

# OPEN PUBLIC MEETINGS

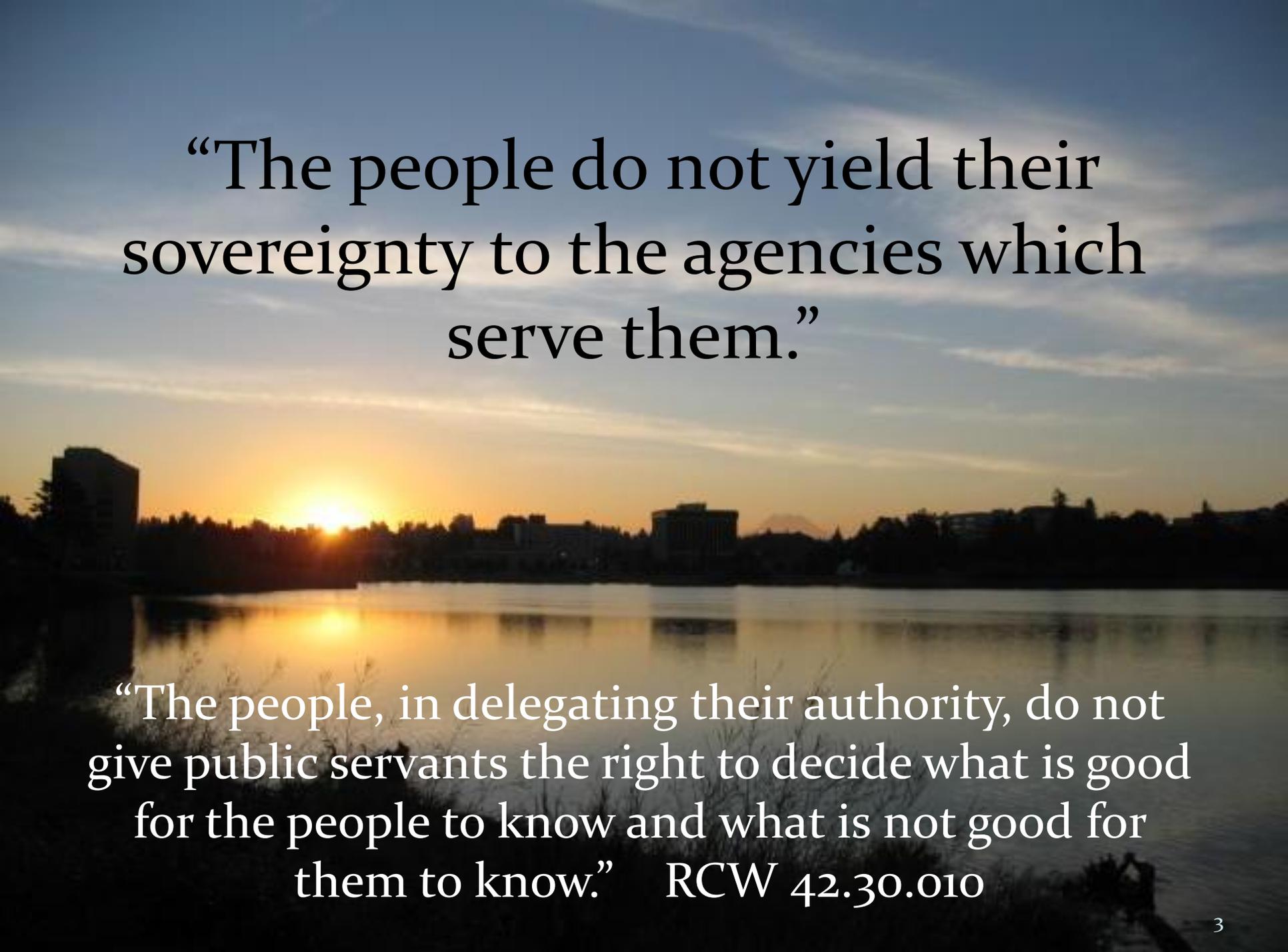
## Chapter 42.30 RCW The Open Public Meetings Act

