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

(Adopted November 2025)

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These Rules of Practice and Procedure for the Washington State Boundary Review Board for King County are adopted pursuant to RCW 36.93.200.

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

I. MISSION STATEMENT/PURPOSE:

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

II. ORGANIZATION (Authority RCW 36.93)

A. BOARD MEMBERS (Authority RCW 36.93)

1. DUTIES AND RESPONSIBILITIES

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

- Attend and participate in regular meetings
- Attend and participate in special meetings called by the Chair
- Keep informed concerning the following documents:
  - Boundary Review Board Manual as a source of reference; keeping same up to date with new materials as provided;
  - Boundary Review Board Act (RCW 36.93);
  - Incorporations (RCW 35.02)
  - Annexation of Unincorporated Areas (RCW 35.13)
  - Water or Sewer Districts – Assumption of Jurisdiction (RCW 35.13A)
  - Annexation by Cities (RCW 35A.14)
  - Boundary Review Board Adopted Organization Rules of Practice and Procedure;
  - State Environmental Policy Act (SEPA) and SEPA Guidelines;
  - Appearance of Fairness Doctrine (RCW 42.36);
  - Open Public Meetings Act (RCW 42.30);
  - Growth Management Act (GMA) (RCW 36.70A)
  - Annexation of Territory (RCW 57.24)
  - King County Comprehensive Plan/Countywide Planning Policies
- Attend and participate in professional education/training workshops and conferences. Members are encouraged to attend the Annual Conference held by the Washington State Association of Boundary Review Boards and attend educational programs sponsored by the Boundary Review Board.

2. SELECTION OF BOARD MEMBERS (Authority RCW 36.93)

The Boundary Review Board shall consist of eleven members. Four persons shall be appointed by the King County Executive and confirmed by the King County Council. Four persons shall be

appointed by the mayors of the cities and towns located within King County. Three persons shall be appointed by the Board from nominees of special districts in the County. Terms of office are four years.

Appointees may not be an official or employee of the County or a governmental unit in the County, or a consultant or advisor on a contractual or regular retained basis of the County, any governmental unit in the County, or any agency or association thereof.

3. OFFICERS (Authority RCW 36.93)

The Board shall annually elect from among its members a Chair and a Chair-Elect. Each of these officers shall serve for a period of one year, from January through December, and thereafter until their respective successors shall have been elected.

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

4. COMPENSATION (Authority RCW 36.93)

Compensation is provided for attendance at a Regular Meeting, Special Meeting, Public Hearing or Committee Meeting. Each Member of the Board shall be entitled to compensation at the statutory rate per day or major portion thereof for time actually devoted to the work of the Boundary Review Board. Each Member shall also be entitled to compensation at the statutory rate for other time actually devoted to the work of the Boundary Review Board (e.g., attendance at professional educational/training activities.) Members will be reimbursed for expenses, including, but not limited to, meals, lodging and vehicle mileage. Reimbursements, including those for expenses in excess of amounts General Services Administration (GSA) Federal Per Diem rates, will be at the Executive Secretary's discretion, and advanced permission, except for vehicle mileage to and from Board meetings, should be requested by Members to the Executive Secretary. The Executive Secretary's decision will be based on the reasonableness of the expense as well as the Board's budget. The Executive Secretary may consult with the Board Chair, Board Chair-Elect and/or Chair of the Budget Committee when evaluating said factors. Personal vehicle mileage will be paid at GSA Federal Personal Vehicle Mileage rates. (Authority RCW 36.93.070)

5. COMMITTEES (Authority RCW 36.93)

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

Steering Committee: To assure continuity and predictability in the actions and decisions of the Board, there is hereby created a Steering Committee. The Chair-Elect of the Board shall be the Chair of the Steering Committee. The Steering Committee is a standing Committee on the Board's *Organization and Rules of Practice and Procedure*. Its duties shall also include, but are not limited to, the following:

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

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

- May make fiscal policy recommendations to the Steering Committee for its consideration.
- Through its Chair, assist the Executive Secretary in preparing and presenting the Budget and its background documents (in accordance with the then-applicable King County requirements) to the Executive and Legislative Branches of King County; and
- At least biennially, confer with the Executive Secretary and present to the Board at its regular meeting(s) a proposed Budget in accordance with the then-applicable King County requirements.

