



# *Open Public Meetings Act*

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# OPMA Question 1



- You are a county commissioner in a county with a three member commission.
- In order to save money, you offer a ride to another commissioner to attend a training event sponsored by WACO.
- Does this raise concerns with the OPMA?

# OPMA Question 2



- You are a county department head in a county with a three member commission and two county commissioners ask that you meet in their office to discuss a pending county issue with you.
- Does this raise any OPMA issues?

# OPMA Question 3



- You are a county department head in a county with a three member commission and you send an e-mail to two county commissioners and ask for their input about the issue.
- Does this raise any OPMA issues?

# OPMA Question 4



- You are a county department head. You want to obtain some citizen input on an issue so you set up a temporary ad hoc citizen's board to advise you on an issue.
- Is this citizen's board subject to OPMA requirements?

# *Basic Requirements*



- All meetings of a governing body of a public agency must be open and all persons permitted to attend.
- All final actions must be adopted at public meeting or invalid.
- No secret ballots at meetings.
- Codified in Ch. 42.30 RCW.

# *What Is a Meeting*



- Meeting of quorum of governing body where action is taken:
  - Action includes discussion, deliberations, public testimony, review, evaluations.
  - Action includes final action, voting on motions, resolutions, ordinances.

# *Meetings*



- Social gathering or travel excluded if do not discuss public business.
- Retreat, work session, study session are meetings.
- Administrative staff can meet.
- A serial meeting by means of telephone or e-mail may be an illegal meeting.

# *Who Can Attend*



- No conditions on public attendance.
- Cameras and tape recorders are permitted unless disruptive.
- Reasonable rules of conduct can be set.
- No right of public to comment or discuss at meeting.

# *Regular Meetings - Post Agendas*



- New in 2014.
- Public agencies with governing bodies must make agenda of regular meetings of the governing body available online no later than 24 hours in advance of meeting.
- Not required if agency does not maintain a web site or employs less than ten full-time equivalent employees.
- Effective June 12, 2014.

# *Regular Meetings – Post Agendas - II*



- Failure to post does not invalidate an otherwise legal action taken at a meeting where agenda was not posted.
- Agenda may be amended after posting.
- HB 2105 – RCW 42.30.077.
- Applies to meetings of governing bodies of all agency boards and commissions – such as planning commission, civil service commission.
- Does not apply to special meetings – although special meetings also have public notice requirements.

# *Special Meeting*



- Any meeting other than regular meeting regardless of label.
- May be called by presiding officer or majority of governing body.
- Must give written notice 24 hours in advance of the meeting.

# *Special Meeting Notice*



- Written notice delivered 24 hours in advance of meeting:
  - Each member of governing body.
  - Media that have on file a request to be notified.
  - Notice may be by fax or e-mail.
- Written notice not required:
  - Member is present at time of meeting.
  - Members files waiver in advance.

# *Special Meeting - Public Notice*



- Notice of a special meeting must be prominently displayed at main entrance of agency's principal location and the meeting site (if different than the principal location).
- Notice must be posted on the agency's website 24 hours before meeting unless agency:
  - Has no website, or
  - Employs less than 10 full-time equivalent employees, or
  - Does not employ personnel whose duty is to maintain or update website.

# *Special Meeting Notice*



- Notice must include:
  - Time
  - Place
  - Business to be transacted

# *Place of Meetings*



- County commissioners must hold regular meetings at county seat.
- Special meetings may be held outside county seat if appropriate notice is given.

# *Executive Sessions*



- What is an executive session?
  - part of a regular or special meeting.
  - closed to the public.
- Who may attend?
  - members of the governing body.
  - others by invitation only.
  - attorney must attend for discussion of litigation or potential litigation.

# Procedures



- Presiding officer announces:
  - purpose of executive session.
  - time when it will end.
- To extend time, announce to what time.
- May not take final action in executive session.

# *Reasons for Executive Session*



- List of allowable reasons in RCW 42.30.110.
- Litigation or Potential litigation – may meet with legal counsel in executive session to discuss:
  - Agency enforcement actions
  - Litigation
  - Potential litigation

# *Actions Not Covered by OPMA*



- Listed in RCW 42.30.140.
- Not even covered by OPMA so notice or other requirements do not apply.
- Main one – collective bargaining sessions, including contract negotiations, grievance meetings, and portion of meeting where governing body is planning or adopting strategy in collective bargaining matter.

# Penalties



- Ordinances, resolutions, or orders adopted at illegal meeting are void.
- Member of governing body who knowingly participates in illegal meeting subject to \$100 fine.
- Judge may award costs and attorneys fees to citizen who prevails against agency to enforce Act.

# *Resources on OPMA*



- County Prosecuting Attorney or City Attorney.
- Nancy Krier, Office of the Attorney General, Ombudsman.
- Attorney Generals web site – [www.atg.wa.gov](http://www.atg.wa.gov).
- The Open Public Meetings Act – MRSC Report No. 60, on MRSC web site.
- MRSC web site – [www.mrsc.org](http://www.mrsc.org).
- MRSC consultants.