>CEDS</b>	Comprehensive Economic Development Strategy
<b>CFR</b>	Code of Federal Regulations
<b>CPT-HSTP</b>	Coordinated Public Transit – Human Services Transportation Plan
<b>CWCOG</b>	Cowlitz-Wahkiakum Council of Governments
<b>EDA</b>	Economic Development Administration
<b>EDD</b>	Economic Development District
<b>FHWA</b>	Federal Highway Administration
<b>FTA</b>	Federal Transit Administration
<b>GHCOG</b>	Grays Harbor Council of Governments
<b>HSP</b>	Highway Systems Plan
<b>M/RTP</b>	Metropolitan & Regional Transportation Plan
<b>MPO</b>	Metropolitan Planning Organization
<b>ODOT</b>	Oregon Department of Transportation
<b>PPP</b>	Public Participation Plan
<b>M/RTIP</b>	Metropolitan and Regional Transportation Improvement Program
<b>STIP</b>	State Transportation Improvement Program
<b>SWRTPO</b>	Southwest Washington Regional Transportation Planning Organization
<b>CATAC</b>	Cowlitz Area Technical Advisory Committee
<b>UPWP</b>	Unified Planning Work Program
<b>WSDOT</b>	Washington State Department of Transportation
<b>WTP</b>	Washington Transportation Plan

## The Public Participation Plan

The Public Participation Plan (PPP) is the Cowlitz-Wahkiakum Council of Governments' (CWCOG) official policy for involving the public in any federal, state, and local planning processes they may undertake.

The purpose of a PPP is to provide documented methods for public involvement that address opportunities for the public to review and comment at key decision points within the planning process. The CWCOG's PPP has been formatted to meet requirements in both federal and state law for public participation within the agency's major programs (see Appendixes A through C), and to also set general standards for special projects undertaken by the CWCOG.

The PPP outlines the adoption and amendment processes for plans, projects, and tasks; comment periods; opportunities for public participation; noticing practices; and strategies for public participation in programs and projects funded with public monies.

The major programs of the CWCOG requiring a published Public Participation Plan fall under either the Metropolitan and Regional Transportation Planning Organization or the Economic Development District.

## Objectives for Public Involvement

It is the policy of the CWCOG to follow the strictest laws applicable for any given policy. In the case of public participation this is the Code of Federal Regulations (CFR 450.210) for the US Department of Transportation. The CFR establishes the following objectives for the public involvement process. The PPP is the local document that establishes a set of consistent and minimum procedures to meet these requirements.

- ❖ Maintain a **proactive public involvement** process. CFR450.210(a)
- ❖ Establish **early and continuing** public involvement opportunities in developing plans.
- ❖ Provide **timely information** about issues and processes to those affected by developing plans, programs, and projects. CFR450.210(a)(1)i
- ❖ Provide **reasonable public access to technical and policy information** used in the development of plans. CFR450.210(a)(1)ii
- ❖ Provide **adequate public notice** of public involvement activities **to all interested parties**, and time for public review **with reasonable opportunities for comment** at key decision points. CFR450.210(a)(1)iii, CFR450.210(a)(2)
- ❖ To the extent practical, ensure **reasonable public access to open public meetings**. CFR450.210(a)(1)iv

- ❖ To the extent practical, **use visualization techniques**, including maps, graphics, and computer modeling technologies to describe the proposed plan. CFR450.210(a)(1)v
- ❖ To the extent practical, make project **information available electronically** through various formats and means such as the internet and agency webpage. CFR450.210(a)(1)vi
- ❖ **Consider and respond** to public input received during the planning process. CFR450.210(a)(1)vii
- ❖ **Seek out and consider** the needs of those traditionally underserved by existing systems, including but not limited to low-income and minority households. CFR450.210(a)(1)viii
- ❖ Provide periodic reviews to **evaluate and improve** public participation strategies. CFR450.210(a)(1)ix

In addition to addressing federal mandates, the CWCOG will seek to:

- ❖ Educate and inform the public about planning, projects, and issues within their communities and the region.
- ❖ Encourage participation by the Spanish-speaking community by offering Spanish notifications of upcoming projects and plans.
- ❖ Facilitate electronic distribution of project information such as meeting information, minutes, and agendas.
- ❖ Continue to update its policies in order to conform to new regulations, utilize changing technology and trends, and maintain effective public participation practices.

The CWCOG complies with all applicable laws including, but not limited to:

- ❖ WA Open Public Meetings Act, RCW 42.30
- ❖ WA Growth Management Act, RCW 36.70A
- ❖ WA Public Records Act, RCW 42.56
- ❖ WA State Environmental Policy Act, RCW 43.21c
- ❖ US Americans with Disabilities Act of 1990, PL 110-325
- ❖ US Fixing America’s Surface Transportation Act, PL 114-94
- ❖ US Title VI of Civil Rights Act of 1964, PL 88-352
- ❖ US Federal Aid Highway Act of 1973, PL 93-87, 23 USC 324
- ❖ US Rehabilitation Act of 1973, PL 930112, Section 504
- ❖ US Age Discrimination Act of 1975, PL 94-135
- ❖ US Civil Rights Restoration Act of 1987, PL 100-259
- ❖ US Executive Order 13166- Improving Access to Services for Persons with Limited English Proficiency

## Opportunities for Public Involvement

Public involvement is an important part of the planning process. When the CWCOG has input from a wide range of stakeholders and other residents, decisions are made that best serve the needs of the community.

A variety of strategies have been identified to encourage and facilitate public involvement in the planning process. Below is a list of outreach techniques that the CWCOG employs to actively solicit public input in the planning process.

- ❖ **Public Notices & Schedules** are posted to the CWCOG website at the beginning of each year ([www.cwcog.org](http://www.cwcog.org)). Meeting details such as date, time, and location are emailed to stakeholders, and public meetings are advertised through media outlets (Appendix D) approximately seven days prior to any public meeting. All notifications are made using a standard format.
  - ❖ **CWCOG Website** contains information about the CWCOG and its programs, activities, planning studies, final reports, and upcoming meetings or events. As projects and reports are completed, they are made available online along with other resource information that may add value to the public. Drafts of all major plans are available for review and public comment via the CWCOG website in alignment with the timelines set by this policy.
  - ❖ **Newsletters** are available in print and electronic formats, providing the public and local government partners updates on studies, projects, programs, and plans. They can be found on the website, or members of the public may request to be part of the distribution list.
  - ❖ **Distribution lists** are used occasionally to update interested parties and media contacts via email with new information or public input opportunities. Interested parties may request to join these lists and receive meeting and project information by contacting the CWCOG office at [cwcog@cwcog.org](mailto:cwcog@cwcog.org).
  - ❖ **Workshops, Forums, and Open Houses** may be held on topics associated with a specific plan or project. Such events will be designed to educate and/or engage participants on specific topics. The target is to publicize these events 30 days in advance whenever possible through the website, distribution lists, and media outlets listed in Appendix D.
  - ❖ **Surveys** may be used to update plans, for issue(s) identification, and other data gathering activities. They are disseminated to target populations identified through the project or planning process. Surveys may be administrated through a variety of methods including: 1) An online service such as SurveyMonkey.com; 2) Flyers sent out through stakeholder mailings; 3) public events; 4) Door-to-door questionnaires; or 5) Member agency or partner distribution lists.
- The survey process and results are then incorporated into their respective planning document(s).