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

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

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

- Nomination of candidates to serve as Chair and as Chair-Elect of the Boundary Review Board.
- Recruitment and assessment of candidates for Board positions. Recommendations for candidates to serve on the Board may be provided to appointing authorities (i.e., the King County Executive's Office and Cities in King County). The Cities and the County have final authority over appointments to the Board.
- Recruitment and assessment of candidates for Special Purpose Districts. These candidates shall be interviewed by the Nominating Committee and shall be presented for the approval of the full Board.

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

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

B. BOARD STAFF (Authority RCW 36.93)

1. Executive Secretary

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

The Executive Secretary is accountable to the Board through the Chair, who may seek Personnel Committee and/or full Board review of operations to ensure satisfactory administration of the office.

2. Additional Staff

   Additional staff shall be selected by the Executive Secretary and the Board and shall perform his/her duties as prescribed by the Boundary Review Board Organization Rules of Practice and Procedure, by various statutory mandates, and other duties as assigned, consistent with applicable King County Personnel Guidelines adopted by reference herein. Any such staff members shall be accountable to the Board through the Executive Secretary in order to ensure satisfactory administration of the office. The Executive Secretary shall supervise additional staff, and such positions may be full-time or part-time, at the discretion of the Board.

3. Legal Counsel shall be selected by the Board in accordance with the provisions of RCW 36.93.070 and King County Code and policy. The Board's counsel shall perform his/her statutory duties as prescribed by RCW 36.93 and by the Boundary Review Board Organization Rules of Practice and Procedure.

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

III. OPERATIONS: PRACTICE AND PROCEDURES (**Authority RCW 36.93, RCW 35.02, RCW 35.13, RCW 35.14A, *et seq*.**)

A. OFFICE PROCEDURES (Authority RCW 36.93)

1. The Boundary Review Board offices shall be open to the Board members and to the public Monday through Friday by appointment.

2. The Boundary Review Board shall maintain staff sufficient to respond to official Notices of Intention, as well as public petitions, inquiries, and concerns, and to carry out directives and actions of the Board.

3. The Boundary Review Board staff shall keep informed concerning current Board Organization and Rules of Practice and Procedure and applicable King County policies and regulations; and shall take all actions necessary to assure performance in accordance with all applicable statutes and adopted rules and procedures.

4. All such activities are to be conducted consistent with the King County adopted budget for the Boundary Review Board.

5. All correspondence to the Board shall be received at the Board's office in King County, Washington. The address of the Board's office shall be posted on the Board's website (https://kingcounty.gov/en/independents/governance-and-leadership/government-oversight/boundary-review-board)

6. All correspondence, notices, applications, and other documents relating to a Notice of Intention on file with the Board may be provided to the Board either via a specific e-mail address as follows: BoundaryReviewBoard@kingcounty.gov or in hard copy form. The document must include the name and street address of the author(s.)

   Submittals may include an electronic attachment or attachments or may be provided by

   U.S. mail. All submittals must be provided by close of business on day 45 of the review period for a file to be completed by operation of law.

   For those submissions to be considered in a public hearing, each must be received by noon on the first day of the initial public hearing. Materials may also be submitted at the public hearing in accord with these Rules.

7. All correspondence, notices, applications, and other documents related to the official business of the Board shall be retained on file with the Boundary Review Board for the period of time required by statute and other regulatory requirements.

8. Notice of Intention files and other records shall be stored by the Boundary Review Board for the retention period required by statutes and other regulatory authorities. Thereafter, archival records shall then be transferred to the custody of the King County Archives for permanent retention as part of its collection as required by statutes and other regulatory authorities.

