

Annual Report Summary for 2016

The Washington Coalition for Open Government, the statewide, non-profit, non-partisan transparency organization continued its mission to educate and assist citizens this past year in the ongoing quest to know what government is doing. Founded in 2002 by activists concerned with official actions eroding access to public records and meetings, the Coalition has grown to be the foremost advocate for government transparency in Washington State and includes hundreds of citizen activists, government officials, and representatives of business, media, law, labor, environmental, and public policy organizations. Our activities in our core mission areas continued at a brisk pace in 2016.

Education

- Our annual **Statewide Open Government Conference** was held in Seattle in January and featured keynote speaker, Tom Blanton, the Director of the National Security Archive in Washington, DC. The Conference was well attended and included panel discussions on such diverse topics as *How to Build a Better Mouse Trap: More user friendly dispute resolution of open government matters*, *Dealing with Broad Requests*, and *Threats to Transparency: A Legislative Update*. Guest panelists included, among others, former State Attorney General Rob McKenna, open government attorney Michele Earl-Hubbard, and WCOG President, Toby Nixon.
- Coalition members participated in a variety of **public speaking appearances** that focused on educating organizations and individuals about the importance of government transparency and openness. We also appeared before local businesses interested in donating to our operations. Public appearances included:
 - Seattle Rotary – Eric Stahl and Juli Bunting (Body Cam Panel)
 - Washington Association of Legal Investigators – Toby Nixon
 - Snohomish County Managers and Administrators Association – Juli Bunting
- WCOG representatives performed **public outreach** by appearing on radio and television programs and podcasts, and were often quoted in newspaper articles. President Toby Nixon and other members made presentations at conferences of other organizations.
 - Washington Journalism Education Association* – Cynthia Mitchell and Peggy Watt represented WCOG at the Washington Journalism Education Association "J-Day"
- As always, our staff **answered many requests** for assistance through our email, telephone help line, and website, www.washingtoncog.org.
- We made a concerted effort to increase **outreach to college** journalism students and others.
- We migrated to a **new web site** platform with many usability improvements and support for mobile devices.
- We continued expansion of **social media** activities.

Litigation

- At the end of 2015, WCOG **sued Pierce County** for violating the Public Records Act by unlawfully withholding records related to Mark Lindquist's handling of the *Nissen* case, which involved Lindquist's use of a private cell phone for public business and his refusal to make those records available to the public.
- WCOG filed **amicus briefs** in 2016 in various transparency lawsuits, including *West v. Vermillion*, *Jones v. Department of Corrections*, *Fortgang v. Woodland Park Zoo*, *Columbia Riverkeepers v. Port of Vancouver*, and others. In addition to filing amicus briefs in various transparency lawsuits, WCOG became directly involved in other important cases:
 - WCOG **supported the motion**- *Citizens Alliance for Property Rights v. San Juan County*
 - WCOG **supported review**- *Belenski v. Jefferson County* and *Jones v. DOC*
 - WCOG **participated in arguments**- *Belenski* case and *Jones* case
 - WCOG **filed a lawsuit** naming the UW regents that participated in the selection of the new president of the University

Legislation and Government

- WCOG was at the forefront of efforts to stop further weakening of the state's OPMA/PRA again during the 2016 **legislative session**. Among other proposals, WCOG was successful in helping to defeat legislation that would allow agencies to deny large records requests for certain reasons and require requestors to reveal what they are looking for and why.
- WCOG's **Legislative Priorities** for 2016 included opposing further weakening of the PRA, eliminating executive privilege under the PRA, requiring committee meetings to be open to the public when committees are created by a government body and are delegated authority to take any "action" as defined in the OPMA, and requiring an opportunity for public comment before final action.
- WCOG was also **actively involved** in the issue of how disputes regarding public records are resolved. This issue carried over into the 2017 legislative session, and WCOG is working with public agencies to find a workable and acceptable alternative for dispute resolution.
- We participated in **legislative hearings** and advocacy on many issues, including police body cams, the cost of handling large and complex requests, applicability of PRA and OPMA to organizations who receive dedicated tax revenue or large unrestricted grants, access to vessel registration information, and many more.
- WCOG participated in a **stakeholders group** on transparency legislation. We are still working with agencies, public officials, citizens, and others to ensure that any legislation does not do harm to the state's open government laws.