- ❖ **Interviews** are used as a way to gather in-depth information that can't be captured through the broader methods. These could range from one-on-ones to small groups with key advocates, private companies, or stakeholders. Freight Stakeholders is an example where this method of input has been previously used.
- ❖ **Social Media** is used occasionally to distribute information and updates and solicit information through official channels like surveys.
- ❖ **Specialty Stakeholder Groups** are used as a method to gain guidance and public input relevant to a project. An example of some of the meeting groups are the CEDS Committee, Public Transportation Stakeholders, and Regional Transportation Partners. In addition, these groups are often used to distribute information to their networks.

## CWCOG Organization

The CWCOG is a voluntary association of local governments in Washington State's Cowlitz and Wahkiakum counties and Oregon State's City of Rainier. The Council was formed in 1961 as a regional planning commission under RCW 36.70.060-130, and re-organized in 1974 under RCW 36.64.080-110 for the purpose of studying regional and governmental issues of mutual interest and concern. Within this arena, CWCOG administers several projects and programs that aid the region in addressing these issues.

## Major Plans & Policies

The CWCOG maintains several general plans and policies that apply to the whole agency, as well as the agency's major programs and federal funding.

### ❖ **Public Participation Plan**

The PPP is considered both a policy and plan of the CWCOG. As such, it is reviewed and approved by the CWCOG Executive Committee to be submitted for adoption by the CWCOG Board of Directors. The public review period will be advertised prior to submission to the CWCOG Board of Directors in alignment with the objectives and guidelines set by this policy.

To ensure effectiveness and compliance with federal and state regulations, the PPP is evaluated biennially. Amendments to the plan are made as necessary to ensure the strategies for public involvement remain effective and to capture legislative requirements.

Additionally, all public participation activities conducted will be reported as required by law and included in plans, documents, or reports as appropriate. Information includes the status of strategies recommended in the PPP and any project-specific PPPs that have been developed. The evaluation and any subsequent reporting process will help to assess progress toward meeting the objectives of the plan and engaging the public in the decision-making process.

### ❖ **Title VI Plan**

The Title VI Plan is considered both a policy and plan of the CWCOG. As such it is reviewed and approved by the CWCOG Executive Committee to be submitted for adoption by the CWCOG Board of

Directors. The CWCOG operates in accordance with all applicable federal and state laws, including Title VI of the Civil Rights Act of 1964, without regard to race, color, national origin, religion, sex, sexual orientation, marital status, age or disability. Those persons with limited English Proficiency may request language assistance through oral, visual, and/or written translation at no cost to the individual.

For assistance or questions regarding the CWCOG's Title VI or Limited English Proficiency policies or to file a complaint, please contact the Agency's Title VI Coordinator at (360) 577-3041.

Included in all major plans and projects is a translation of the CWCOG's Title VI policy statement in Spanish.

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Aquellas personas con dominio limitado del inglés pueden solicitar asistencia lingüística a través de traducción oral, visual y / o escrita sin costo para el individuo.

Para asistencia o preguntas sobre el Título VI de CWCOG o las políticas de Dominio Limitado del Inglés o para presentar una queja, comuníquese con el Coordinador del Título VI de la Agencia al (360) 577-3041.

#### ❖ **Open Public Meetings Policy**

The CWCOG adheres to the Open Public Meetings Act (RCW 42.30) for those meetings or events identified as public forums. This includes, but is not limited to, reasonable access to the meeting facility and, if requested, interpretive services.

Additionally, according to guidelines members of government bodies are required to complete training and education on the Open Public Meetings Act. The CWCOG incorporates this training as part of its onboarding process for new employees and requires a refresher course every 4 years.

#### ❖ **Special Plans & Reports**

Special project plans and general reports requiring review by the public shall be publicized prior to adoption or submission to the appropriate governing board(s) in alignment with the objectives and guidelines set by this policy. Due to the special nature of these types of plans and reports, the public review process and information publicized for such varies based on any specific goals or requirements. In such cases the CWCOG shall include the hierarchy of authority, approval process, and other such details to meet the general objectives and guidelines set by this policy.

#### **Public Comment & Review Timelines**

The CWCOG will provide official windows of time during which the public can review and comment on plans and projects which are under consideration for adoption by the CWCOG Board of Directors. Drafts of all major programs, studies, and tasks will be made

available for public review and comment as described by law or rule, or CWCOG policy.

The length of these public comment periods and the specific procedures followed will vary based on the type of document or subject under consideration. For the major programs administered by the CWCOG, those periods and procedures are specifically addressed within the program sections of this policy.

All comments can be sent by mail to:

**Cowlitz-Wahkiakum Council of Governments**

**P.O Box 128**

**Kelso, WA 98626**

OR electronically to [cwcog@cwcog.org](mailto:cwcog@cwcog.org).

All comments received will be documented and handled according to the appropriate program or project-specific policy.

- ❖ 15 days for general reports not listed
- ❖ 45 days for the PPP
- ❖ 30 days for the Title VI Plan

## CWCOG Transportation

The CWCOG was designated in 1981 by the Governors of Washington and Oregon as a Metropolitan Planning Organization (MPO), and as such is federally mandated and authorized to fulfill the federal planning requirements for the bi-state Metropolitan Planning Area covering Cowlitz County and Rainier, Oregon. The governing MPO Policy Board is advised by the Cowlitz Area Technical Advisory Committee (CATAC).

In its role as the MPO, the CWCOG also fulfills the role of lead agency for the five-county Southwest Washington Regional Transportation Planning Organization (SWRTPO). The SWRTPO, through voluntary and contractual partnerships, fulfills state planning requirements in a five-county region that includes Cowlitz, Grays Harbor, Lewis, Pacific, and Wahkiakum Counties. The governing RTPO Board is advised by multiple groups including the Cowlitz Area Technical Advisory Committee or one of four Transportation Policy Forums. There is a Transportation Policy Forum for each of the four non-MPO counties.

These groups are used to provide and develop initial thoughts and ideas for consideration in plan and projects. As well as help push information out to their stakeholders and the public.

### Major Plans of the Transportation Program

The MPO and SWRTPO are responsible for the following transportation planning programs and studies.

#### ❖ **Metropolitan and Regional Transportation Plan (M/RTP)**

The M/RTP provides a 20-year look into the future for the Metropolitan Planning Area (MPA) and the five counties of the SWRTPO. It envisions long-term transportation needs for the region, serving as the basis for decisions and guiding transportation investments.

#### ❖ **Metropolitan and Regional Transportation Improvement Program (M/RTIP)**

The RTIP provides a four-year program of projects that includes all regionally significant and federally funded transportation projects and programs within the MPA and the SWRTPO regions with secured funding. Regionally significant and federally funded transportation projects and programs are compiled from the local city and county Transportation Improvement Programs (TIPs) to develop the M/RTIP. Amendments to the M/RTIP are processed once a month between January and October. An amendment to a project may be processed either administratively by staff or require board approval. The M/RTIP document provides thresholds for the type of review process. Once an M/RTIP Amendment is approved, projects included in the amendment are forwarded to WSDOT or ODOT for inclusion in the State Transportation Improvement Program (STIP).

#### ❖ **Unified Planning Work Program (UPWP)**

The UPWP is developed annually to identify what work tasks the MPO and SWRTPO will be engaged in during each state fiscal year. A draft is presented to the MPO/CWCOG Board of Directors for final approval after the 15-day comment period.

The SWRTPO Board is notified when the UPWP is available for public comment. Amendments are reviewed and approved by the MPO/CWCOG Board of Directors, and are required when there is a change, an addition, or a budget revision resulting from changes to the work program. Amendments involving federal funds may need to be reviewed and approved by the Federal Highway Administration (FHWA) and/or the Federal Transit Administration (FTA).