IV. NOTICES OF INTENTION – PROCEDURES: (Authority RCW 36.93, RCW 35.02, RCW 35.13, RCW 35.14A, *et seq*.)

A. SUBMITTAL REQUIREMENTS (Authority RCW 36.93, RCW 35.02, RCW 35.13, RCW 35.14A)

1. Proposed Actions Requiring Notices of Intention

As prescribed by RCW 36.93, *et seq*., the Washington State Boundary Review Board for King County is empowered to consider Notices of Intention (i.e., applications) for:

- The creation, modification, dissolution, incorporation, disincorporation, consolidation, or change in the boundary of any city, town, or special district; and
- The assumption of any city or town of all or part of the assets, facilities, or indebtedness of a special purpose district which lies partially within such city or town; and
- The establishment of or change in the boundaries of a mutual water and sewer system or separate sewer system by a water-sewer district pursuant to RCW 57.24, *et seq*., as now or hereafter amended related to District formation; and
- The extension of permanent water or sewer service outside of its existing corporate boundaries by a city, town, or special purpose district.
- The establishment of or change in the boundaries of a fire service area by a Fire Protection District pursuant to RCW 57.24, *et seq*., as now or hereafter amended related to District formation.
- Any other action wherein a Notice of Intention may be filed with the Board per applicable statute, rule or policy.

The initiators of the action shall file a Notice of Intention for such applications with the Board, in accord with the applicable provisions of state law (e.g., RCW 36.93, RCW 36.70A; RCW 57.24, *et seq*.), regional regulations (King County Comprehensive Plan/Countywide Planning Policies), local regulations (e.g., municipal and/or public service district plans and regulations), and the Boundary Review Board Organization and Rules of Practice and Procedure. In collaboration with the Board's counsel, the Executive Secretary shall create Instructions for submitting Notices of Intention and post the instructions on the Boundary Review Board website. The instructions shall reflect the submittal criteria described in this section.

2. Template

All Notices of Intention shall be submitted following the appropriate format established by RCW 36.93 and the Rules of Organization, Practice, and Procedure. The Notice of Intention Format may be modified at the discretion of the Boundary Review Board and/or the Executive Secretary.

3. Single Annexation Area Only

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

4. Pre-Review of Materials

   At his/her discretion, the Executive Secretary may request that an initiator of a proposed action submit materials to them before the initiator may submit a Notice of Intention and associated fees so that stakeholders may review the materials and identity potential deficiencies. These materials will be described in the Instructions and may include such items as proposed legal descriptions and vicinity maps. If the Executive Secretary requests such a submittal, the initiator should also cooperate with the Executive Secretary to cure any deficiencies identified by the Executive Secretary or the involved stakeholders prior to submitting a Notice of Intention.

5. Due Dates: Filing of Notice of Intention

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

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

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

   In cases where the County legislative authority proposes to create a special purpose district (e.g., fire, water, sewer, flood control, metropolitan parks) pursuant to the Revised Code of Washington, the county legislative authority shall be deemed the initiator. The County legislative authority shall file a Notice of Intention with the Boundary Review Board no less than thirty (30) days prior to the final public hearing on such matter before the County legislative authority.

6. Format

   Documents and information in this section must be included for the Notice of Intention to be deemed legally complete.

   A. Basic Information

      1. A brief description of and reason for seeking the proposed action. Include a statement of the method used to initiate the proposed action (i.e., petition or election method), and the complete RCW designation.
      2. A copy of the action accepting the proposal as officially approved.
      3. A copy of any petitions for annexation and, for municipal annexations, the Certification thereto issued by the King County Assessor's Office.
      4. For special purpose district annexations, a copy of the State Environmental Policy Act (SEPA) Determination and current SEPA checklist with adequate explanations to answers, including Section D, Government Non- project Actions, when applicable, or Environmental Impact Statement (EIS) if prepared.
      5. The legal description of the boundaries of the area involved in the proposed action. This must be legible, certified and stamped by a licensed surveyor or engineer.

B. Maps as determined necessary by the Executive Secretary and described in the Instructions.

C. Evaluation Criteria as determined necessary by the Executive Secretary and described in the Instructions.

7. Fees

All fees shall be paid at the time Notices of Intention are submitted to the Board, pursuant to RCW 36.93.120. Refund of fees may be made as permitted by statute. (Authority: RCW 36.93.120).

B. NOTICE OF INTENTION: REVIEW AND PROCESSING PROCEDURES (Authority RCW 36.93, RCW 35.02, RCW 35.13, RCW 35.14A)

1. Filing Date

Upon determination that the Notice of Intention is legally sufficient, that all necessary fees have been paid, and that all required review processes have been duly completed, the Executive Secretary shall assign an effective filing date at the time the Notice of Intention is deemed legally sufficient.