Washington State Attorney General's Office  
Agriculture and Health Division

2012

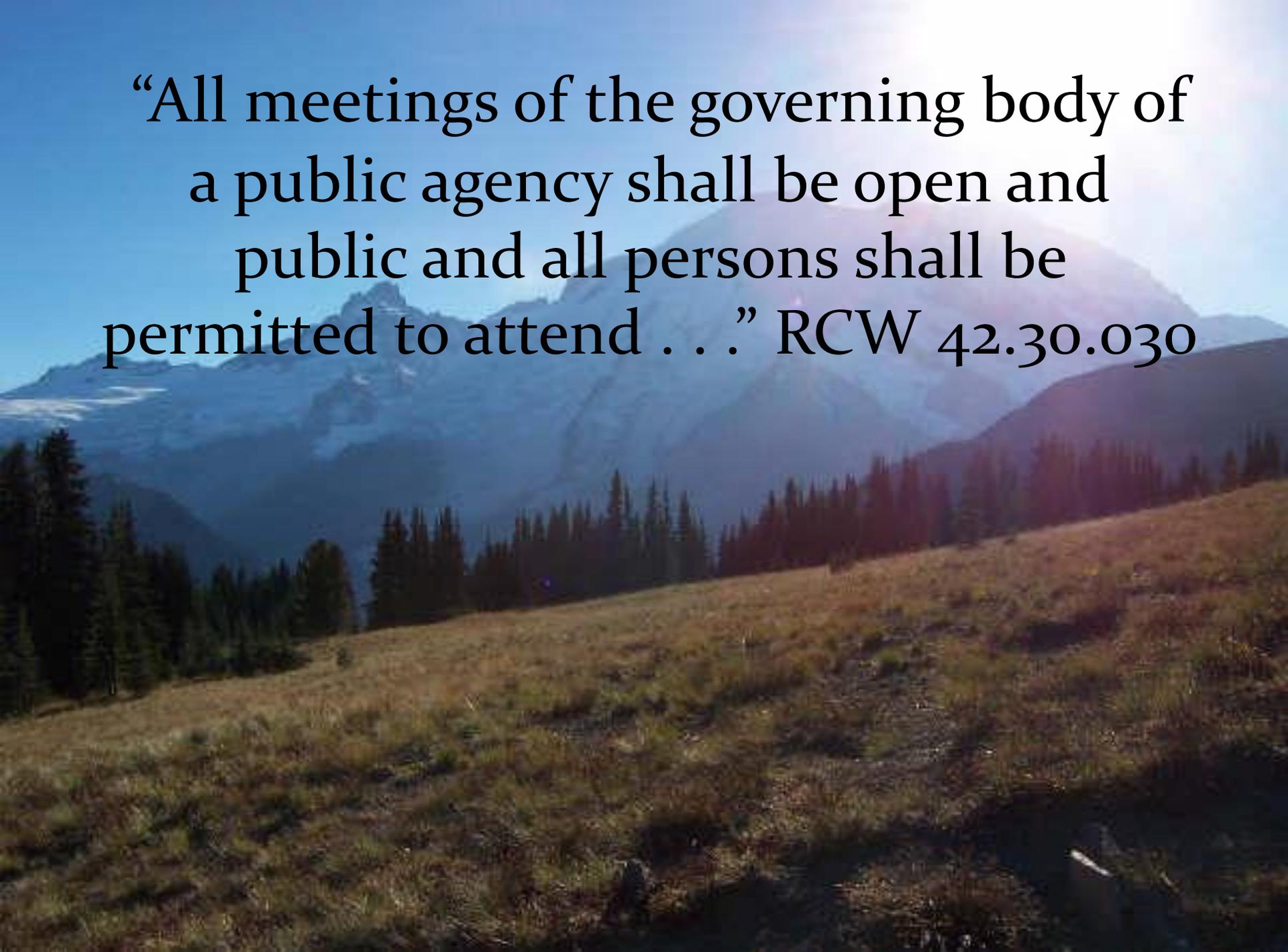
**In 1971, the Washington State legislature passed the Open Public Meetings Act, a strongly worded law designed to promote government transparency and accountability.**



A sunset over a lake with buildings in the background. The sun is low on the horizon, casting a golden glow across the sky and reflecting on the water. The buildings are silhouetted against the bright sky.

