

Open Public Meetings Act

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Open Public Meetings Act

Overview

The Washington State Open Public Meetings Act (OPMA), codified in [chapter 42.30 RCW](#), requires that all meetings of governing bodies of public agencies, including cities, counties and special purpose districts, be open to the public.

The OPMA contains specific provisions regarding regular and special meetings, executive sessions, the types of notice that must be given for meeting, the conduct of meetings, and the penalties and remedies for violations.

What is a “Meeting?”

A “meeting” under the OPMA occurs when a quorum of a city council, board of county commissioners, or other governing body (including certain kinds of committees) gathers with the collective intent of transacting the governing body’s business. In order to be valid, ordinances, resolutions, rules, regulations, orders, and directives must be adopted at meetings conducted in compliance with the OPMA.

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Who Is Required to Comply?

The following local government bodies are required to comply with the OPMA:

- **Governing bodies of public agencies:** city and town councils, boards of county commissioners or county councils, or special purpose district boards of commissioners.
- **Governing bodies of subagencies:** including planning library boards, parks boards, and commissions,
- **Certain committees of governing bodies:** that act on (exercise actual or de facto decision-making governing body, conduct hearings, comment.



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The Open Public Meetings Act **Does Not Apply** to:

- Tenure Review Committees (only make recommendations)
- Student Conduct Boards (quasi-judicial)
- Program advisory committees
- President's Cabinet (created by the President)
- Social Gatherings: Permissible to travel, attend functions, etc., as long as a majority of the Board does not take "action."

Definitions and Meeting Rules

“Action”

- **Transaction of official business:** Including but not limited to receipt of public testimony, deliberations, discussions, considerations, reviews, evaluations, and final action.
- **“Final Action:”** A collective positive or negative decision or an actual vote.

“Meetings”

Any physical or virtual gathering where a majority of the Board takes “action”, including discussions about University business, is subject to the Act:

- Study Session
- Retreats
- Phone trees and email conversations by a majority of the Board

Definitions and Meeting Rules

Regular Meetings

May take final action on any item, even if not in the original agenda.

- [RCW 42.30.060](#): Date fixed by law. See [RCW 42.30.070](#): time and location fixed by motion. No “secret ballots.”
- [RCW 42.30.075](#): Date, time, and location of regular meeting filed with the State Code Reviser prior to January for the ensuing year.
- Boards can also schedule a regular board meeting by publishing the meeting in the Code Reviser’s register at least twenty days prior to the meeting.
- Regular Board meeting agendas need to be posted online twenty-four hours in advance of the meeting, but may be amended at the meeting.

Special Board Meetings

May only take action on the business to be transacted in the agenda.

- Requires twenty-four hours’ notice to the trustees unless waived
- Requires twenty-four hours’ notice to media with standing requests to be notified
- Must be posted twenty-four hours’ in advance of the meeting on the website
- Notice must be prominently displayed at main entrance twenty-four hours in advance or at the meeting site.

Definitions and Meeting Rules

Emergency Board Meetings

If, by reason of fire, flood, earthquake, or other emergency, there is need for expedited action by a governing body to meet the emergency, the presiding officer of the governing body may provide for a meeting site other than the regular meeting site and the notice requirements are suspended during the emergency.

Adjournments and Continuances

- Any meeting may be adjourned by less than a quorum or by the Board secretary.
- Written notice of adjournment shall be provided in same manner as for special board meetings.
- Notice of adjournment shall be posted on the door with the time, date, and location of the meeting.
- Hearings at Board meetings may be continued to subsequent meetings in the same manner as adjournments.

Interruptions prohibiting the orderly conduct of business

- May clear the room and adjourn or continue the meeting to another time or location
- The media shall be allowed to attend the meeting, unless they were part of the group disrupting the meeting.

Executive Sessions

Reasons for Executive Session

- Selection of real estate by lease or purchase when public knowledge would likely cause an increased price.
- To consider the minimum price for selling or leasing real estate when public knowledge would likely cause a decreased price. Final action selling or leasing the property must take place in a meeting open to the public.
- To review negotiations on publicly bid contracts when public knowledge of such consideration would likely cause an increased cost.
- To receive and evaluate complaints or charges brought against an employee or officer. Upon request of the employee or officer, a public hearing will be held on the charge or complaint.
- To evaluate the qualifications of an applicant for public employment or to review the performance of a public employee. Salaries must be announced in open session. Discipline or discharge must be done in open session.
- Discussion with the University's attorney about potential litigation or legal risks that might result from a proposed course of action.

Procedures for Calling an Executive Session

- Before going into executive session the purpose of the session must be stated and along with the time.
- Executive sessions may be extended by the presiding officer.

Exemptions & Penalties

The Open Public Meetings Act does not apply to:

- Portion of a meeting that consists of quasi-judicial matters between named parties.
- Hearing governed by the Administrative Procedures Act, RCW 34.05
- Discussions related to the position to be taken on collective bargaining and negotiations.

Penalties for violating the Open Public Meetings Act:

- Voids action
- Requires payment of attorney's fee
- \$500 penalty per trustee for willful violation of the Act.
- Bad Press

**For more information
regarding the Open Public
Meetings Act:**

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