All Notices of Intention not deemed comprehensive and legally sufficient for effective filing shall be addressed pursuant to RCW 36.93.235. Fees paid are not refundable.

2. Notification to King County Offices:

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

3. Notification to Affected Government Entities

Following determination that a Notice of Intention is legally sufficient, the Executive Secretary shall promptly forward notification thereof, with a map showing the location of the area proposed to be affected thereunder, to each governmental unit affected by the proposed action. Upon request, the Executive Secretary shall provide a full copy of said Notice of Intention, or substance thereof, to any government entity requesting such ~~in~~formation.

4. Notification to the Board

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

5. Board Review of Notice of Intention

The Board shall review all Notices of Intention on the basis of the documentation provided in the application and the legal description included therein, in accordance with statutory authorities and the Organization Rules of Practice and Procedure.

6. Withdrawal

Any Notice of Intention filed with the Board may be withdrawn by the initiator or entity filing the

same at any time prior to invoking of the Board's jurisdiction. Thereafter, Notices of Intention may be withdrawn only with the consent of the Board.

C. INVOKING JURISDICTION (Authority RCW 36.93)

1. Requirements and Fees

Jurisdiction shall be invoked in order to initiate the review process for boundaries of the territory proposed to be annexed, dissolved, or consolidated, or within the boundaries of a special purpose district whose assets and facilities are proposed to be assumed by a town or city. Jurisdiction may be invoked only by a party or parties with legal standing to request review, as contemplated in RCW 36.93.100, including

- the initiator of the Notice of Intention;
- the governing body of each governmental unit having jurisdiction within the boundaries of the territory proposed for an action (e.g., annexation, assumption)
- the governing body of an affected governmental unit as contemplated in RCW 36.93.100;
- registered voters residing within the boundaries of the territory; and
- registered voters residing within one-quarter mile of the boundaries of the territory if such parties will be directly affected by the proposed action.

Jurisdiction for a Notice of Intention must be invoked within 45 days of the effective filing date of a Notice of Intention with the Boundary Review Board (RCW 36.93). The request for jurisdiction shall include:

- A brief statement of the purpose for invoking jurisdiction (e.g., modification of boundaries); and
- A map illustrating the requested revisions to the area boundaries for the originally proposed action; and
- A legal description (if available) of the planned boundaries for the proposed action if modifications are requested to the area.

  (Note: A citizen's group invoking jurisdiction may request that the Boundary Review Board obtain the legal description of the proposed modified annexation area from the appropriate governmental jurisdiction.)

- Fee(s) as required by RCW 36.93.120, payable to King County.

Upon receipt of ~~a~~ legally sufficient request for review, the Board shall set a time, place, and date for a Public Hearing to review the proposal.

Commencing from the date the Board receives the complete Request for Review and the required fees, the Board shall conduct a Public Hearing and to file a decision within a 120-day time period as provided by statute.

2. Withdrawal of Request

A request for review filed pursuant to RCW 36.93.100 by a party(ies) with legal standing may be withdrawn by the initiator of the request at any time prior to the Board setting a time, place, and date for a hearing on the proposal. No request for review may be withdrawn following the establishment of a time, place, and date for such hearing without the express authorization of such withdrawal by the Board.

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

D. If no request for review is filed within 45 days, then the proposal shall be deemed approved by operation of law pursuant to RCW 36.93.100.

V. REGULAR MEETINGS, SPECIAL MEETINGS AND PUBLIC HEARINGS (Authority RCW 36.93, RCW 42.30, RCW 42.36)

A. Rules of Practice: Appearance of Fairness

1. Ex-Parte Communication

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

It is the duty and responsibility of each Member to disclose at the earliest opportunity any *ex parte* communication. Such disclosure shall be made to the Chair and the Legal Counsel for the Board. If a member receives a letter or other written communication relating to a matter

before the Board from a source other than the Office of the Board, that Member shall transmit the material to the Executive Secretary for inclusion in the record.

The purpose of this rule is to assure that members maintain impartiality and the appearance of impartiality before, during, and after its decision-making process. Board members should refrain from public comment on matters pending before the Board and on matter previously considered by the Board.