❖ **Coordinated Public Transit- Human Services Transportation Plan (CPT-HSTP)**

The CPT-HSTP provides a framework for prioritizing public transportation projects. The plan directly influences WSDOT's competitive Consolidated Grant application process for both state and federal public transportation grants. The findings in the report are based on demographic analysis of the study area, discussions with key stakeholders, and input received from the public during accessible transportation user input meetings.

❖ **Special Studies and Projects**

As needed, the CWCOG will conduct or sponsor planning studies to address a variety of transportation issues or concerns. The need and scope for public involvement will be determined for each project, study, and UPWP task prior to initiation. For studies, projects, and certain tasks conducted under the metropolitan transportation planning program, public participation opportunities may include:

- ◆ **Legal Notices or Media releases** will be issued on the project as needed to keep the public informed of study activities and opportunities for involvement and comment.
- ◆ A transportation-related **interested parties list** will be maintained to identify persons and organizations interested in being informed of general topics or specific project activities.
- ◆ Study and project **progress reports and presentations** will be given at appropriate meetings.
- ◆ Methods for **public comments** on final draft documents will be provided and will be tailored to meet the needs and objectives for specific studies. These can take the form of online surveys or access through [www.cwco.org](http://www.cwco.org).
- ◆ **Visual presentations** will be prepared for key study deliverables and presentations will be posted on the CWCOG's web site.

## Public Comment & Review Timelines

At a minimum, the CWCOG makes plans available for review by the public through its website. Public notice is sent to media outlets noted in Appendix D within Cowlitz, Wahkiakum, Lewis, Grays Harbor, and Pacific Counties in advance of the review period.

- ❖ 15 days for the M/RTIP
- ❖ 15 days for the M/RTP
- ❖ 15 days for the UPWP
- ❖ 15 days for the CPT-HSTP

Figure 1 MPO Boundary

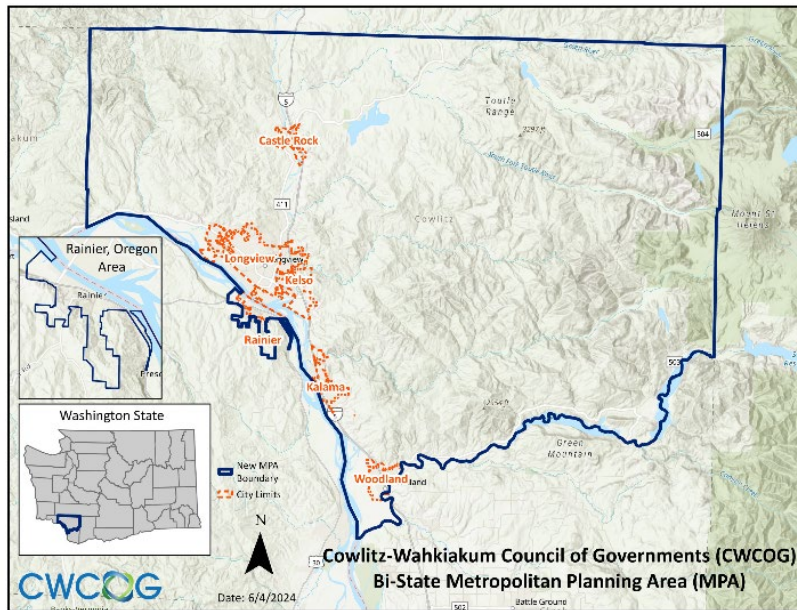
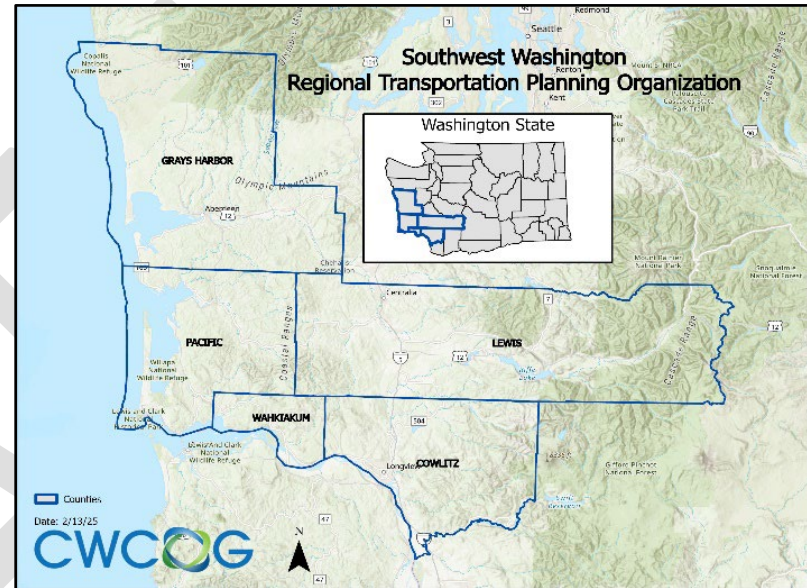


Figure 2 SWRTPO Boundary



## **CWCOG Metropolitan and Regional Transportation Planning Organizations Member Jurisdictions and Agencies**

### **State Departments of Transportation**

Washington State Department of Transportation  
Olympic, South Central, and Southwest Regions  
Oregon Department of Transportation Region 2

### **US Department of Transportation**

Federal Highway Administration (FHWA)  
Federal Transit Administration (FTA)

### **Counties**

Cowlitz County, Grays Harbor County, Lewis County, Pacific County,  
Wahkiakum County

### **Cities and Towns**

Aberdeen, Castle Rock, Cathlamet, Centralia, Chehalis, Cosmopolis,  
Elma, Hoquiam, Ilwaco, Kalama, Kelso, Long Beach, Longview,  
McCleary, Montesano, Morton, Mossyrock, Napavine, Oakville,  
Ocean Shores, Pe Ell, Rainier OR, Raymond, South Bend, Toledo,  
Vader, Westport, Winlock, Woodland

### **Port of Districts**

Port of Centralia, Port of Chehalis, Port of Chinook, Port of Grays  
Harbor, Port of Ilwaco, Port of Kalama, Port of Longview, Port of  
Peninsula, Port of Willapa Harbor, Port of Woodland, Wahkiakum  
Port District 1, Wahkiakum Port District 2

### **Transit Authorities**

Cowlitz Transit Authority, Grays Harbor Transit Authority, Lewis  
County Transit Authority, Pacific Transit System

### **Tribal Governments**

Chinook Nation  
Confederated Tribes of the Chehalis Reservation  
Cowlitz Indian Tribe  
Quinault Indian Nation  
Shoalwater Bay Tribe

## **CWCOG Economic Development**

As the Economic Development District (EDD) the CWCOG facilitates and administers the Economic Development Administration's (EDA) Planning Grants program that supports the development of the Comprehensive Economic Development Strategy (CEDS), and economic development efforts within the region.

The Economic Development District (EDD) covers the two-county region of Cowlitz and Wahkiakum. It is composed of public and private stakeholders within those regions with an interest in economic development issues and provides guidance to the CWCOG in administering the program.

The CEDS Committee has been appointed by the CWCOG and is responsible for assisting in the development, revision, and/or update of the CEDS Document and supporting the implementation of the CEDS. The Committee represents the main economic interests of the region and includes private sector representatives, public officials, community leaders, representatives of workforce development boards, representatives of institutions of higher education, minority and labor groups, and private individuals.

