

~~WASHINGTON STATE~~ BOUNDARY REVIEW BOARD FOR SNOHOMISH COUNTY

~~ORGANIZATION AND~~ RULES OF PRACTICE AND PROCEDURE

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Practice and Procedures 1

Format of documents and maps 1

 Page and Margin Size 1

 Maps and Documents 2

NOTICES OF INTENTION and content 2

 Form 2

 Content and Map 2

DRAFT

ADMINISTRATION

Scope of Rules

These Rules of Practice and Procedure (“Rules”) of the Boundary Review Board (also “Boundary Review Board” or “Board” or “BRB”) for Snohomish County are effective January 1, 2025.

All matters submitted to the Board shall be conducted in accordance with applicable statutes, other legal authorities, and these Rules of the Board. Pursuant to RCW 36.93.200, the Washington State Boundary Review Board for Snohomish County adopted Rules of Practice and Procedure which were last amended and adopted on March 11, 2015, now, therefore

BE IT HEREBY RESOLVED by the Washington State Boundary Review Board for Snohomish County that the Organization and Rules of Practice and Procedure are hereby amended and adopted on this 6th day of May, 2021.

Organization

ORGANIZATION

OFFICERS, TERMS

Chair, Vice-Chair, and Clerk

At its annual meeting, ~~T~~the Board shall elect ~~from among its members at the March meeting~~ a Chair and Vice-Chair, from among its members. The Chair and Vice-Chair each of whom shall serve for a period of one year and thereafter until their respective successors ~~shall~~ have been elected.

,~~but t~~The Chair or Vice-Chair may be replaced at any time by a majority vote of the Boarde of the majority of members.

However, Members are this does not precluded a member from holding the position of Chair or Vice-Chair any office on the Board if because their term as a member is set to expire s prior to the expiration of their term as an officer the following year.

The Vice-Chair shall serve in the absence of the Chair ~~and~~ until a new Chair is elected ~~if a vacancy occurs.~~ (RCW 36.93.070)

In the event both the Chair and Vice-Chair positions become vacant, the most senior member of the Board shall act as Chair and the second most senior member of the Board shall act as Vice-Chair until elections can be held at the next regular or special meeting of the Board.

Clerk

The Chief Clerk (“Clerk”), as identified in RCW 36.93.070, is selected and managed by the Administrator of the Office of Hearings Administration (SCC 2.02.015). The Clerk manages Board administrative matters and generally serves as a public point of contact for the Board.

~~I. BOARD COMPENSATION~~

~~Upon attendance at a regular or special Board meeting or at a hearing called to review a Notice of Intention each member of the Board shall be entitled to compensation from the Snohomish County Current Expense Fund at a rate of \$50.00 per day, or major portion thereof. Each member shall be entitled to compensation for other time actually devoted to the work of the Boundary Review Board and approval of the Chair or the majority of the Board at a rate of \$50.00 per cumulative period of seven hours or major portion thereof. (RCW 36.93.070)~~

RULES OF PRACTICE AND PROCEDURE

OFFICE PROCEDURE

Correspondence

~~All mail correspondence to the ~~Board~~ shall be received ~~at by~~ the Board at its location in the Office of the Chief Clerk of the Boundary Review Board Hearings Administration, 3000 Rockefeller Avenue M/S 409, Everett, WA 98201 ("Board Office"), M/S 409, 3000 Rockefeller Ave, Everett, WA 98201. Electronic correspondence may be submitted to the Board at brb@snoco.org.~~

Hours of Operation

~~The hours of operation of the Board will be those as posted on the Board's website. "Close of Business" is the posted time of the office closure.~~

PRACTICE AND PROCEDURES

Documents and Maps

Page and Margin Size

~~All documents and maps submitted to the Board shall be on 8 ½ inch by 11-inch page paper. The first page of each document must have a top margin of three inches; all other margins, including subsequent pages of each document, shall be one inch. All pages must be single-sided.~~

Notice of Intention

Processing of Notices of Intention and Petitions

~~All Notices of Intention ("NOI"), petitions, or other actions for consideration by the Board shall be submitted to the Board via the Clerk at the Board Office.~~

Form

—All Notices of Intention, petitions, or other actions shall be submitted by the city, town, or special purpose district seeking Board review~~being petitioned~~, or in case of an incorporation or formation, by the petitioner group in the appropriate form per applicable statute or Snohomish County Code. In its discretion, the Board may provide model forms,~~which shall be available on the Board’s website.~~from the Chief Clerk upon request.

