

# OPEN PUBLIC MEETINGS ACT OVERVIEW

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RCW Chapter 42.30

*King County Office of Risk Management Services  
2021*



**King County**

***This document is meant to be informational and is not legal advice***

# 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.
- Training Requirements – *RCW 42.30.205*

“The Legislature finds that all public boards exist to aid in the conduct of people’s business. It is the intent of this chapter that their actions be taken openly and that their deliberations be conducted openly.” *RCW 42.30.010*

# Definitions *RCW 42.30.2020*

- **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*

- **Action**

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

- **Final action**

- includes votes and final discussions, positive and negative

# 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 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

# COVID-19 Emergency Changes – *OPMA/PRA Proclamation 20-28.15*

- All public meetings must be held remotely.
- In-person meeting component only available when consistent with the business meetings requirements contained in the [Miscellaneous Venues](#) guidance, which is incorporated into Proclamation 20-25, et seq.
  - Has been updated to reflect current Phase Structure

# 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

# Meetings

- **Regular meetings**

- Agencies must identify the time and place that they will hold their regular meetings
  - “recurring meetings held in accordance with a periodic schedule declared by statute or rule” *RCW 42.30.075*

- **Special Meetings**

- Presiding Officer can call
- Whenever an agency has a meeting at a time other than a scheduled regular meeting, it is conducting a special meeting
- 24 hours notice to members and media with prior requests for notification on file with agency. Notice must also be posted on agency’s website. *RCW 42.30.080*
- Action only allowed on agenda items
  - No “Other Business”

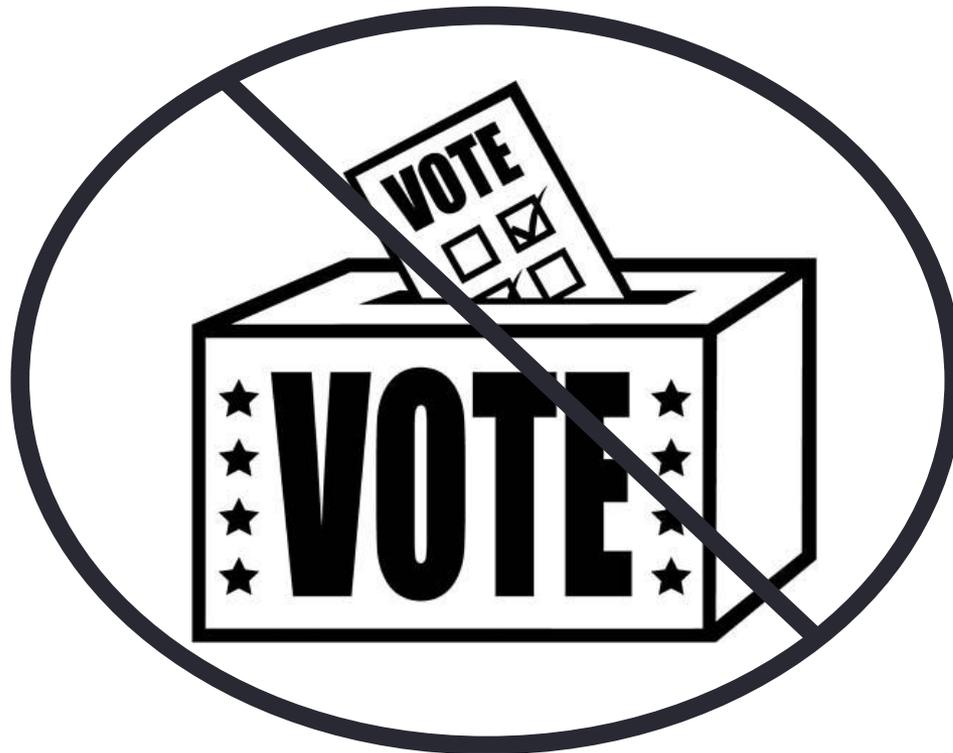
# Meeting Structure

- **Agendas**
- Agenda notice requirements apply to regular meetings.
  - The agenda of each regular meeting of the governing body available online no later than 24 hours in advance of the published start time of the meeting. *RCW 42.30.077*
- **Minutes**
  - Must be taken for all meetings and made available for public inspection
    - Should recite the significant actions of the meeting
      - Many agencies video or audio record meetings
    - Exception for executive session
- **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

# 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(2)*



# Executive Session – *RCW 42.30.110*

- Executive session allowed in 15 limited, specific situations

National security	Site selection	Property price
Public contract bids	Export companies	Personnel charges
Performance	Qualifications	Legal Advice
State Library	Investment Board	Qualifications of candidates for public office
State healthcare contracting	Staff privileges or quality improvement committees under RCW 70.41.205	Specific issues regarding grants for the life sciences discovery fund and health sciences and services authorities

- 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

# OPMA Resources

- Chapter 42.30 RCW  
<http://apps.leg.wa.gov/rcw/default.aspx?cite=42.30>
- Washington State Attorney General - 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>