### **Major Plans of the Economic Development Program**

The EDD and CWCOG are responsible for the following economic development planning programs and studies.

### **Comprehensive Economic Development Strategy (CEDS)**

The CEDS unites the public and private sectors in the creation of an economic roadmap that analyzes the regional economy and serves as a guide for the establishment of regional goals and objectives. It develops and implements a regional action plan and identifies investment priorities and sources, thus providing benchmarks by which a regional economy can evaluate its opportunities with other regions in the national economy.

As the public and private sector partnerships are critical to the implementation of the CEDS, EDA requires that the plan outline the strategy for maintaining the relationship between the community in general and the private sector in the development and implementation of the CEDS.

### **Public Comment & Review Process**

At a minimum, the CWCOG makes the CEDS available for review by the public through its website. Public notice is sent to media outlets noted in Appendix D within Cowlitz, and Wahkiakum Counties in advance of the review period.

- ❖ 30 days for the CEDS



## Jurisdictions Agencies Represented in the EDD

### Regional Planning Agencies

Cowlitz-Wahkiakum Council of Governments (CWCOG)

### Counties

Cowlitz County  
Wahkiakum County

### Cities / Towns

Castle Rock	Kelso
Cathlamet	Longview
Woodland	
Kalama	

### Port Districts

Port of Longview	Port of Woodland
Port of Kalama	Wahkiakum County Port Dist. #1
Wahkiakum County Port Dist. #2	

### Chambers of Commerce

Castle Rock	Wahkiakum
Kalama	Woodland
Kelso-Longview	

### Tribal Governments

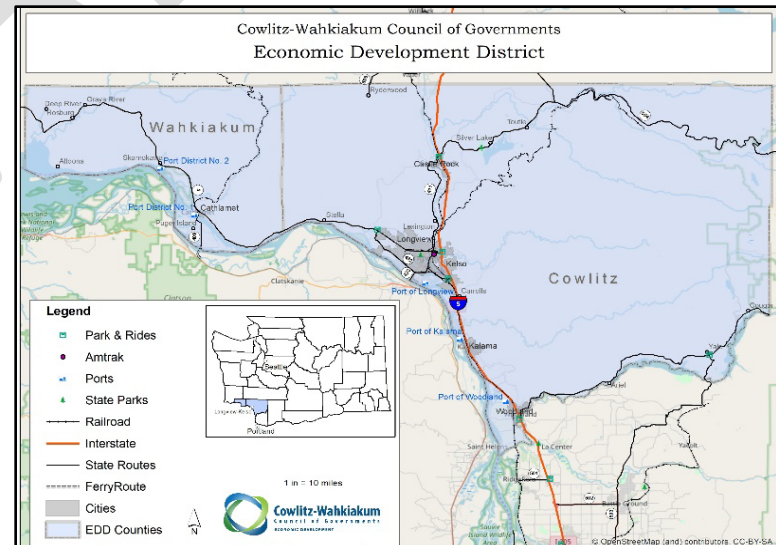
Cowlitz Tribe

### Colleges

Lower Columbia College  
Washington State University Extension – Cowlitz  
Washington State University Extension- Wahkiakum

### Business Affiliations

Cowlitz Economic Development Council  
Lower Columbia Community Action Council  
Small Business Development Center – Cowlitz  
Workforce Southwest Washington



## Appendices – Overview

The Appendix A – C are included to provide background on the requirements of programs operated by/through the CWCOG

## Appendix A

### U.S. Code of Federal Regulations (CFR) 450.210

For full text, see the Electronic Code of Federal Regulations here:

<https://www.ecfr.gov/current/title-23/chapter-I/subchapter-E/part-450/subpart-B#450.210>

#### **Subpart B—Statewide Transportation Planning and Programming** **§ 450.210 interested parties, public involvement, and consultation.**

(a) In carrying out the statewide transportation planning process, including development of the long-range statewide transportation plan and the STIP, the State shall develop and use a documented public involvement process that provides opportunities for public review and comment at key decision points.

1) The State's public involvement process at a minimum shall:

- (i) Establish early and continuous public involvement opportunities that provide timely information about transportation issues and decision making processes to individuals, affected public agencies, representatives of public transportation employees, public ports, freight shippers, private providers of transportation (including intercity bus operators), representatives of users of public transportation, representatives of users of pedestrian walkways and bicycle transportation facilities, representatives of the disabled, providers of freight transportation services, and other interested parties;
- (ii) Provide reasonable public access to technical and policy information used in the development of the long-range statewide transportation plan and the STIP;
- (iii) Provide adequate public notice of public involvement activities and time for public review and comment at key decision points, including a reasonable opportunity to comment on the proposed long-range statewide transportation plan and STIP;
- (iv) To the maximum extent practicable, ensure that public meetings are held at convenient and accessible locations and times;
- (v) To the maximum extent practicable, use visualization techniques to describe the proposed long-range statewide transportation plan and supporting studies;
- (vi) To the maximum extent practicable, make public information available electronically accessible format and means, such as the World Wide Web, as appropriate to afford

reasonable opportunity for consideration of public information;

- (vii) Demonstrate explicit consideration and response to public input during the development of the long-range statewide transportation plan and STIP;
- (viii) Include a process for seeking out and considering the needs of those traditionally underserved by existing transportation systems, such as low-income and minority households, who may face challenges accessing employment and other services; and
- (ix) Provide for the periodic review of the effectiveness of the public involvement process to ensure that the process provides full and open access to all interested parties and revise the process, as appropriate.

(2) The State shall provide for public comment on existing and proposed processes for public involvement in the development of the long-range statewide transportation plan and the STIP. At a minimum, the State shall allow 45 calendar days for public review and written comment before the procedures and any major revisions to existing procedures are adopted. The State shall provide copies of the approved public involvement process document(s) to the FHWA and the FTA for informational purposes.

(3) With respect to the setting of targets, nothing in this part precludes a State from considering comments made as part of the State's public involvement process.

(b) The State shall provide for nonmetropolitan local official participation in the development of the long-range statewide transportation plan and the STIP. The State shall have a documented process(es) for cooperating with nonmetropolitan local officials representing units of general purpose local government and/or local officials with responsibility for transportation that is separate and discrete from the public involvement process and provides an opportunity for their participation in the development of the long-range statewide transportation plan and the STIP. Although the FHWA and the FTA shall not review or approve this cooperative process(es), the State shall provide copies of the process document(s) to the FHWA and the FTA for informational purposes.

(1) At least once every 5 years, the State shall review and solicit comments from nonmetropolitan local officials and other interested parties for a period of not less than 60 calendar days regarding the effectiveness of the cooperative process and any proposed changes. The State shall direct a specific request for comments to the State association of counties, State municipal league, regional planning agencies, or directly to nonmetropolitan local officials.

(2) The State, at its discretion, is responsible for determining whether to adopt any proposed changes. If a proposed change is not adopted, the State shall make publicly available its reasons for not accepting the proposed change, including notification to nonmetropolitan local officials or their associations.

(c) For each area of the State under the jurisdiction of an Indian Tribal government, the State shall develop the long-range statewide transportation plan and STIP in consultation with the Tribal government and the Secretary of the Interior. States shall, to the extent practicable, develop a documented process(es) that outlines roles, responsibilities, and key decision points for consulting with Indian Tribal governments and Department of the Interior in the development of the long-range statewide transportation plan and the STIP.