Content of Notices of Intention and Maps

A Notice of Intention shall describe no more than one contiguous area of land, that is, an area whose the boundary of which is defined by a single continuous line.

The Notice of Intention shall be accompanied by ~~is is to include~~ a Snohomish County Assessor’s map outlining the current perimeter boundary of the subject area together with a legal description of the subject area, and the current perimeter boundary of any city, town, or special purpose districts. This map shall also outline the new perimeter boundary of the subject area and include a “north” arrow symbol.

Each property parcel in the new subject area shall be labeled with the Snohomish County Assessor’s parcel number, either on the perimeter map or on a separate map(s).

In the case of the creation of a regional authority as defined-allowed by statute, a Notice of Intention may describe more than one contiguous area of land.

Maps must meet the margin requirements in compliance with the Document Format Requirements of the Snohomish County Auditor recording division and must be in legible text of 8-point font or larger.

Parties, Filing, Fee, and Waiver

~~**When Review Not Necessary** — In case of annexation where the area proposed is less than ten acres and less than two million dollars in assessed valuation, the Chair may, by written statement, declare that review by the Board is not necessary for the protection of the interest of the various parties, in which case the Board shall not review such annexation. (RCW 36.93.110)~~

~~**Filing of Notice of Intention — All Notices of Intention and Petitions whether or not they are to be filed with other county offices other than the Boundary Review Board will in all cases be processed through the office of the Boundary Board for review and concurrence.**~~

Initiator and Parties of Record

—As provided by chapter 36.93 RCW, ~~The initiator involving of a petitions and Notices of Intention for proposed actions, petition, or other action~~ in accordance with chapter 36.93 RCW relating to cities, towns or special purpose districts shall be that city, town or special purpose district submitting the Notice of Intention, petition, or other action~~being petitioned~~.

In the case of formation of a ~~Where no~~ city, town or special purpose district exists ~~(city or town incorporation or special purpose district formation)~~, the initiator shall be the petitioners of such entity that submits the Notice of Intention, petition, or other action to the Board.

In cases where the Snohomish eCounty eCouncil proposes to create a sewer district pursuant to RCW 57.04.020 and is in receipt of an opinion of the eCounty hHHealth eOfficer as provided therein, the eCounty eCouncil shall be deemed the initiator. (RCW 36.93.090).

“Party of Record” designates any person who has appeared at a public hearing and signed up to speak or to receive notification of any action taken by the Board or from whom the Board has received written communication on a specific Notice of Intention, petition, or other action.

Request for Additional Information

~~—To facilitate consideration of the a Notice of Intention, petition, or other action, the Board or its Chief Clerk may request the initiator of the action to supply additional specified information regarding the subject of the Notice of Intention. Failure to submit such information may be a basis for the Clerk to delay deeming the Notice of Intention, petition, or other action as effective and filed.~~

Filing Date and Fee

~~—Upon determination that according to chapter 36.93 RCW and the Board’s Organization and Rules of Practice and Procedure, the Notice of Intention is legally sufficient and all fees have been paid, the Chief Clerk will assign an effective filing date. In making this determination, the Chief Clerk may rely upon certification provided at the time the Notice of Intention is filed. However, in all cases tThe Clerk Board will request confirmation from the appropriate eCounty offices and departments that the a Notice of Intention, petition, or other action is legally sufficient. This will, at a minimum, entail a determination that the legal description of the property is correct and that the relevant provisions of Titles 35 and 35A RCW are met. An effective filing date will not be assigned until this confirmation has occurred.~~

The Clerk will assign an effective filing date upon 1) the Clerk’s determination that the Notice of Intention, petition, or other action is legally sufficient according to chapter 36.93 RCW and the Board’s Rules, and upon 2) payment by the initiator of any required filing fee.