2. Disclosure

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

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

Upon disclosure of concern/conflict related to Appearance of Fairness (RCW 42.36), the affected Board member may withdraw from the Board proceedings. Upon withdrawing from the proceedings, the Member shall leave the hearing room.

If the Member does not withdraw, the Chair shall, at the earliest opportunity, upon the opening of a Regular Meeting, Special Meeting or Public Hearing, publicly announce the occurrence and nature of the Member's disclosure.

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

a. Request that the member place on the record the substance of any written or oral ex-parte communication concerning the decision or action; and

b. State the parties' rights to rebut the substance of the communication on the subject to which the communication related.

B. REGULAR AND SPECIAL MEETING PRACTICES AND PROCEDURES (Authority RCW 36.93, RCW 42.30)

1. Meeting Formats (Authority: RCW 36.93.070; RCW 42.30.050, RCW 42.30.070)

a. Regular and special meetings of the Board shall be open to the public.

b. The Board shall hold regular meetings on the second Thursday of each month at 7:00 PM at locations of its choosing. The Executive Secretary shall post the meeting agenda and meeting location on the Board's website no later than 24 hours before a regular meeting.

c. An oral public comment period will be included on any regular meeting agenda wherein the Board will take final action and may be included on any other meeting agenda as determined by the Board Chair.

i. Public comments must be limited to items listed on the agenda for that meeting and may not last no longer than two minutes.

ii. Members of the public may comment in person or via electronic video means.

iii. Members of the public must be recognized by the Board Chair in order to speak and may be stopped from speaking if not recognized first or if their comments are not on that meeting's agenda or exceed two minutes in length.

d. The Board Chair may call special meetings at such other times and/or places.

e. The Board Chair may also declare an emergency and direct the Board to meet remotely without a physical location during the period of emergency. In such case, meetings shall be open to the public via electronic video means.

f. In the event that any meeting is interrupted by a group or groups of persons so as to render the orderly conduct of such meeting unfeasible and order cannot be restored by the removal of individuals who are interrupting the meeting, the Board may upon a vote of the members present order the meeting room cleared and continue in session or may adjourn the meeting and reconvene at another location. In such a session, final action may be taken only on matters appearing on the agenda. Representatives of the press or other news media, except those participating in the disturbance, shall be allowed to attend any session held pursuant to this section.

2. Rules of Order

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

3. Attendance

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

4. Quorum

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

5. Participation and Voting

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

A member may be present and vote on a Resolution and Hearing Decision by telephone, video conference or other means of electronic communication provided the Member is able to hear

the deliberations of the Board and the Board is able to hear the comments and vote of the Member appearing remotely.

6. Postponements/Adjournments

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

7. Meeting Minutes

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

The Executive Secretary shall record all motions made at each meeting. Motions shall be recorded verbatim, including the names of the maker, the second thereon, and the number of members voting for or against or abstaining on a vote for an action.

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

Recordings of all meetings shall be maintained by the Boundary Review Board for the retention period required by statutes and other regulatory authorities. Thereafter, archival records shall then be transferred to the custody of the King County Archives for permanent retention as part of its collection as required by statutes and other regulatory authorities.

8. Legal Opinions

All questions of law shall be referred by the Board to its counsel for opinion. (Authority: RCW 36.93.070).

B. PUBLIC HEARINGS (Authority RCW 36.93, RCW 42.36)

1. Notification for a Public Hearing

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

a. Written Notice to Affected Parties

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

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

Notification shall be provided no later than thirty (30) days in advance of that hearing.

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

b. Notice in Publication of General Circulation

As prescribed in RCW 36.93.160, notice of the date, time, and place of the Public Hearing shall also be given by the publication in a newspaper of general circulation in

the area of the proposed boundary change. The notice shall be published at least three (3) times, the last publication of which shall be not less than five (5) days prior to the date set for the Public Hearing.

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

c. Posting of Notices

RCW 36.93, *et seq*. mandates that Notice of the of the date, time, and place of the Public Hearing shall be posted not less than five (5) days prior to the date set for the Public Hearing.

RCW 36.93, *et seq*. mandates that Notices shall be posted in ten (10) public places in the affected area when the area is ten (10) acres or more. When the area affected is less than ten (10) acres, five (5) notices shall be posted in five (5) places. Posting of additional notices may be provided as a public courtesy.