(d) To carry out the transportation planning process required by this section, a Governor may establish and designate RTPOs to enhance the planning, coordination, and implementation of the long-range statewide transportation plan and STIP, with an emphasis on addressing the needs of nonmetropolitan areas of the State. In order to be treated as an RTPO for purposes of this Part, any existing regional planning organization must be established and designated as an RTPO under this section.

(1) Where established, an RTPO shall be a multijurisdictional organization of nonmetropolitan local officials or their designees who volunteer for such organization and representatives of local transportation systems who volunteer for such organization.

(2) An RTPO shall establish, at a minimum: Interested parties, public involvement, and consultation.

(i) A policy committee, the majority of which shall consist of nonmetropolitan local officials, or their designees, and, as appropriate, additional representatives from the State, private business, transportation service providers, economic development practitioners, and the public in the region; and

(ii) A fiscal and administrative agent, such as an existing regional planning and development organization, to provide professional planning, management, and administrative support.

(3) The duties of an RTPO shall include:

(i) Developing and maintaining, in cooperation with the State, regional long-range multimodal transportation plans;

(ii) Developing a regional TIP for consideration by the State;

(iii) Fostering the coordination of local planning, land use, and economic development plans with State, regional, and local transportation plans and programs;

(iv) Providing technical assistance to local officials;

(v) Participating in national, multistate, and State policy and planning development processes to ensure the regional and local input of nonmetropolitan areas;

(vi) Providing a forum for public participation in the statewide and regional transportation planning processes;

(vii) Considering and sharing plans and programs with neighboring RTPOs, MPOs, and, where appropriate, Indian Tribal Governments; and

(viii) Conducting other duties, as necessary, to support and enhance the statewide planning process under § 450.206.

(4) If a State chooses not to establish or designate an RTPO, the State shall consult with affected nonmetropolitan local officials to determine projects that may be of regional significance.

***Metropolitan Transportation Planning and Programming, Sub-Part C  
§ 450.316 Interested parties, participation, and consultation.***

(a) The MPO shall develop and use a documented participation plan that defines a process for providing citizens, affected public agencies, representatives of public transportation employees, freight shippers, providers of freight transportation services, private providers of transportation (including intercity bus operators, employer-based commuting programs, such

as carpool program, van pool program, transit benefit program, parking cash-out program, shuttle program, or telework program), representatives of users of public transportation, representatives of users of pedestrian walkways and bicycle transportation facilities, representatives of the disabled, and other interested parties with reasonable opportunities to be involved in the metropolitan transportation planning process.

(1) The MPO shall develop the participation plan in consultation with all interested parties and shall, at a minimum, describe explicit procedures, strategies, and desired outcomes for:

(i) Providing adequate public notice of public participation activities and time for public review and comment on key decision points, including a reasonable opportunity to comment on the proposed metropolitan transportation plan and the TIP.

(ii) Providing timely notice and reasonable access to information about transportation issues and processes;

(iii) Employing visualization techniques to describe metropolitan transportation plans and TIPs;

(iv) Making public information (technical information and meeting notices) available in electronically accessible formats and means, such as the World Wide Web;

(v) Holding any public meetings at convenient and accessible locations and times;

(vi) Demonstrating explicit consideration and response to public input received during the development of the metropolitan transportation plan and the TIP;

(vii) Seeking out and considering the needs of those traditionally underserved by existing transportation systems, such as low-income and minority households, who may face challenges accessing employment and other services;

(viii) Providing an additional opportunity for public comment, if the final metropolitan transportation plan or TIP differs significantly from the version that was made available for public comment by the MPO and raises new material issues that interested parties could not reasonably have foreseen from the public involvement efforts;

(ix) Coordinating with the statewide transportation planning public involvement and consultation processes under subpart B of this part; and

(x) Periodically reviewing the effectiveness of the procedures and strategies contained in the participation plan to ensure a full and open participation process.

(2) When significant written and oral comments are received on the draft metropolitan transportation plan and TIP (including the financial plans) as a result of the participation process in this section or the interagency consultation process required under the EPA transportation conformity regulations (40 CFR part 93, subpart A), a summary, analysis, and report on the disposition of comments shall be made as part of the final metropolitan transportation plan and TIP.

(3) A minimum public comment period of 45 calendar days shall be provided before the initial or revised participation plan is adopted by the MPO. Copies of the approved participation plan shall be provided to the FHWA and the FTA for informational purposes and shall be posted on the World Wide Web, to the maximum extent practicable.

(b) In developing metropolitan transportation plans and TIPs, the MPO should consult with agencies and officials responsible for other planning activities within the MPA that are affected by transportation (including State and local planned growth, economic development,

tourism, natural disaster risk reduction, environmental protection, airport operations, or freight movements) or coordinate its planning process (to the maximum extent practicable) with such planning activities. In addition, the MPO shall develop the metropolitan transportation plans and TIPs with due consideration of other related planning activities within the metropolitan area, and the process shall provide for the design and delivery of transportation services within the area that are provided by:

- (1) Recipients of assistance under title 49 U.S.C. Chapter 53;
- (2) Governmental agencies and non-profit organizations (including representatives of the agencies and organizations) that receive Federal assistance from a source other than the U.S. Department of Transportation to provide non-emergency transportation services; and
- (3) Recipients of assistance under 23 U.S.C. 204.

(c) When the MPA includes Indian Tribal lands, the MPO shall appropriately involve the Indian Tribal government(s) in the development of the metropolitan transportation plan and the TIP.

(d) When the MPA includes Federal public lands, the MPO shall appropriately involve the Federal land management agencies in the development of the metropolitan transportation plan and the TIP.

(e) MPOs shall, to the extent practicable, develop a documented process(es) that outlines roles, responsibilities, and key decision points for consulting with other governments and agencies, as defined in paragraphs (b), (c), and (d) of this section, which may be included in the agreement(s) developed under § 450.314.

#### **§ 450.324 Development and content of the metropolitan transportation plan.**

(j) The MPO shall provide individuals, affected public agencies, representatives of public transportation employees, public ports, freight shippers, providers of freight transportation services, private providers of transportation (including intercity bus operators, employer-based commuting programs, such as carpool program, vanpool program, transit benefit program, parking cashout program, shuttle program, or telework program), representatives of users of public transportation, representatives of users of pedestrian walkways and bicycle transportation facilities, representatives of the disabled, and other interested parties with a reasonable opportunity to comment on the transportation plan using the participation plan developed under § 450.316(a).

(k) The MPO shall publish or otherwise make readily available the metropolitan transportation plan for public review, including (to the maximum extent practicable) in electronically accessible formats and means, such as the World Wide Web.

#### **§ 450.326 Development and content of the transportation improvement program (TIP)**

(b) The MPO shall provide all interested parties with a reasonable opportunity to comment on the proposed TIP as required by §450.316(a). In addition, in nonattainment area TMAs, the MPO shall provide at least one formal public meeting during the TIP development process, which should be addressed through the participation plan described in §450.316(a). In addition, the TIP shall be published or otherwise made readily available by the MPO for public review, including (to the maximum extent practicable) in electronically accessible formats and means, such as the World Wide Web, as described in §450.316(a).