Waiver of Review

Pursuant to RCW 36.93.110, for a proposed annexation of less than ten acres and less than two million dollars in assessed valuation, the Chair may declare in writing that 1) review by the Board is not necessary for the protection of the interest of the various parties; and 2) the Board will not review such proposed annexation.

A request for a waiver of review must be submitted to the Board in writing simultaneously with the submittal of a Notice of Intention, petition, or other action.

Notices

Routing

Upon assignment of an effective filing date, the Clerk will route the Notice of Intention, petition, or other action to the Snohomish County Department of Planning and Development Services and other appropriate governmental agencies for review and comment.

Notice to the Board and Others

Upon assignment of an effective filing date, the Clerk shall forward a copy of the Notice of Intention, petition, or other action and accompanying materials to the Board. Notice shall also be provided to each governmental unit and party identified by the initiator on the Notice of Intention Cover Sheet.

In the case of a Notice of Intention, petition, or other action proposed by a water or sewer district, the Clerk shall notify the Snohomish County Health Department and the Washington State Department of Ecology.

Withdrawal

Any Notice of Intention, petition, or other action filed with the Board may be withdrawn by the initiator at any time prior to invocation of the Board's jurisdiction. Thereafter a Notice of Intention, petition, or other action may be withdrawn only with the consent of the Board and of all persons or entities who have requested review by the Board and paid the fee required to file such a request.

A request for review filed pursuant to RCW 36.93.100 may be withdrawn with the consent of the Board provided the Board has not yet publicized legal notice per the Board's Rules and/or Washington State's Open Public Meetings Act.

~~Routing— Upon assignment of an effecting filing date to a Notice of Intention, the Chief Clerk will route the Notice of Intention to appropriate agencies for review and comment, including but not limited to legal counsel (if jurisdiction is invoked), the Snohomish County Planning and Development Services (PDS) Department, the Snohomish Health District and the Washington State Department of Ecology in the case of an action proposed by a water/sewer district.~~

~~Notice to the Board— The Chief Clerk shall forward a copy of the Notice of Intention cover sheet to each Board Member upon assignment of the effective filing date. The complete Notice of Intention along with additional information shall be forwarded to the members of the board upon jurisdiction being invoked and at least seven (7) calendar days prior to the Board meeting at which the Notice of Intention is to be considered.~~

~~Notice to Entities Having Jurisdiction— Upon assignment of an effective filing date to a Notice of Intention the Chief Clerk shall forward a copy to the governing body of each governmental unit having jurisdiction in or near the boundaries of that territory proposed to be affected and to all other entities having requested such information.~~

~~**Withdrawal — Any Notice of Intention filed with the Board may be withdrawn by the entity who filed the same at any time prior to invocation of the board's jurisdiction pursuant to RCW 36.93.100, and thereafter may be withdrawn only with the consent of the board and of all person or entities who have requested review by the board and paid the fee required to file such a request.**~~ **Request for Review**

~~Review Fee—The Chief Clerk shall not accept for filing any proposal for review pursuant to RCW 36.93.100 unless it is accompanied by payment of such fees as required by law. RCW 36.93.120.~~

Review Hearing

~~Establishing Hearing— Every matter for which there is a request for review and over which jurisdiction is invoked shall be set for hearing as provided by applicable statute and these Rules. referred to the whole~~

~~Board and the time and place of hearing fixed. No hearing date shall be set until all fees required by RCW 36.93 have been paid.~~

Fees Not Refundable

~~The Board shall not refund a fee unless authorized by statute.~~

Fees Not Refundable – In no case may a fee be refunded. Conclusion of Action

Ordinances, Resolutions, and Maps

~~A final ordinance or resolution of the initiator must include the approved legal description and map(s). The ordinance, legal description, and map(s) must meet the Document Format Requirements of the Snohomish County Auditor Recording Division.~~

~~An initiator must submit to the Board a copy of the final ordinance or resolution that is certified by the clerk of the initiator.~~

Recording

~~Upon final approval by the Board and, when appropriate, the County Council, the initiator must record the final ordinance with the Snohomish County Auditor and provide the recording number to the Board. The initiator is responsible for any recording fees.~~

