

OPEN PUBLIC MEETINGS ACT OVERVIEW

RCW Chapter 42.30



Washington State Boundary Review Board for King County
June 2023

Legislative Declaration

The legislature finds and declares that all public commissions, boards, councils, committees, subcommittees, departments, divisions, offices, and all other public agencies of this state and subdivisions thereof exist to aid in the conduct of the people's business. It is the intent of this chapter that their actions be taken openly and that their deliberations be conducted openly.

The people of this state do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed and informing the people's public servants of their views so that they may retain control over the instruments they have created. For these reasons, even when not required by law, public agencies are encouraged to incorporate and accept public comment during their decision-making process.

RCW 42.30.010

Agencies and Governing Bodies

- All public agencies
- Applies to all governing bodies
 - “Governing body” means the multimember board, commission, committee, council, or other policy or rule-making body of a public agency, or any committee thereof when the committee acts on behalf of the governing body, conducts hearings, or takes testimony or public comment.
- Applies to Regular and Special BRB Meetings, but not Public Hearings
- Training Requirements
 - Within 90 days of taking the Board’s Oath of Office
 - Every four years after that

RCW 42.30.020 and RCW 42.30.205

Definitions

- **Meeting**

- meetings which action is taken
 - A “meeting” of a governing body occurs when a majority of its members (quorum) gathers with the collective intent of transacting the governing body’s business - *Citizens Alliance for Property Rights Legal Fund v. San Juan County*, 184 Wash.2d 428, 444, 359 P.3d 753 (2015).
 - Exchange of emails can constitute a meeting - *Wood v. Battle Ground Sch. Dist.*, 107 Wash. App. 550, 564-65, 27 P.3d 1208 (2001).

- **Action**

- receipt of public testimony, deliberations, discussions, considerations, reviews, evaluations and final actions

- **Final action**

- includes votes and final discussions, positive and negative

RCW 42.30.020

Meetings: Times, Places and Emergencies

- Agencies shall provide the time for regular meetings by ordinance, resolution, bylaws, or by whatever other rule is required for the conduct of business by that body
- Meetings do need not be held within the boundaries of the territory over which the public agency exercises jurisdiction
- Meetings must have a physical location that is open to the public unless the governing body's presiding officer has declared an emergency
 - Meetings held under a declared emergency can be completely remote/virtual

Special Meetings

- Presiding Officer may call a Special Meeting
 - Whenever an agency has a meeting at a time other than a scheduled regular meeting, it is conducting a special meeting
 - 24 hours written notice to members and media with prior requests for notification on file with agency
 - Notice must also be posted on agency's website
 - Action only allowed on agenda items
 - No "Other Business"
 - Exceptions for emergencies

Meeting Structure

- **Agendas**
- Agenda notice requirements apply to regular meetings
 - The agenda of each regular meeting must be available online no later than 24 hours in advance of the published start time of the meeting.
- **Minutes**
 - Must be taken for all meetings and made available for public inspection
 - Exception for executive session
- **Public Comment**
 - Required at or before any regular meeting where final action will be taken
 - May be written or oral
- **Adjournments**
 - Presiding officer can adjourn any meeting to later date/time/location
 - Includes regular, special and executive sessions
 - Must post information on door of meeting being adjourned

***RCW 42.30.077, RCW 42.30.035,
RCW 42.56.240 and RCW 42.30.090***

Conditions to Attendance

“A member of the public shall not be required, as condition of attendance at a meeting of a governing body, to register his name and other information, to complete a questionnaire, or other to fulfill any condition precedent to his or her attendance.” **RCW 42.30.040**

