

Chapter 352-04 WAC
POLICY—MEETINGS AND DELEGATION

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WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

352-04-030	Land acquisition procedure. [Order 7, § 352-04-030, filed 4/1/70.] Repealed by WSR 82-07-078 (Order 58), filed 3/23/82. Statutory Authority: RCW 43.51.040.
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WAC 352-04-010 Duties of chairperson and conduct of meetings.

(1) The chairperson shall call and preside at all regular or special meetings.

(2) The duties of the vice chairperson shall be to preside at all regular or special meetings in the absence of the chairperson. In addition, the vice chairperson shall serve as chairperson upon the resignation, death, or incapacitation for any reason of the chairperson, and shall so serve until the next regular election, or until the chairperson is again able to serve, whichever shall first occur.

(3) The secretary shall cause minutes to be taken and recorded of all regular or special meetings, and shall sign such minutes when transcribed and approved by the commission. In addition, the secretary shall succeed to the offices of vice chairperson or chairperson in the same manner and under the same conditions as set forth above for the vice chairperson.

(4) Regular meetings shall be held each calendar year, on the dates, times, and locations published in the *Washington State Register*, unless otherwise called by the chairperson or a majority of the commissioners. An annual schedule of the months in which meetings are to be held, and their locations, will be adopted by the commission and will be published on or before January in the *Washington State Register*, in accordance with RCW 42.30.075.

(5) An annual election shall be conducted for the offices of chairperson, vice chairperson, and secretary, at the first regular meeting of every year. The election shall be conducted by written ballot upon request of any member of the commission.

(6) The order of business at all regular meetings shall be:

- (a) The call of the roll.
- (b) Minutes of the previous meeting.
- (c) Acceptance of agenda.
- (d) Business of the day.
- (e) Date and location of next meeting.
- (f) Adjournment.

(7) The chairperson shall be a voting member of the commission. A majority of the authorized commission membership shall constitute a quorum for the transaction of business at all regular and special meetings. A majority vote of the commissioners present shall be sufficient to pass or defeat each measure brought to a vote, unless a unanimous vote of commissioners present is required by law.

[Statutory Authority: Title 79A RCW, RCW 79A.05.025, 79A.05.030, 79A.05.070, and 42.30.075. WSR 00-23-033, § 352-04-010, filed 11/8/00, effective 12/9/00. Statutory Authority: RCW 46.10.040, 43.51.040 and

43.51.060. WSR 87-24-032 (Order 102), § 352-04-010, filed 11/24/87. Statutory Authority: RCW 42.30.070 and 43.51.060. WSR 84-04-035 (Order 75), § 352-04-010, filed 1/26/84. Statutory Authority: RCW 42.30.070. WSR 83-01-113 (Order 64), § 352-04-010, filed 12/21/82. Statutory Authority: RCW 43.51.060 and 42.30.070. WSR 82-07-077 (Order 57), § 352-04-010, filed 3/23/82. Statutory Authority: RCW 43.51.030. WSR 80-14-010 (Order 47), § 352-04-010, filed 9/22/80; Order 12, § 352-04-010, filed 1/28/72; Order 7, § 352-04-010, filed 4/1/70.]

WAC 352-04-020 Delegation of authority to director. (1) Any delegation of authority by the commission under section 2, chapter 31, Laws of 1969, shall be accomplished at a regular or special meeting of the commission, and shall be incorporated in the minutes thereof.

(2) The director may appoint, suspend, and dismiss employees of the agency.

[Order 7, § 352-04-020, filed 4/1/70.]

WAC 352-04-040 Adjudicative proceedings. Adjudicative proceedings conducted under Title 79A RCW, Public recreational lands, shall be held in accordance with the Administrative Procedure Act, chapter 34.05 RCW, and the rules published in chapter 10-08 WAC. The director shall appoint the hearing officer if the hearing is to be presided over by officials of the agency or request appointment of an administrative law judge from the office of administrative hearings. The commission shall review the initial order issued by the hearing officer or administrative law judge and shall issue a final order.

[Statutory Authority: Title 79A RCW, RCW 79A.05.025, 79A.05.030, 79A.05.070, and 42.30.075. WSR 00-23-033, § 352-04-040, filed 11/8/00, effective 12/9/00.]

WAC 352-04-050 Conflict of interest. (1) A member of the commission shall comply with subsection (2) of this section when the following circumstances apply or it is reasonably foreseeable that they will apply:

(a) The member is beneficially interested, directly or indirectly, in a contract, sale, lease, purchase or grant that may be made by, through, or under the supervision of the commission, in whole or in part, or when the member accepts, directly or indirectly, any compensation, gratuity, or reward from any other person beneficially interested in such contract, lease, purchase or grant; or

(b) The member is an officer, agent, employee or member of an entity which is engaged in a transaction involving the commission.

(2) If required by subsection (1) of this section, the member or employee shall:

(a) Recuse him or herself from the commission discussion regarding the specific contract, sale, lease, purchase or grant;

(b) Recuse him or herself from the commission vote on the specific contract, sale, lease, purchase or grant; and

(c) Refrain from attempting to influence the remaining commission members in their discussion and vote regarding the specific contract, sale, lease, purchase or grant.

(3) The prohibition against discussion set forth in subsection (2)(a) through (c) of this section shall not prohibit the member of the commission from using his or her general expertise to educate and provide general information on the subject area to other members.

(4) Under subsection (1) of this section, "any other person" has a beneficial interest in a contract, sale, lease, purchase or grant when the other person bids or otherwise seeks to be awarded the contract, sale, lease, purchase or grant.

(5) A member who would otherwise be disqualified under subsection (2)(a) through (c) of this section may participate fully in the proceedings if a quorum cannot be achieved because of a conflict of interest, and the participation of the board member is required for official action, as long as the member discloses the basis for disqualification prior to participating and voting.

[Statutory Authority: Title 79A RCW, RCW 79A.05.025, 79A.05.030, 79A.05.070, and 42.30.075. WSR 00-23-033, § 352-04-050, filed 11/8/00, effective 12/9/00.]

WAC 352-04-060 Brief adjudicative proceedings. This rule is adopted in accordance with RCW 34.05.482 through 34.05.494, the provisions of which are hereby adopted. Brief adjudicative proceedings shall be used in all matters related to appeals of expulsion orders issued pursuant to WAC 352-32-200.

[Statutory Authority: Chapter 79A.05 RCW. WSR 16-10-002, § 352-04-060, filed 4/20/16, effective 5/21/16.]