MEETINGS AND HEARINGS

~~Withdrawal of Request— A request for review filed pursuant to RCW 36.93.100 by the county or an affected governmental unit may be withdrawn with the consent of the Board provided legal notice has not been publicized. The request for review fee will not be refunded~~

Agenda

~~On or before the Friday preceding a Board meeting or public hearing, an agenda shall be prepared by the Chief Clerk which shall summarize all matters then known to require attention. However, the board may consider any other matter brought before it by any member thereof so long as all necessary notice requirements have been fulfilled. A copy of the agenda for each meeting shall be filed by the Clerk of the Board. When a special meeting is called for, the agenda shall be posted at the meeting location 24 hours prior to the meeting.~~

Notice to Governmental Units— Response

~~The Chief Clerk shall ascertain which governmental units are required by law to be notified of each hearing and shall request from each governmental unit affected a written statement to be submitted prior to the hearing as to its position relative to the Notice of Intention (RCW 36.93.160).~~

MEETINGS, JURISDICTION AND HEARINGS

Schedule of Regular Meetings

Board meetings will be held on the second Wednesday of January, March, May, July, September, and November at 5:30 PM. If the regular meeting day is a legal holiday, such meeting shall be held on the next business day.

The meeting held in March will be designated as the Annual Meeting.

Meeting locations will be posted on the Board's website. At the Board's discretion, any meeting may be held in person or a combination of in-person and over an electronic platform.

If there is no necessary business to conduct, these meetings may not be held, and the cancellation will be posted on the Board's website.

Schedule of Regular and Special Meetings-

Regular meetings will be held annually in the month of March in a public meeting room designated by the Chief Clerk. Special meetings may be called by the Chair to address matters which are time-sensitive and which must be addressed sooner than the next regularly scheduled meeting. Such meetings will be held as needed in a public meeting room-space designated by the Chief Clerk.

Meeting Agendas

On or before the Friday preceding a regular Board meeting, an agenda shall be prepared by the Clerk which shall summarize all matters then known to require attention.

However, the Board may consider any other matter brought before it by any member so long as all necessary notice requirements have been fulfilled. A copy of the agenda for each meeting shall be kept on file by the Clerk.

The agenda of a special meeting shall be posted on the Board's website 24 hours prior to the meeting.

Public comment shall be limited to three (3) minutes per person. Time limits are not applicable to any additional comments in response to queries posed by the Board, except in the discretion of the Chair.

Hearings and Notice

When the jurisdiction of the Board has been invoked, a public hearing will be scheduled in accordance with state statute.

General Procedure

Notice of the Public Hearing – When the jurisdiction of the Board has been invoked, notice of public hearing shall be provided in accordance with state law. RCW 36.93.160(1).

The Clerk will ask each governmental unit affected by the proposed action to advise the Board in writing of its position regarding the Notice of Intention, petition, or other action.

Initial Position Statements and Briefs

All materials shall be delivered to the Board Office no later than the close of business on the due date. Delivery means delivery by hand, courier, US mail, or electronic mail.

Materials received by the Clerk at least seven days in advance of the hearing will be provided to the Board no later than five days in advance of the hearing.

Materials received by the Clerk less than seven days prior to the scheduled public hearing will be provided to the Board at the public hearing but may be provided to the Board sooner.

Written materials may also be submitted to the Board at the public hearing by members of the public.

~~1.—~~

~~2.— Schedule of Regular and Special Meetings—Regular meetings will be held annually in the month of March in a public meeting room designated by the Chief Clerk. Special meetings will be held as needed in a public meeting room designated by the Chief Clerk.~~

~~3.— Schedule of Hearings—Public Hearings will be held as needed in a public meeting room designated by the Chief Clerk.~~

~~Rules of Order - Except as modified by the Rules of Practice and Procedure, all meetings and hearings of the Board shall be conducted in accordance with “Roberts Rules of Order Revised”. Hearings~~

~~Parties of Record—“Party of Record” designates any person who has appeared at a public hearing and signed up to speak or to receive notification of any action taken by the Board or from whom the Board has received written communication on a specific proposal.~~

