

# OPMA – AGENCY OBLIGATIONS: A STARTING POINT

# PRACTICE TIPS

For Local Government Success



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 [www.mrsc.org/opmapra](http://www.mrsc.org/opmapra).*

## 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 meeting occurs when a quorum (majority) of the governing body is in attendance and action is taken, 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"> <li><input type="checkbox"/> City or Town Councilmember or Mayor</li> <li><input type="checkbox"/> County Commissioner or County Councilmember</li> <li><input type="checkbox"/> Special Purpose District Commissioner/Board Member</li> </ul>	Yes
Member of a subagency created by ordinance or legislative act, e.g.: <ul style="list-style-type: none"> <li><input type="checkbox"/> Planning Commission</li> <li><input type="checkbox"/> Library Board</li> <li><input type="checkbox"/> Parks Board</li> <li><input type="checkbox"/> Civil Service Commission</li> </ul>	Yes
Member of a committee <ul style="list-style-type: none"> <li><input type="checkbox"/> 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</li> <li><input type="checkbox"/> Committees that are purely advisory</li> </ul>	Yes No
Agency staff	No

## 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.** Potential personal liability of \$500 for any member of a governing body who attends a meeting knowing that it violates the OPMA and \$1,000 for any subsequent OPMA violation. *RCW 42.30.120(1)(2).*
- **Agency liability.** Any person who prevails against an agency in any action in the courts for a violation of the OPMA will be awarded all costs, including attorney fees, incurred in connection with such legal action. *RCW 42.30.120(2).*

## 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 about this topic as well.