

OPMA – AGENCY OBLIGATIONS: A STARTING POINT

Practice Tips FOR LOCAL GOVERNMENTS



The basic requirement of the Open Public Meetings Act (OPMA) is that meetings of governing bodies be open and public. Use these practice tips to guide your agency's OPMA compliance. For more information and resources visit mrsc.org/opma.

BASIC REQUIREMENTS

- **All meetings open and public.** All meetings of governing bodies of public agencies must be open to the public, except for certain exceptions outlined in the OPMA ([RCW 42.30.030](#)).
- **Quorum.** Generally, a gathering of the members of a governing body is subject to the OPMA when a quorum (majority) of the governing body is in attendance with the collective intent to take action, which includes discussion or deliberation as well as voting ([RCW 42.30.020](#)(2) & (3)).
- **Attendees.** All persons must be permitted to attend and attendees cannot be required to register their names or other information as a condition of attendance. Disruptive and disorderly attendees may be removed ([RCW 42.30.040](#) & [.050](#)).
- **No secret ballots.** Votes may not be taken by secret ballot ([RCW 42.30.060](#)(2)).
- **Adoption of ordinances.** Ordinances, resolutions, rules, regulations, and orders must be adopted at a public meeting or they are invalid ([RCW 42.30.060](#)(1)).

POSITION IN AGENCY	REQUIRED TO COMPLY
Member of a governing body* <ul style="list-style-type: none"> • City or Town Councilmember or Mayor* • County Commissioner or County Councilmember • Special Purpose District Commissioner/Board Member 	Yes Yes Yes
Member of a subagency created by ordinance or legislative act, e.g.: <ul style="list-style-type: none"> • Planning Commission • Library Board • Parks Board • Civil Service Commission 	Yes Yes Yes Yes
Member of a committee <ul style="list-style-type: none"> • Committees that act on behalf of (exercise actual or de facto decision-making authority for) the governing body, conduct hearings, or take testimony or public comment • Committees that are purely advisory 	Yes No
Agency staff	No, unless agency employee is a member of a committee that is required to comply

* In a city with a "strong" mayor, the mayor does not count towards a quorum and is only subject to the OPMA when presiding over a council meeting or serving on a committee that is required to comply.

PENALTIES FOR NONCOMPLIANCE

- **Actions null and void.** Any action taken at a meeting which fails to comply with the provisions of the OPMA is null and void ([RCW 42.30.060\(1\)](#)).
- **Personal liability.** Any member of a governing body who attends a meeting knowing that it violates the OPMA can be personally ordered to pay \$500 for the first violation and \$1,000 for any subsequent violation ([RCW 42.30.120\(1\)\(2\)](#)).
- **Agency liability.** Any person who wins a lawsuit against an agency for a violation of the OPMA will be awarded all costs, including attorney fees, incurred in connection with that legal action ([RCW 42.30.120\(2\)](#)).

MEETINGS NOT SUBJECT TO OPMA UNDER [RCW 42.30.140](#)

- **Quasi-judicial proceedings.** Quasi-judicial proceedings are not subject to OPMA requirements. Typically, a city or county governing body is acting in a quasi-judicial capacity when it acts like a court as opposed to adopting policy. This happens in certain land use actions such as site-specific rezones, conditional use applications, variances, and preliminary plat applications. Other examples include the civil service commission when it is considering an appeal of a disciplinary decision and the LEOFF disability board when it is considering an application for disability benefits. However, where a public hearing is required for a quasi-judicial matter, only the deliberations by the body considering the matter can be in closed session.
- **Collective bargaining sessions.** Collective bargaining sessions with employee organizations are not subject to OPMA requirements and may occur in closed session without following OPMA procedures. This exemption applies to contract negotiations, grievance meetings, and discussions about the interpretation or application of a labor agreement or to that portion of a meeting when the governing body is planning or adopting its strategy during the course of any collective bargaining, professional negotiations, grievance or mediation proceedings, or reviewing the proposals made in the negotiations or proceedings in progress.

Note: Jurisdictions may choose to conduct these proceedings in an open meeting despite the statutory exemption, although a jurisdiction cannot unilaterally mandate that collective bargaining negotiations occur at an open public meeting.

OPMA TRAINING REQUIREMENTS

- Every member of a governing body of a public agency must complete training requirements on the OPMA within 90 days of assuming office or taking the oath of office ([RCW 42.30.205\(1\)](#)).
- In addition, every member of a governing body must complete training at intervals of no more than four years as long as they remain in office ([RCW 42.30.205\(2\)](#)).

DISCLAIMER: These practice tips are meant to provide summary information on basic agency obligations of the OPMA; the practice tips are not intended to be regarded as specific legal advice. Consult with your agency's legal counsel for guidance on specific situations.