~~Representatives—Any initiator of a proposed action, governmental unit, or interested person or persons, or any duly authorized representative may appear before the Board. Any persons initiator, governmental unit, interested persons or persons, or duly authorized representative interested in addressing the Board must be recognized by the Chair before stepping to the rostrum and giving providing histheir or her name and address to the Chief Clerk or designee and the name of the persons or governmental units entity on whose behalf they he or she are appearing. The Chair may, in the interest of facilitating the business of the Board, set limit the amount of time to be allowed allotted to any initiator, governmental unit, interested person or persons, group, or governmental unit duly authorized representative.~~

~~Initial Position Statements and Briefs—Materials received by the Board no later than fourteen working days prior to the scheduled date of the public hearing will be filed and provided to the Board and parties of record no later than seven days in advance of the hearing. All such materials shall be delivered to the Boundary Review Board office no later than the close of business on the due date, postmarks do not apply.~~

~~Materials received by the board within thirteen working days prior to the scheduled public hearing will be filed and provided to the Board at the public hearing. Written materials may also be submitted to the Board at the public hearing.~~

~~A copy of all materials filed shall be available for review by any interested party in the office of the Board.~~

Form of Oath or Affirmation

~~—The Chief-Clerk or designee shall administer the an oath or affirmation to any person wishing to offer testimony, utilizing language materially similar to the language required in courts pursuant to RCW 5.28.020 or RCW 5.28.050.~~

Testimony

~~Conduct of Hearings—Unless different procedures are approved prior to hearing the following procedure for public hearing testimony will generally be followed. Tthe Chair reserves the right to exercises their discretion to alter it, the order of testimony at a hearing will be this procedure.:~~

- ~~1. The proponent/initiator (city or district and primary property owner or proponent's group representing proposal) will be allowed a combined total of 30 minutes.~~
- ~~2. An Major opponent or opponents group will be allowed a total of 30 minutes; if there is more than one opponent, the Chair may exercise their discretion to limit the amount of time for each opponent or opponents group.
—Snohomish County will be allowed a total of 15 minutes.~~
- ~~3. Snohomish County and Other governmental entities (districts, cities, etc.) will each be allowed a total of 15 minutes.~~
- ~~4. Other proponents and opponents will be allowed a total of 5 minutes each.~~
- ~~5. If the Chair allows, the initiator may present rebuttal testimony of no more than Major rebuttal will be allowed 10 minutes.
—Proponent rebuttal, city staff and other representatives 10 minutes.~~

~~The Chair may change the order or length of testimony in their discretion. The Chair will consider This procedure is subject to change depending upon the number of persons desiring signed up to testify and any other related factors affecting the orderly presentation of information to the Board.~~

Additional Hearings

~~Before filing its written decision, the Board may hold additional hearings on any matter after adjournment of the initial hearing. The Clerk will notify the initiator, affected government entities, and parties of record of the date, time, location, or manner of any additional hearing and will publish such information on the Board's website.~~

Preparation of Decision

~~The Board may request that the initiator, any opponent, or other party submit proposed findings of fact and conclusions of law, or a proposed decision in Word or other electronic format.~~

Reconsideration

~~Board decisions are not subject to reconsideration.~~

Remand

~~In the event of a remand from a superior or appellate court, the Board will determine the appropriate procedure at the earliest available meeting. If the Board determines that a hearing should be scheduled, the Board will endeavor to do so within the time frame set by statute for new hearings. The Board may limit testimony, submission of new exhibits, or written comments as it deems necessary or appropriate.~~

~~Written Record — All official actions of the Board shall be reduced to writing and signed by the chair or authorized member of the Board.~~ Transcript of Hearings — All public hearings before the board shall be recorded verbatim. In the event of an appeal to Superior Court, transcripts or portions thereof, shall be made available to interested parties upon request to the Chief Clerk and payment of costs thereof. Such charges shall include but not limited to the cost of transcription, copying and verification of materials. A copy shall be retained for the Boards file. (RCW 36.93.160)

Conduct

Rules of Order

Except as modified by these Rules, all meetings and hearings of the Board generally shall be conducted in accordance with *Roberts Rules of Order, 12th Edition*.