“The people do not yield their  
sovereignty to the agencies which  
serve them.”

“The people, in delegating their authority, do not  
give public servants the right to decide what is good  
for the people to know and what is not good for  
them to know.” RCW 42.30.010



“All meetings of the governing body of a public agency shall be open and public and all persons shall be permitted to attend . . .” RCW 42.30.030

# What meetings are subject to the Open Public Meetings Act?

- ✓ Meetings at which action is taken
- ✓ Meetings at which there is a quorum
- ✓ Meetings of any committee of the board when the committee acts on behalf of the board, conducts hearings, or takes testimony or public comment

# What is “action”?

**"Action" means the transaction of the official business of the board or commission**



- ❖ Public testimony
- ❖ Deliberations
- ❖ Discussions
- ❖ Reviews
- ❖ Evaluations

# E-mail conversations can be a meeting if:



- ✓ A quorum of the members of the Board or Commission participate in the e-mail exchange
- ✓ Members collectively intend to transact official business
- ✓ Members communicate about issues that may or will come before the body for a vote

This also applies to  
conversations by  
telephone or in person



Do not attempt to avoid the intent of the  
open meeting requirement by meeting in  
smaller groups to discuss board issues.



**Are subcommittees subject to the requirements of the OPMA?**

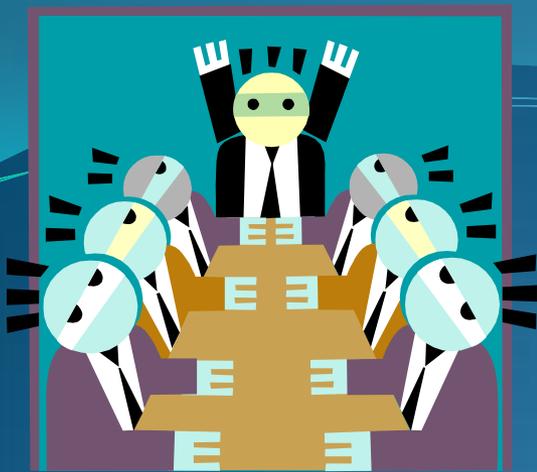
It depends.



# Executive Session

The public may be excluded to allow the governing body to convene in an executive session only for very specific purposes.

The purpose of the executive session and the time it will end must be announced by the presiding officer.



An executive session may be held to address such matters as:

- Evaluation of the qualifications of applicants for public employment
- Meeting with legal counsel regarding enforcement actions, litigation, or potential litigation

# The Open Public Meetings Act does not apply to:

- ✓ Proceedings involving professional, occupational, and business licensing;
- ✓ Quasi-judicial matters between named parties;
- ✓ Matters governed by the Administrative Procedure Act (RCW 34.05);
- ✓ Collective bargaining sessions or grievance proceedings.



# Public Notice

- ✓ Date, time, and place of Regular Meetings must be filed yearly with the Code Reviser by January 1.
- ✓ The schedule and agenda for Special Meetings must be provided at least 24 hours in advance.

# What's OK and what's not?



Can we meet privately in groups smaller than a quorum to solve issues before the meeting?

No. Discussion of official business would be action, triggering the requirements of the Act.

Can we travel or eat together?

Yes, as long as no action is taken.



Don't take chances . . .

Photo courtesy of Gail Yu

# Penalties for Violating the Law

- ✓ A Superior Court can impose a \$100 civil penalty against each member (a violation is civil in nature, so not considered a crime)
- ✓ Judge will award costs and attorney fees to a successful party seeking the remedy
- ✓ Action taken at an improperly closed meeting can be declared null and void