RCW 36.93, *et seq*. mandates that all Notices will advise of the opportunity to provide testimony and materials (e.g., narrative statements, records, exhibits) commenting upon the proposed action for consideration at the Public Hearing.

2. Supplemental Information for Review

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

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

Written materials received by the Board Staff no later than fourteen working days prior to the scheduled Public Hearing will be provided in the Agenda Packet distributed to the Board and posted on the Board’s website no later than seven days prior to the Public Hearing.

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

The Board may seek additional information from affected parties. Such inquiry shall be made at the request of any Board member (and must be accomplished by the Executive Secretary or Legal Counsel.) Such request and response shall be entered into the record at a Public Hearing before the Board.

3. Hearing Agenda

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

4. Location of Hearings

The Board shall conduct Public Hearings at the location where Regular Meetings are held

or may select another location convenient to and accessible by the initiator of the proposal, the parties invoking jurisdiction, and the affected governmental units.

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

5. Hearings Responsibilities

   a. Board Member Attendance

      Attendance at all Public Hearings -- either in person or by electronic means -- is a statutory responsibility. A member unable to attend a Public Hearing shall notify the Executive Secretary prior to the Special Meeting.

   b. Quorum

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

   c. Rules of Order

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

6. Hearing Guidelines

   a. Responsibilities of Chair

      (i) All rules and procedures in effect for the Public Hearing shall be summarized by the Chair or his/her designee (e.g., Legal Counsel, Executive Secretary).

      (ii) All instructions to witnesses on the requirements for testimony for the Public Hearing shall be provided by the Chair or his/her designee (e.g., Legal Counsel, Executive Secretary.)

      (iii) The Chair (or his/her designee) shall enforce rules and procedures and shall maintain order during the course of the Public Hearing.

   b. Witness Guidelines

      Witnesses shall adhere to the following requirements

      (i) Any initiator of a proposed action, governmental unit, or interested person, may appear before the Board or may be represented by any duly authorized person or persons;

      (ii) Any person desiring to address the Board shall be recognized by the Chair and shall state his/her name and address to the Executive Secretary, and the names of the persons or governmental unit(s) on whose behalf he/she appears;

      (iii) Testimony by witnesses and questions by Board members should be limited to the application of the factors and objectives of RCW 36.93 and other regulatory authorities relevant to the case at hand (e.g., RCW 36.70A, King County Comprehensive Plan/Countywide Planning Policies, plans/regulatory authorities of local jurisdictions), and

      (iv) The Chair may impose time limits or other restrictions on witnesses. Limitations on time or other restrictions shall be stated prior to any testimony being taken and may be restated in the event that the speaker fails to adhere to such controls. For example, the Chair may:

         - Limit the proponents submitting the Notice of Intention to a prescribed time

period (e.g., 20 minutes, etc.) for formal testimony. The specific time period will be set based upon the complexity of issues, diversity of testimony, and the number of witnesses. Limitations placed on proponents shall be applied equally to opponents.

- Limit the party invoking jurisdiction to a prescribed time period (e.g., 20 minutes, etc.) for formal testimony. The specific time period will be set based upon the complexity of issues, diversity of testimony, and the number of witnesses. Limitations placed on opponents shall be applied equally to proponents.
- Limit individuals and representatives of community groups to a prescribed time period (e.g., three minutes for individuals, ten minutes for group representatives). The specific time period will be set based upon the complexity of issues, diversity of testimony, and the number of witnesses. Limitations shall be equally applied to proponents and opponents of the Notice of Intention.
- Permit only Board members to question witnesses. The time limitations on witness presentation/testimony imposed hereunder shall not include time required to answer questions posed by Board Members and shall not include examination of witnesses as provided for in the Board's adopted Rules of Practice and Procedure.

c. Rebuttal by Proponents

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

(i) Chair may limit the time allowed for rebuttal; and

(ii) When referring to documents and/or exhibits, person(s) making rebuttal shall identify by number or other identifying description the document/exhibit being used in testimony; and

(iii) Rebuttal shall be limited to the above conditions and shall not be a summary or closing statement, nor shall it contain additional information unless such information is in direct response to evidence or argument offered by an opponent; and

(iv) No surrebuttal shall be allowed.

d. Examination of Witnesses

Only Board members are authorized to examine witnesses. (Authority: RCW 36.93.170, RCW 36.93.180 and RCW 36.93.200, et al.)