Conduct of Attendees

If any meeting is interrupted by a person or group of persons so as to render the orderly conduct of such meeting unfeasible, the Board may, upon a vote of the members present 1) order the meeting room cleared and continue in session; or 2) adjourn the meeting and reconvene at another location or in another manner, such as wholly on an electronic platform. In such a session, final action may be taken only on matters appearing on the agenda.

Unless they participated in the disturbance, representatives of the press or other news media shall be allowed to attend any session held pursuant to this section.

Participation by the Chair--

The Chair and Vice Chair may make or second any motion and present and discuss any matter as a member and shall be entitled to vote on all matters.

Voting

~~—In the absence of objections, the chair may order a motion unanimously approved.~~ The normal procedure shall be a roll call vote. A tie vote shall be resolved pursuant to the provisions of RCW 36.93.150, which provides that “unless a board disapproves a proposal, it shall be presented under the appropriate statute for approval of a public body and, if required a vote of the people.” “In the absence of objection by a Board member, the Chair may declare a motion approved by acclamation.

~~Any member voting on a Hearing Decision or adoption of a Hearing Decision shall have been present during all sessions of the hearing or modification hearing or have received the recorded testimony and exhibits prior to voting on the matter. A Board member may only vote on a decision if either they were present for all sessions of the hearing or they affirm they received and reviewed the recorded hearing sessions and exhibits prior to voting.~~

Postponement and Adjournment—

The Chair may postpone or continue any pending matter to a date certain 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.

Jurisdiction

~~Review Fee—The Chief Clerk shall not accept for filing any proposal for review pursuant to RCW 36.93.100 unless it is accompanied by payment of such fees as required by RCW 36.93.120.~~

~~Establishing Hearing—Every matter for which there is a request for review and over which jurisdiction is invoked shall be referred to the whole Board and the time and place of hearing fixed. No hearing date shall be set until all fees required by RCW 36.93 have been paid.~~

Conduct of Hearings

~~Parties of Record—“Party of Record” designates any person who has appeared at a public hearing and signed up to speak or to receive notification of any action taken by the Board or from whom the Board has received written communication on a specific proposal.~~

~~Representatives—Any initiator of a proposed action, governmental unit or interested person or persons or any duly authorized representative may appear before the board. Any persons interested in addressing the board must be recognized by the Chair before stepping to the rostrum and giving his or her name and address to the Chief Clerk or designee and the name of the persons or governmental units on whose behalf he or she appears. The Chair may, in interest of facilitating the business of the Board, limit the amount of time to be allowed to any persons, group, or governmental unit.~~

~~Initial Position Statements and Briefs—Materials received by the Board no later than fourteen working days prior to the scheduled date of the public hearing will be filed and provided to the Board and parties of record no later than seven days in advance of the hearing. All such materials shall be delivered to the Boundary Review Board office no later than the close of business on the due date, postmarks do not apply.~~

~~Materials received by the board within thirteen working days prior to the scheduled public hearing will be filed and provided to the Board at the public hearing. Written materials may also be submitted to the Board at the public hearing.~~

~~A copy of all materials filed shall be available for review by any interested party in the office of the Board.~~

~~Form of Oath or Affirmation—The Chief Clerk or designee shall administer the oath to any person wishing to offer testimony pursuant to RCW 5.28.020 or RCW 5.28.050.~~

~~Conduct of Hearings—Unless different procedures are approved prior to hearing the following procedure for public hearing testimony will generally be followed. The Chair reserves the right to alter this procedure.~~

~~The proponent (city or district and primary property owner or proponent's group representing proposal) will be allowed a combined total of 30 minutes.~~

~~Major opponent or opponents group will be allowed a total of 30 minutes.~~

~~Snohomish County will be allowed a total of 15 minutes.~~

~~Other governmental entities (districts, cities, etc.) will be allowed a total of 15 minutes.~~

~~Other proponents and opponents will be allowed a total of 5 minutes each.~~

~~Major rebuttal will be allowed 10 minutes.~~

~~Proponent rebuttal, city staff and other representatives 10 minutes.~~

~~This procedure is subject to change depending upon the number of persons signed up to testify and other related factors.~~

Ex Parte Communications

Communication outside of a hearing about the substance of a pending matter or a matter likely to come before the Board between a Board member and anyone other than the Clerk, the Board's legal counsel, or another board member, is a prohibited ex parte communication.