## Appendix B

### U.S. Department of Commerce Economic Development Administration

#### 13 CFR Part 303- PLANNING INVESTMENTS AND COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGIES

##### Subpart A—General

###### § 303.1 Overview of EDA's Planning Program.

The purpose of EDA Planning Investments is to provide support to Planning Organizations for the development, implementation, revision, or replacement of Comprehensive Economic Development Strategies, and for related State plans and short-term Planning Investments designed to create and retain new and better jobs, particularly for the unemployed and underemployed in the nation's most economically distressed Regions. EDA's Planning Investments support partnerships with District Organizations, Indian Tribes, community development corporations, non-profit Regional planning organizations, and other Eligible Recipients. Planning activities supported by these Investments must be part of a continuous process involving the active participation of the private sector, public officials, non-profit organizations, educational institutions, and private citizens, and include:

- (a) Analyzing local economies;
- (b) Defining economic development goals;
- (c) Determining Project opportunities; and
- (d) Formulating and implementing an economic development program that includes systematic efforts to reduce unemployment and increase incomes.

###### § 303.2 Definitions.

In addition to the defined terms set forth in § 300.3 of this chapter, the following terms used in this part shall have the following meanings:

*Planning Investment* means the award of EDA Investment Assistance under section 203 of PWEDA and this part.

*Planning Organization* means a Recipient whose purpose is to develop and implement a CEDS for a specific EDA-approved Region under section 203 of PWEDA.

*Strategy Committee* means the committee or other entity identified by the Planning Organization as responsible for the development, implementation, revision or replacement of the CEDS for the Planning Organization.

###### § 303.3 Application requirements and evaluation criteria.

a) For Planning Investment awards, EDA uses the general application evaluation criteria set forth in § 301.8 of this chapter. In addition, applications for Planning Investments must include information about the following:

- (1) The proposed scope of work for the development, implementation, revision or replacement of the CEDS, or the relation of the CEDS to the proposed short-term planning activities or the State plan;

- (2) Qualifications of the Eligible Applicant to implement the goals and objectives resulting from the CEDS, short-term planning activities or the State plan;
- (3) The involvement of the Region's business leadership at each stage of the preparation of the CEDS, short-term planning activities or State plan;
- (4) Extent of broad-based representation and involvement of the Region's civic, business, labor, minority and other interests in the Eligible Applicant's economic development activities; and
- (5) Feasibility of the proposed scope of work to create and retain new and better jobs through implementation of the CEDS.

(b) In addition to the criteria set forth in paragraph (a) of this section, funded Recipients are evaluated on the basis of the extent of continuing economic distress within the Region, their past performance, and the overall effectiveness of their CEDS.

(c) For Planning Investment awards to a State, the Assistant Secretary also shall consider the extent to which the State will integrate and coordinate its CEDS with local and Economic Development District plans.

(d) The Investment Rates for Planning Investments will be determined in accordance with §301.4 of this chapter

###### § 303.7 Requirements for Comprehensive Economic Development Strategies.

(a) General. CEDS are designed to bring together the public and private sectors in the creation of an economic roadmap to diversify and strengthen Regional economies. The CEDS should analyze the Regional economy and serve as a guide for establishing Regional goals and objectives, developing and implementing a Regional plan of action, and identifying investment priorities and funding sources. Public and private sector partnerships are critical to the implementation of the integral elements of a CEDS set forth in paragraph (b) of this section. As a performance-based plan, the CEDS will serve a critical role in a Region's efforts to defend against economic dislocations due to global trade, competition and other events resulting in the loss of jobs and private investment.

(b) Strategy requirements.

(1) A CEDS must be the result of a continuing economic development planning process, developed with broad-based and diverse public and private sector participation. Consistent with section 302 of PWEDA, each CEDS must promote Regional resiliency and be unique and responsive to the relevant Region. Each CEDS must include:

- (i) A summary of economic development conditions of the Region;
- (ii) An in-depth analysis of economic and community development strengths, weaknesses, opportunities, and threats (commonly known as a "SWOT" analysis)
- (iii) Strategies and an implementation plan to build upon the Region's strengths and opportunities and resolve the weaknesses and threats facing the Region, which should not be inconsistent with applicable State and local economic development or workforce development strategies; and

(iv) Performance measures used to evaluate the Planning Organization's successful development and implementation of the CEDS.

(2) EDA will publish and periodically update specific CEDS content guidelines.

(c) Consideration of non-EDA funded CEDS.

(1) In determining the acceptability of a CEDS prepared independently of EDA Investment Assistance or oversight for Projects under parts 305 and 307 of this chapter, EDA may in its discretion determine that the CEDS is acceptable so long as it includes all of the elements listed in paragraph (b) of this section. In certain circumstances, EDA may accept a non-EDA funded CEDS that does not contain all the elements listed in paragraph (b) of this section. In doing so, EDA shall consider the circumstances surrounding the application for Investment Assistance, including emergencies or natural disasters and the fulfillment of the requirements of section 302 of PWEDA.

(2) If the CEDS for a Project under parts 305 and 307 of this chapter is developed under another federally-supported program, it must include acceptable performance measures similar to those set forth in paragraph (b) of this section and information on the state of the Regional economy. To the maximum extent practicable, the CEDS shall be consistent and coordinated with any existing economic development plan for the Region.

## Appendix C

### Revised Code of Washington Chapter 42.30

#### OPEN PUBLIC MEETINGS ACT

##### 42.30.010 Legislative declaration.

The legislature finds and declares that all public commissions, boards, councils, committees, subcommittees, departments, divisions, offices, and all other public agencies of this state and subdivisions thereof exist to aid in the conduct of the people's business. It is the intent of this chapter that their actions be taken openly and that their deliberations be conducted openly. The people of this state do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed and informing the people's public servants of their views so that they may retain control over the instruments they have created. For these reasons, even when not required by law, public agencies are encouraged to incorporate and accept public comment during their decision-making process.

##### 42.30.020 Definitions.

As used in this chapter unless the context indicates otherwise:

(1) "Public agency" means:

- (a) Any state board, commission, committee, department, educational institution, or other state agency which is created by or pursuant to statute, other than courts and the legislature;
- (b) Any county, city, school district, special purpose district, or other municipal corporation or political subdivision of the state of Washington;
- (c) Any sub-agency of a public agency which is created by or pursuant to statute, ordinance, or other legislative act, including but not limited to planning commissions, library or park boards, commissions, and agencies;
- (d) Any policy group whose membership includes representatives of publicly owned utilities formed by or pursuant to the laws of this state when meeting together as or on behalf of participants who have contracted for the output of generating plants being planned or built by an operating agency.

(2) "Governing body" means the multimember board, commission, committee, council, or other policy or rule-making body of a public agency, or any committee thereof when the committee acts on behalf of the governing body, conducts hearings, or takes testimony or public comment.

(3) "Action" means the transaction of the official business of a public agency by a governing body including but not limited to receipt of public testimony, deliberations, discussions, considerations, reviews, evaluations, and final actions. "Final action" means a collective positive or negative decision, or an actual vote by a majority of the members of a governing

body when sitting as a body or entity, upon a motion, proposal, resolution, order, or ordinance.

(4) "Meeting" means meetings at which action is taken.

##### 42.30.075 Schedule of regular meetings—Publication in state register—Notice of change—"Regular" meetings defined.

State agencies which hold regular meetings shall file with the code reviser a schedule of the time and place of such meetings on or before January of each year for publication in the Washington state register. Notice of any change from such meeting schedule shall be published in the state register for distribution at least twenty days prior to the rescheduled meeting date.

For the purposes of this section "regular" meetings shall mean recurring meetings held in accordance with a periodic schedule declared by statute or rule.