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

Following the conclusion of public testimony, the Board may:

(i) Determine that the record is sufficient to permit the Board to consider the action and close the public hearing to begin deliberations; or

(ii) Determine that the record is insufficient to permit an informed decision. In such event, the Board may continue the hearing on the proposed action to obtain additional information. The hearing shall be continued to a date and time certain, notice of which shall be provided in accordance with statute. The Board may instruct the parties as to the type and extent of the required additional information, designate the appropriate provider of the information, and establish the due date for receipt of that information by the Board; or

(iii) Consider a modification to the proposed action to be reviewed and a decision

conferred at an appropriately scheduled public hearing. An additional hearing or hearing on modification will be conducted if required pursuant to RCW 36.93. Notice of such public hearing will be provided in accordance with statute (RCW 36.93.160); or; responsibility to provide information necessary for an approval. The Board may instruct the parties as to the type and extent of the required additional information, designate the appropriate provider of the information, and establish the due date for receipt of that information by the Board; or

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

f. Resolution and Hearings Decision

(i) Participation and Voting

All Board Members, including the Chair, shall participate in deliberations and vote on all Resolutions and Hearing Decisions. Any member voting on a Resolution and Hearing Decision must have been present during at least one session of the Public Hearing.

A member may be present and vote on a Resolution and Hearing Decision by telephone or other electronic means of communication, electronic systems, or other technology provided the Member is able to hear the deliberations of the Board and the Board is able to hear the comments and vote of the Member appearing remotely.

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

(ii) Preparation of the Decision

The Board, by motion at the conclusion of deliberations, shall direct the Executive Secretary to prepare for consideration by the Board a Preliminary Resolution and Hearing Decision Report.

The Board may provide the Executive Secretary with specific direction concerning the citing of Boundary Review Board statutory requirements (e.g., factors and objectives described in RCW 36.93.170 and RCW 36.93.180).

The Preliminary Resolution and Hearing Decision Report shall be presented at either the next Regular Meeting or at a properly scheduled Special Meeting for decision and adoption by the Board of a Final Resolution and Hearing Decision Report.

g. Record of the Proceedings for Public Hearings

(i) Transcript of Hearings

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

(ii) Minutes of Hearings

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

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

Minutes shall also record names of members who leave the meeting prior to its

adjournment and the approximate time of departure.

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

Upon request, such minutes shall be provided to any interested party. Recordings of all meetings shall be maintained by the Boundary Review Board for the retention period required by statutes and other regulatory authorities. Thereafter, archival records shall then be transferred to the custody of the King County Archives for permanent retention as part of its collection as required by statutes and other regulatory authorities.

7. Appeals of Resolution and Hearing Decisions:

Decisions of the Boundary Review Board may be appealed within 30 days of the Board's filing of the Resolution and Hearing Decision with the Clerk of the King County Council. Appeals may be made to Superior Court pursuant to RCW 36.93.

Appeals shall be on the record, which shall be furnished by the Appellant. (Authority: RCW 36.93.160)

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

8. Legal Opinions

All questions of law as related to Public Hearings shall be referred by the Board to its counsel. (Authority: RW 36.93.170).

VI. INCORPORATION PROCEEDINGS (Authority: RCW 36.93; RCW 35.02)

A. NOTICE OF PROPOSAL FOR CIRCULATION OF INCORPORATION PETITIONS

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

B. PUBLIC MEETING PRIOR TO CIRCULATION OF INCORPORATION PETITIONS

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

1. The Executive Secretary shall inform the Board Chair when notice of the proposed incorporation is received from the King County Council. The Executive Secretary shall obtain the concurrence of the Board Chair, or another Board member designated by the Chair, on arrangements for the required public meeting.
2. The Executive Secretary shall arrange an appropriate meeting facility in or near the proposed new city for a date within 30 days of County Council receipt of notice of the proposal. Timing shall be coordinated with the proponent(s) filing the notice of the incorporation in order to ensure availability of proponents and appropriate agencies to participate in the meeting.
3. The Executive Secretary shall publish notice once at least ten days prior to the public meeting, as required by state law, in the newspaper designated by the King County Council as the official newspaper for King County notifications. A notice may also be published in a local community newspaper, but this service is not required by statute. According to statute, at the same time that the official notice is sent to the newspaper for publication, notice of the meeting shall be mailed to water, sewer, fire, and school districts with jurisdiction within the proposed incorporation area, to existing cities in the immediate vicinity of the proposed incorporation, to

the Metropolitan King County Council member(s) representing the proposed incorporation area, and to appropriate representatives of the Office of the King County Executive.