—During the pendency of any proceeding, No Board Member may engage in ex parte communication with respect to on the proceeding substance of a matter for which a Notice of Intention has been filed until such time after the Board has concluded its written findings on the matter issues a decision unless: 1) the member states on the record makes the substance of such the ex parte communication part of the public record and 2) provides that public announcement of publicly announces the content of the communication and of the parties' rights to rebut the substance of the communication shall be made at each hearing where action is considered or taken on the subject to which the communication relates (RCW 42.36.060184).

If a Board member receives written communication relating to an action before the Board from a source other than the Board office, that member shall transmit the material to the Clerk for inclusion in the record.

Board members shall disclose any ex parte communication at the earliest opportunity during any public meeting or hearing where the matter will be addressed as follows:

1. The member shall state the substance of any written or oral ex parte communication concerning the decision or action;

2. The Board shall allow a party to rebut the substance of the communication;
3. The Board shall allow any party to request disqualification of the Board member; and
4. The member shall either recuse themselves or explain why recusal is not required.

Should the member or Chair decide that recusal is required to provide a fair hearing, the member shall withdraw from the proceeding and shall leave the hearing.

Record of Meetings and Hearings

The Clerk shall create minutes of meetings and hearings, which shall be posted on the Board's website within one week. If modification of the minutes is required, those will be addressed at the next meeting of the Board.

All meetings and hearings of the Board shall be electronically recorded, and the recording shall be the official record. In the event of an appeal to Superior Court, transcripts or portions thereof shall be created and made available to interested parties upon request to the Clerk and payment of the cost of creating the transcript. Such costs shall include (but are not limited to) the cost of transcription, copying, and verification of materials. Copies shall be retained for the Board's records.

Other than the official record, the recording, photography, or video recording of any Board meeting or hearing is not permitted without written permission of the Chair.

Timeline for Applicability of Rules

These rules shall remain in full force and effect unless and until superseded.

~~Transcript of Hearings — All public hearings before the board shall be recorded verbatim. In the event of an appeal to Superior Court, transcripts or portions thereof, shall be made available to interested parties upon request to the Chief Clerk and payment of costs thereof. Such charges shall include but not limited to the cost of transcription, copying and verification of materials. A copy shall be retained for the Board's file. (RCW 36.93.160)~~

~~Additional Hearings — Following the conclusion of a hearing which has resulted from the invocation of the Board jurisdiction pursuant to RCW 36.93.100 or the conclusion of a hearing on the modification of a proposal, the Board may, prior to the filing of its written decision hold an additional hearing or hearings on modification.~~

~~Preparation of Decision — When both the major proponent and opponent of an action are represented by legal counsel, the Board may request that its Findings and Decisions be drafted by prevailing counsel in consultation with other counsel.~~

1. Post Decision Matters

~~Reconsideration — Board decisions are not subject to reconsideration.~~

~~Remand — In the event of a remand from a superior or appellate court, the Board will discuss the procedure to be followed at the earliest available meeting. In the event that the Board determines that a hearing should be scheduled, the Board will attempt to do so whenever possible within the time frame~~

~~set by statute for new hearings. The Board may limit testimony submission of new exhibits, or written comments as it deems necessary or appropriate.~~

Adopted this

~~A. Legal Opinions – All questions of Law should be referred to the Snohomish County Prosecuting Attorney’s Office (RCW 36.93.070).~~

~~Amended in public meeting this _____ 6th day of May, 2021 _____,~~
2024.

~~WASHINGTON STATE BOUNDARY REVIEW BOARD
FOR SNOHOMISH COUNTY~~
Approved by:

~~Chad Bates~~David Hambelton, Chair — ~~Pamela Yount,~~
Chief Clerk

~~B~~
Boundary Review Board ~~dd~~ — ~~Boundary Review Board~~

Submitted by:

Sonya Kraski, Chief Clerk