



WASHINGTON STATE ATTORNEY GENERAL
ROB MCKENNA
AG REQUEST LEGISLATION - 2008 SESSION

OPEN PUBLIC MEETINGS ACT

THE PROBLEM

Citizens and the media express increasing frustration over alleged violations and lack of enforcement of the Open Public Meetings Act. As one example, in 2005, citizens filed a lawsuit opposing the passage of a resolution by the Shoreline City Council accepting the resignation of the then-city manager. The vote was taken during an open session. However, the lawsuit claimed a violation of the OPMA had occurred, alleging prior discussions before the vote.

This is not an isolated incident. There is a general lack of consistency in how governments comply with the OPMA. Model rules could be beneficial in providing a better understanding of the OPMA to the public, government officials and other stakeholders.

BACKGROUND

The Legislature passed the Open Public Meetings Act ("OPMA"), [chapter 42.30 RCW](#) in 1971 as part of a nationwide effort to make government affairs more accessible. While the Legislature has clarified some of its provisions, the OPMA is substantially unchanged.

There has been relatively little litigation regarding its interpretation so many gray areas exist. Soon after its passage, the Attorney General issued a comprehensive opinion which continues to be a useful resource. See [1971 Att'y Gen. Op. No. 33](#). Other resources on the OPMA are Chapter 21, *Public Records Act Deskbook: Washington's Public Disclosure and Open Public Meetings Laws* (Greg Overstreet, ed.) (Wash. State Bar Assoc. 2006) and the Municipal Research Service Center's OPMA Frequently Asked Questions.

OPMA LEGISLATION

The Attorney General's Office is requesting legislation:

- Directing the Attorney General's Office to develop advisory model rules for the Open Public Meetings Act to address:
 - Agencies subject to the OPMA
 - Meetings and actions required to be conducted openly
 - Notice requirements for meetings
 - Matters that may be conducted in closed sessions
 - Any other issues pertaining to open public meetings

The Attorney General's Office shall adopt the rules by February 1, 2009, and they may be revised periodically.

- Requiring the Attorney General's Office to publish a plain-language pamphlet explaining the OPMA.
- Increasing public notice of special meetings by requiring the agency to:
 - Post a notice on the agency's Web site.
 - Post in an open area to the public at the agency's main administrative office.
 - Deliver written notice to each local newspaper of general circulation.
 - Deliver notice to each local radio or television station only if the station has a request of file with the agency.