4. The primary purpose of the public meeting is to provide a forum for exchange of information between the proponent(s) filing the Notice of the incorporation and members of the proposed incorporation community. Specifically:

    a. The proponent(s) who filed the Notice of the Incorporation shall make a statement to the Board and the community concerning the proposed incorporation petition.

    b. Residents, property owners, and affected governmental units shall have the opportunity to offer to the proponent(s) comments and recommendations concerning content of the incorporation petition, including incorporation area boundaries, the proposed new city form of government, and the name of the proposed new city.

    c. Residents, property owners, and other affected stakeholders shall have the opportunity to inform the proponent(s) of their support for or opposition to the proposed incorporation together with their interest in inclusion or exclusion from the incorporation.

    d. Government units shall have the opportunity to inform the proponent(s) of their support for or opposition to the proposed incorporation

5. A secondary purpose of the public meeting shall be the dissemination of information concerning the incorporation process, including Boundary Review Board procedure for review of incorporation proposals.

    a. The Executive Secretary or another staff representative of the Boundary Review Board shall be available at the public meeting to outline Board procedure related to new city incorporation and answer questions.

    b. King County shall be invited to send one or more representatives to provide information on County involvement in new city incorporations and answer questions.

    c. Surrounding cities shall be invited to send representatives to answer questions.

    d. Water, sewer, and fire protection districts with jurisdiction within the proposed incorporation area shall be invited to send representatives to answer questions.

6. The Boundary Review Board shall conduct the meeting as follows:

    a. The meeting shall be held in the evening at a suitable time and location in the vicinity of the proposed new city incorporation.

    b. The Boundary Review Board Chair shall designate one Board member to serve as moderator of the meeting.

    c. Board members who are available to attend and choose to do so shall attend as observers only of the exchange of information.

    d. The initiator(s) signing the notice of the proposed incorporation shall be allowed ten (10) minutes at the beginning of the meeting to present the proposed incorporation petition.

    e. Persons speaking in favor of incorporation provided an organized opposition group has identified itself to the Board shall be allowed ten (10) minutes for a presentation. Any opposition group interested in utilizing the opposition time allocation should contact the Board Executive Secretary, prior to the beginning of the meeting, concerning the spokesperson(s) designation and participation.

    f. Persons speaking in opposition to incorporation provided an organized opposition group has identified itself to the Board shall be allowed ten (10) minutes for a presentation. Any opposition group interested in utilizing the opposition time allocation should contact the Board Executive Secretary, prior to the beginning of the meeting, concerning the spokesperson(s) designation and participation.

g. Those wishing to speak shall sign a roster and shall be recognized in the order in which they signed in. Speakers shall be heard one at a time and shall be allowed a maximum of three (3) minutes to speak until such time as all those who signed in have been heard once. The moderator, at his or her sole discretion, may allow speakers to be heard a second time after all those who signed in have been heard once.

h. In order to facilitate input into the content of the incorporation petition, the moderator, at his or her sole discretion, may allow discussion, questioning, or exchange of information involving the proponent(s) signing the notice of the incorporation and other meeting participants.

i. At the completion of public testimony, the proponent(s) who filed notice of the incorporation shall be allowed the final five (5) minutes of the meeting to address any boundary changes requested during the meeting and to inform the community of his/her/their intentions concerning finalization and circulation of the petition.

j. The Executive Secretary shall source appropriate mapping materials of the proposed incorporation area and vicinity for use at the meeting to facilitate discussion of incorporation boundaries.

C. PUBLIC HEARING

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

VII. AMENDMENTS TO RULES OF PRACTICE AND PROCEDURE

Any Rule of Practice or Procedure of the Board may be added, amended, or repealed at any time by a majority of the members present at any regular or special meeting.

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

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

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

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

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

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