



Office of Professional Accountability Review Board (OPARB)
Minutes of Thursday, September 25, 2008 Meeting
3:00 pm – 5:00 pm

Patrick Sainsbury, Chair: P
Tina Bueche, Member: P
George Davenport, Member: P
Sharon Dear, Member: P
Steve Freng, Member: P
Martha Norberg, Member: P
David Wilma, Member: P
Michael Pendleton, Consultant
Nancy Roberts, Staff

(Absent = A, Present = P)

Guests: Betsy Graef, Councilmember Tim Burgess' office; Wayne Barnett, Ethics & Elections; George Howland, Legislative Communications Specialist; Mary Perry and Jeff Slayton, Law Department; Jennifer Winkler, City Records Manager

Presenters:

The meeting was convened at approximately 3:05 pm.

Introductions were made all around. **Jennifer Winkler, the City Records Manager**, described what constitutes a record. Anything substantive – decisions, discussions, deliberations, must be kept as long as you are on the Board, and when you leave, must be left behind as City property. This includes paper and electronic records. City email accounts, as well as individual drives on the City's server, will be set up for members to ensure that there is a system of filing and maintaining Board records that is separate from each individual's personal records. It is important that all your Board business be conducted through these accounts to ensure that your personal computer is not subject to disclosure in a public records request.

Non-substantive records should be deleted. Examples are discussions about where/when to hold a meeting or what food to order for a meeting.

The Legislative Department has a Public Records Officer, who handles all requests for information. Requests do not have to be in writing, nor do they have to follow a specific format. If you receive an email, phone call, or verbal request for information, please transmit that information to Sharon Johnson, Sharon.johnson@seattle.gov, to handle.

Your email accounts and electronic file systems will be established in the first couple weeks of October. We will notify you and offer our help in getting you set up and started.

Jeff Slayton and Mary Perry from the Law Department provided information on the Public Records Act and the Open Public Meetings Act. Government agencies must make information available unless the information is exempt from public disclosure. Most records are disclosable, although redactions may be made. A strict liability statute assesses penalties if deadlines are missed. Again, requests may come in many guises – please pass all seeming requests to Sharon Johnson (email address above). There is a broad interpretation about what constitutes a record – documents, notes, audio, voice mail, all are records. All redactions are entered on an exemption log.

The Open Public Meetings Act applies to conference calls and e-mails, as well as in-person meetings. "Reply all" can be seen as a majority, even if the players change – you may have a "rolling majority". Administratively we will take care of meeting notices – our regular meetings dates and times will be

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posted on the web. 24-hour notice must be given for “special” meetings – any different date or time or location from regular meetings. In those cases, a notice will be sent to the media, to include an agenda. Agendas for special meetings must be adhered to strictly. A handout outlining permissible reasons for executive sessions was distributed. There is a personal liability - \$100 penalty – for violating the law. Nancy will provide the chair with scripts for calling executive sessions.

Wayne Barnett, Ethics & Elections Commission Director, said that his office’s main concern with regard to this board is to prevent conflicts of interest. At a minimum, if possible conflicts exist, disclose them in writing, and request recusal on that issue. If the potential conflict is put in writing, the public has an opportunity to evaluate it. Please review the attached: <http://www.seattle.gov/ethics/etpub/advisoryfaq.htm>. Another concern, “use of position” isn’t relevant to Board members.

George Howland, Legislative Communication Specialist, helps the Board with press releases and media relations. He will no longer be with the department after October 6, so work with Nancy Roberts. In the past, the Board has consulted the communication specialist in conjunction with releasing reports. Remember to designate a specific spokesperson for each report or issue. You may want to designate a default spokesperson soon in case unforeseen issues arise.

Pat Sainsbury gave the group a little background on Michael Pendleton’s past history, a little of which is recapped here: past police officer, graduate of University of Oregon, PhD in Organizational Psychology from University of Washington, past professor and Assistant Director at the Society & Justice Program at the UW. He is widely published, specializes in research on police issues, and arts and timber issues!

Michael Pendleton talked about existing policy, procedure and protocols, all of which can be changed to reflect the Board’s new role and work plan. These are important, and need to reflect relevancy, as they are touchstones and provide a basic structure for the Board. We also have a Case Selection and Protocols. Why select cases? The old ordinance required data and information gathering. The previous Board chose this way to review cases, random and otherwise. This Board may choose to ask for cases in order to answer specific questions, rather than on such a broad basis.

Security and confidentiality have been issues. Remember, the Board only looks at closed cases.

The group will need to agree on what its role is, then work to implement that role. Your process needs to support your role. Outstanding issues – this group may want to look at the >180 day cases that the old Board was unable to review, or you may want to look at the Taser cases. The old Board never did release their report on tasers.

Patrick discussed the processing of “forming” in a group. He is anxious to reach out soon to various stakeholder groups such as SPD, ACLU, NAACP, Urban League, etc. There was discussion about asking to go to their established meetings to meet and greet, listen and learn, see what concerns exist in various groups, rather than invite them to OPARB’s meetings. Refer to handout from Michael Pendleton – Forming Strategy. Betsy Graef would like the group to get more public exposure, and likes this idea. The group agreed to offer “get acquainted” meetings to stakeholders but to wait until we are better organized to seek substantive comment from stakeholders. To this end, Martha Norberg agreed to draft an introductory email offering the get-acquainted meetings.

There was a question from a group member about the anti-virus clause in the Citrix agreement that each member signed at the meeting. This is the agreement that allows you full functionality of Groupwise from a remote computer, as well as access to your files on the City’s server. Signing this agreement is evidence that you agree to maintain some type of anti-virus software on the computer



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you will use as your primary communication for Board business. This is an effort to ensure that due diligence is being taken to ensure the safety and security of the City records you are creating. There are free programs available; please see Nancy Roberts, who will put you in touch with our IT Manager to answer further questions.

The group convened at 5:15.

Notes taken by Nancy Roberts

The next meeting date is Wednesday, November 12, 11:30 a.m. – 1:30 p.m.