##### 42.30.077 Agendas of regular meetings—Online availability.

Public agencies with governing bodies must make the agenda of each regular meeting of the governing body available online no later than twenty-four hours in advance of the published start time of the meeting. An agency subject to provisions of this section is not required to post an agenda if it does not have a web site or if it employs fewer than ten full-time equivalent employees. Nothing in this section prohibits subsequent modifications to agendas nor invalidates any otherwise legal action taken at a meeting where the agenda was not posted in accordance with this section. Nothing in this section modifies notice requirements or shall be construed as establishing that a public body or agency's online posting of an agenda as required by this section is sufficient notice to satisfy public notice requirements established under other laws. Failure to post an agenda in accordance with this section shall not provide a basis for awarding attorney fees under RCW 42.30.120 or commencing an action for mandamus or injunction under RCW 42.30.130.

##### 42.30.080 Special meetings.

(1) A special meeting may be called at any time by the presiding officer of the governing body of a public agency or by a majority of the members of the governing body by delivering written notice personally, by mail, by fax, or by electronic mail to each member of the governing body. Written notice shall be deemed waived in the following circumstances:

- (a) A member submits a written waiver of notice with the clerk or secretary of the governing body at or prior to the time the meeting convenes. A written waiver may be given by telegram, fax, or electronic mail; or
- (b) A member is actually present at the time the meeting convenes.

(2) Notice of a special meeting called under subsection (1) of this section shall be:

- (a) Delivered to each local newspaper of general circulation and local radio or television station that has on file with the governing body a written request to be notified of such special meeting or of all special meetings;
- (b) Posted on the agency's website. An agency is not required to post a special meeting notice on its website if it does not have a website or share a website with another agency. Except in the case of a remote meeting or a meeting at which the physical attendance by some or all members of the public is limited due to a declared emergency as provided for in this chapter, an agency is not required to post a special meeting notice on its website if it employs no full-time equivalent employees, or does not employ

personnel whose duty, as defined by a job description or existing contract, is to maintain or update the website; and

(c) Prominently displayed at the main entrance of the agency's principal location and the meeting site if it is not held at the agency's principal location and is not held as a remote meeting; except that during a declared emergency which prevents a meeting from being held in-person with reasonable safety an agency that hosts a website or shares a website with another agency may instead post notice of a remote meeting without a physical location on the website hosted or shared by the agency. Such notice must be delivered or posted, as applicable, at least 24 hours before the time of such meeting as specified in the notice.

(3) The call and notices required under subsections (1) and (2) of this section shall specify the time and place of the special meeting and the business to be transacted. Final disposition shall not be taken on any other matter at such meetings by the governing body.

(4) The notices provided in this section may be dispensed with in the event a special meeting is called to deal with an emergency involving injury or damage to persons or property or the likelihood of such injury or damage, when time requirements of such notice would make notice impractical and increase the likelihood of such injury or damage, or when the required notice cannot be posted or displayed with reasonable safety, including but not limited to declared emergencies in which travel to physically post notice is barred or advised against.

#### **42.30.090 Adjournments.**

The governing body of a public agency may adjourn any regular, adjourned regular, special, or adjourned special meeting to a time and place specified in the order of adjournment. Less than a quorum may so adjourn from time to time. If all members are absent from any regular or adjourned regular meeting the clerk or secretary of the governing body may declare the meeting adjourned to a stated time and place. He or she shall cause a written notice of the adjournment to be given in the same manner as provided in RCW 42.30.080 for special meetings, unless such notice is waived as provided for special meetings. Except in the case of remote meetings without a physical location as provided for in this chapter, whenever any meeting is adjourned a copy of the order or notice of adjournment shall be conspicuously posted immediately after the time of the adjournment on or near the door of the place where the regular, adjourned regular, special, or adjourned special meeting was held. When a regular or adjourned regular meeting is adjourned as provided in this section, the resulting adjourned regular meeting is a regular meeting for all purposes. When an order of adjournment of any meeting fails to state the hour at which the adjourned meeting is to be held, it shall be held at the hour specified for regular meetings by ordinance, resolution, bylaw, or other rule.

#### **42.30.100 Continuances.**

Any hearing being held, noticed, or ordered to be held by a governing body at any meeting may by order or notice of continuance be continued or recontinued to any subsequent meeting of the governing body in the same manner and to the same extent set forth in RCW [42.30.090](#) for the adjournment of meetings.

#### **42.30.110 Executive sessions.**

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

(a) (i) To consider matters affecting national security;

(ii) To consider, in compliance with any required data security breach disclosure under RCW 19.255.010 and 42.56.590, and with legal counsel available, information regarding the infrastructure and security of computer and telecommunications networks, security and service recovery plans, security risk assessments and security text results to the extent that they identify specific system vulnerabilities, and other information that if made public may increase the risk to the confidentiality, integrity, or availability of agency security or to information technology infrastructure or assets;

(b) To consider the selection of a site or the acquisition of real estate by lease or purchase when public knowledge regarding such consideration would cause a likelihood of increased price;

(c) To consider the minimum price at which real estate will be offered for sale or lease when public knowledge regarding such consideration would cause a likelihood of decreased price. However, final action selling or leasing public property shall be taken in a meeting open to the public;

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

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

(f) To receive and evaluate complaints or charges brought against a public officer or employee. However, upon the request of such officer or employee, a public hearing or a meeting open to the public shall be conducted upon such complaint or charge;

(g) To evaluate the qualifications of an applicant for public employment or to review the performance of a public employee. However, subject to RCW [42.30.140\(4\)](#), discussion by a governing body of salaries, wages, and other conditions of employment to be generally applied within the agency shall occur in a meeting open to the public, and when a governing body elects to take final action hiring, setting the salary of an individual employee or class of employees, or discharging or disciplining an employee, that action shall be taken in a meeting open to the public;

(h) To evaluate the qualifications of a candidate for appointment to elective office.

However, any interview of such candidate and final action appointing a candidate to elective office shall be in a meeting open to the public;

(i) To discuss with legal counsel representing the agency matters relating to agency enforcement actions, or to discuss with legal counsel representing the agency litigation or potential litigation to which the agency, the governing body, or a member acting in an official capacity is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency.

This subsection (1)(i) does not permit a governing body to hold an executive session solely because an attorney representing the agency is present. For purposes of this subsection (1)(i), "potential litigation" means matters protected by RPC 1.6 or RCW [5.60.060\(2\)\(a\)](#) concerning:



- (i) Litigation that has been specifically threatened to which the agency, the governing body, or a member acting in an official capacity is, or is likely to become, a party;
- (ii) Litigation that the agency reasonably believes may be commenced by or against the agency, the governing body, or a member acting in an official capacity; or
- (iii) Litigation or legal risks of a proposed action or current practice that the agency has identified when public discussion of the litigation or legal risks is likely to result in an adverse legal or financial consequence to the agency;

(j) To consider, in the case of the state library commission or its advisory bodies, western library network prices, products, equipment, and services, when such discussion would be likely to adversely affect the network's ability to conduct business in a competitive economic climate. However, final action on these matters shall be taken in a meeting open to the public;

(k) To consider, in the case of the state investment board, financial and commercial information when the information relates to the investment of public trust or retirement funds and when public knowledge regarding the discussion would result in loss to such funds or in private loss to the providers of this information;

(l) To consider proprietary or confidential nonpublished information related to the development, acquisition, or implementation of state purchased health care services as provided in RCW 41.05.026;

(m) To consider in the case of the life sciences discovery fund authority, the substance of grant applications and grant awards when public knowledge regarding the discussion would reasonably be expected to result in private loss to the providers of this information;

(n) To consider in the case of a health sciences and services authority, the substance of grant applications and grant awards when public knowledge regarding the discussion would reasonably be expected to result in private loss to the providers of this information;

(o) To consider information regarding staff privileges or quality improvement committees under RCW 70.41.205;

(p) To consider proprietary or confidential data collected or analyzed pursuant to chapter 70.405 RCW;

(q) To consider greenhouse gas allowance auction bidding information that is prohibited from release or disclosure under RCW 70A.65.100(8).