Other notable work:

- **World Affairs Council Visit**- Judy Endejan and George Erb met with 19 representatives from Africa.
- **Body Cam Task Force**- Eric Stahl is representing WCOG on this task force at the invitation of the Speaker of the House and Lt. Governor.
- **AGO request for comments**- Comments were provided to the AG's office concerning the right of city council members to go public with what happened in executive session.

- **Feedback to Archives-** Toby Nixon was asked for opinions by the Archives on various issues, including reducing the retention period for law enforcement mobile video from 90 to 60 days.
- **PRA Stakeholders Group-** Representatives of WCOG worked on the Stakeholders Group to find useful and fair PRA changes that will help agencies and requestors.
- **Attorney General requests-** for feedback on various issues, including whether information discussed in executive sessions should all be confidential.
- **Sunshine Committee-** Kathy George served on the Sunshine Committee, which passed a proposal she made regarding releasing records to those subject to them.

Recognition

- **The Kenneth F. Bunting Award** was presented to Sean Robinson of The News Tribune for his work exposing issues in the Pierce County Prosecutor's office and the secrecy of Mark Lindquist.
- The Spokane Law Firm of Witherspoon Kelly was the recipient of the **2016 James Madison Award** in recognition of this firm's ongoing dedication to open government and transparency.
- **The James Andersen Award**, given for extraordinary deeds to advance the Coalition was presented to Michele Earl-Hubbard for her passion and tireless support of WCOG.
- **Key Awards** are presented throughout the year to people and organizations who made outstanding contributions to the cause of open government either through their work or their efforts to force transparency. Key Awards, in 2016, were presented to former Administrative Law Judge Patricia Peterson for her decision to blow the whistle on questionable ethics practices in the Office of the Insurance Commissioner; the SeaTac City Council in recognition of their prominently posting a plaque containing the preamble to the state Open Public Meetings Act in the council chamber at SeaTac City Hall; former San Juan County Building Official John Geniuch for exposing misuse of funds by the San Juan County Council; the Port of Port Angeles Commission for using transparency and citizen participation in its search for the agency's new executive director; all three Lincoln County Commissioners for unanimously approving a resolution to conduct collective bargaining sessions with county employee unions in public; and Kathy and Gerald Kingen who sued the City of SeaTac for public records related to a land grab scheme, which cheated the couple out of land.
- **The Annual Scott Johnson Scholarship Essay Contest** was won by Kaitlin Christensen of Gig Harbor High School for her thoughtful piece on the topic *"Police body cams, dash cams, and a camera on every street corner: An Invasion of Privacy or a Needed Step Toward Accountability and Safety?"*

Revenue and Sustainability

Since the National Freedom of Information Coalition stopped providing state organizations with sustainability grants, WCOG has struggled to locate another source of ongoing, reliable, and sustainable funding. During 2016, we began work to form a Sustaining Partners Group of individuals and firms who pledge \$5,000 per year to sustain WCOG. In other revenue news:

- **Membership** increased from 173 to 181
- **GiveBIG**, the Seattle Foundation fundraising day, drew \$12,175 in contributions (up 32% over 2015), as well as an additional \$752 in stretch funds from the Foundation.

- **Grant applications** were submitted to Herb Block Foundation, the Olson Foundation, and Washington Women's Foundation.
- **Contribution solicitations** were emailed throughout the year.
- **The Kris Passey Fund** was originated to receive contributions to sustain WCOG in memory of Passey.