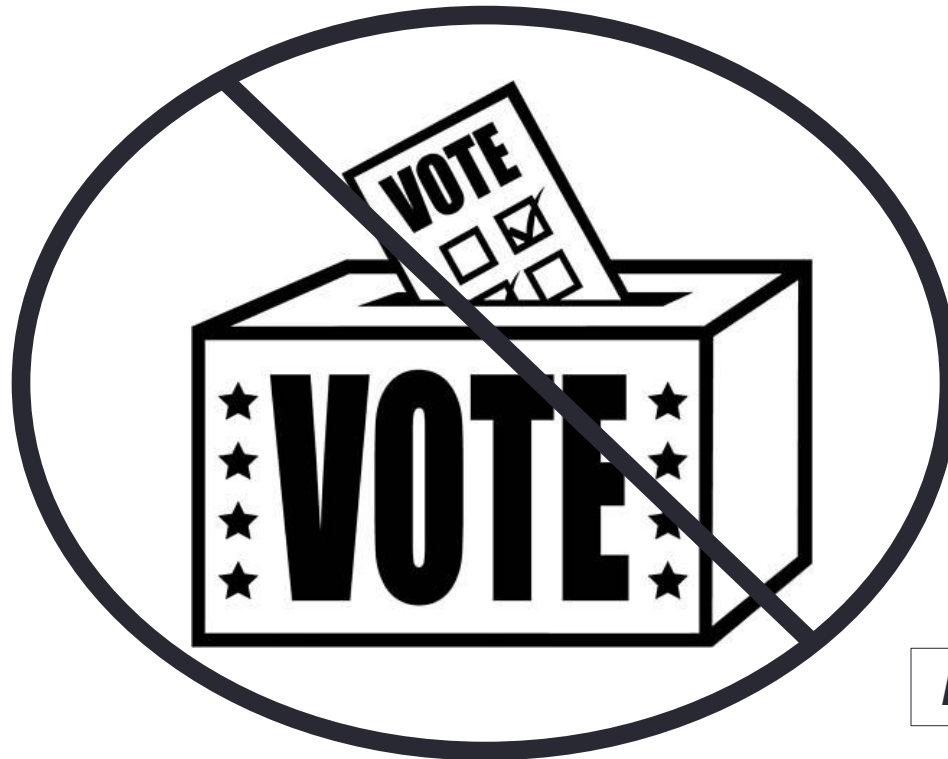
- If a group causes interruptions or disruptions and agency cannot restore order, agency can clear room and resume meeting
 - Agency cannot exclude press unless press was disruptive
 - Agency can only take action on matters on agenda

RCW 42.30.040 and RCW 42.30.050

Voting

- No votes may be taken by secret ballot

“Any vote taken in violation of this subsection shall be null and void, and shall be considered an "action" under this chapter.”



RCW 42.30.060

Executive Session

- Executive session allowed in limited and specific situations

<i>National security</i>	<i>Data Security Breach</i>	<i>Purchase or lease of real estate</i>
<i>Sale or lease of agency real estate</i>	<i>Review negotiations on performance of bid contracts</i>	<i>Complaints and charges against officer or employee</i>
<i>Evaluate applicants for employment or review performance of employees</i>	<i>Evaluate candidates for appointment to elective office</i>	<i>Discuss enforcement actions and litigation with legal counsel</i>

- Before convening executive session, the Presiding Officer must state aloud on record:
 - The purpose for executive session
 - Specific exemption being relied upon
 - When executive session will conclude

Penalties

- Any action taken at meetings failing to comply OMPA are null and void
- Penalties
 - Personal liabilities to each member who knowingly attends a meeting in violation of the OPMA
 - \$500 civil penalty for first offense, \$1,000 for subsequent violations
 - Attorney fees and costs to successful party seeking the remedy paid by agency

RCW 42.30.060 and RCW 42.30.120

OPMA Resources

- Chapter 42.30 RCW

<http://apps.leg.wa.gov/rcw/default.aspx?cite=42.30>

- Washington State Attorney General's Office - Open Government Training

<https://www.atg.wa.gov/opengovernmenttraining.aspx>

- Municipal Research and Services Center - Open Public Meetings Act

<http://mrsc.org/Home/Explore-Topics/Legal/Open-Government/Open-Public-Meetings-Act.aspx>