(2) Before convening in executive session, the presiding officer of a governing body shall publicly announce the purpose for excluding the public from the meeting place, and the time when the executive session will be concluded. The executive session may be extended to a stated later time by announcement of the presiding officer. The announced purpose of excluding the public must be entered into the minutes of the meeting required by RCW 42.30.03

**42.30.120 Violations—Personal liability—Civil penalty—Attorneys' fees and costs.**

(1) Each member of the governing body who attends a meeting of such governing body where action is taken in violation of any provision of this chapter applicable to him or her, with knowledge of the fact that the meeting is in violation thereof, shall be subject to personal

liability in the form of a civil penalty in the amount of five hundred dollars for the first violation.

(2) Each member of the governing body who attends a meeting of a governing body where action is taken in violation of any provision of this chapter applicable to him or her, with knowledge of the fact that the meeting is in violation thereof, and who was previously assessed a penalty under subsection (1) of this section in a final court judgment, shall be subject to personal liability in the form of a civil penalty in the amount of one thousand dollars for any subsequent violation.

(3) The civil penalty shall be assessed by a judge of the superior court and an action to enforce this penalty may be brought by any person. A violation of this chapter does not constitute a crime and assessment of the civil penalty by a judge shall not give rise to any disability or legal disadvantage based on conviction of a criminal offense.

(4) Any person who prevails against a public agency in any action in the courts for a violation of this chapter shall be awarded all costs, including reasonable attorneys' fees, incurred in connection with such legal action. Pursuant to RCW 4.84.185, any public agency which prevails in any action in the courts for a violation of this chapter may be awarded reasonable expenses and attorney fees upon final judgment and written findings by the trial judge that the action was frivolous and advanced without reasonable cause.

**42.30.130 Violations—Mandamus or injunction.**

Any person may commence an action either by mandamus or injunction for the purpose of stopping violations or preventing threatened violations of this chapter by members of a governing body.

**42.30.140 Chapter controlling—Application.**

If any provision of this chapter conflicts with the provisions of any other statute, the provisions of this chapter shall control: PROVIDED, That this chapter shall not apply to:

- (1) The proceedings concerned with the formal issuance of an order granting, suspending, revoking, or denying any license, permit, or certificate to engage in any business, occupation, or profession or to any disciplinary proceedings involving a member of such business, occupation, or profession, or to receive a license for a sports activity or to operate any mechanical device or motor vehicle where a license or registration is necessary; or
- (2) That portion of a meeting of a quasi-judicial body which relates to a quasi-judicial matter between named parties as distinguished from a matter having general effect on the public or on a class or group; or
- (3) Matters governed by chapter 34.05 RCW, the Administrative Procedure Act; or
- (4)(a) Collective bargaining sessions with employee organizations, including contract negotiations, grievance meetings, and discussions relating to the interpretation or application of a labor agreement; or (b) that portion of a meeting during which the governing body is planning or adopting the strategy or position to be taken by the governing body during the course of any collective bargaining, professional negotiations, or grievance or mediation proceedings, or reviewing the proposals made in the negotiations or proceedings while in progress.

**42.30.200 Governing body of recognized student association at college or university—  
Chapter applicability to.**

The multimember student board which is the governing body of the recognized student association at a given campus of a public institution of higher education is hereby declared to be subject to the provisions of the open public meetings act as contained in this chapter, as now or hereafter amended. For the purposes of this section, "recognized student association" shall mean any body at any of the state's colleges and universities which selects officers through a process approved by the student body and which represents the interests of students. Any such body so selected shall be recognized by and registered with the respective boards of trustees and regents of the state's colleges and universities: PROVIDED, That there be no more than one such association representing undergraduate students, no more than one such association representing graduate students, and no more than one such association representing each group of professional students so recognized and registered at any of the state's colleges or universities.

**42.30.205 Training.**

(1) Every member of the governing body of a public agency must complete training on the requirements of this chapter no later than ninety days after the date the member either:

(a) Takes the oath of office, if the member is required to take an oath of office to assume his or her duties as a public official; or

(b) Otherwise assumes his or her duties as a public official.

(2) In addition to the training required under subsection (1) of this section, every member of the governing body of a public agency must complete training at intervals of no more than four years as long as the individual is a member of the governing body or public agency.

(3) Training may be completed remotely with technology including but not limited to internet-based training.

**42.30.210 Assistance by attorney general.**

The attorney general's office may provide information, technical assistance, and training on the provisions of this chapter.

**42.30.900 Short title.**

This chapter may be known and cited as the Washington state open public meetings act or OPMA.

**42.30.910 Construction—1971 ex.s. c 250.**

The purposes of this chapter are hereby declared remedial and shall be liberally construed.

## Appendix D

### Media Outlets Utilized by the CWCOG

Below are potential media resources that the CWCOG may utilize. For print media outreach in the Metropolitan Planning area that includes the City of Rainier Oregon, the CWCOG uses The Daily News.

<u>Cowlitz County</u>	
The Daily News	(360) 577-2500

<u>Lewis County</u>	
East County Journal	(360) 496-5993
The Chronicle	(360) 736-3311
Town Crier (formerly Lewis County News)	(360) 785-3151

<u>Grays Harbor</u>	
The Daily World	(360) 532-4000
The Vidette	(360) 249-3311

<u>Pacific County</u>	
Chinook Observer	(360) 642-8181
The Pacific County Press	(360) 875-6805
Willapa Harbor Herald	(360) 942-3466

<u>Wahkiakum County</u>	
Wahkiakum County Eagle	(360) 975-3391

<u>Visual/Audio Media</u>	
KAST	503-861-6620
KLOG	360-636-0110
KLTV	360-636-3310
KMUN	503-325-001

**Appendix E**

**Public Involvement Methods for each Plan or Program**

Below is an overview of all the potential public participation activities for all major projects under the CWCOC MPO and RTPD duties.

<b>Public Involvement Methods</b>	<b>Medi Releases</b>	<b>Public Notices and Schedules</b>	<b>CWCOG Website</b>	<b>Newsletters</b>	<b>Distribution Lists</b>	<b>Workshops, forums, and/or Open Houses</b>	<b>Legal Notices</b>	<b>Surveys</b>	<b>Call for Public Comments</b>
Public Participation Plan	X	X	X				X	X	45 Days
Title VI Plan	X	X	X				X	X	30 Days
Special Plans, Reports, and Projects	X	X	X	X	X	X	X	X	15 Days
Metropolitan and Regional Transportation Plan (M/RTP)	X	X	X	X	X	X	X	X	15 Days
Metropolitan and Regional Transportation Improvement Program (M/RTIP)	X	X	X		X		X	X	15 Days
Unified Planning Work Program (UPWP)	X	X	X		X		X	X	15 Days
Comprehensive Economic Development Strategy (CEDS)	X	X	X		X	X	X	X	30 Days
Human Services Transportation Plan	X	X	X		X	X	X	X	15 Days

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# **Cowlitz-Wahkiakum**

**C o u n c i l   o f   G o v e r n m e n t s**

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