

# Practice Tips FOR LOCAL GOVERNMENTS



The Open Public Meetings Act (OPMA) requires agencies to make available the agendas for both regular and special meetings within specific timeframes and following specified methods as outlined in our [Notice Requirements Practice Tips](#). This tip sheet provides additional guidance that is focused on developing and modifying agendas. For more information and resources visit [mrsc.org/opma](http://mrsc.org/opma).

### WHO DRAFTS THE PRELIMINARY AGENDA?

While the basic authority to establish an agenda for a meeting of the governing body rests with that body under its authority to adopt rules of procedure and hold meetings, this authority is often delegated to the chair, the administrator/manager, or the clerk.



**Tips from Local Rules:** The rules of procedure of each governing body often address agenda preparation and the rules can be tailored to that agency's specific needs. One constant is that the clerk or secretary of the board is an integral part of the agenda development process.

### CAN AN AGENDA BE MODIFIED? WHO CAN MODIFY AN AGENDA?

State law only requires a preliminary agenda be made available ([RCW 42.30.077](#)) and does not prohibit subsequent modifications being made to the agenda. State law also doesn't direct who can modify a preliminary agenda. Both of these matters are often addressed in the governing body rules.



**Tips from Local Rules:** Examples of rules on these topics range from requiring a specified number of members of the governing body (but less than a majority) ask for an item be added to the agenda, or allowing the executive or chair to add an item on their own initiative, or only allowing time critical matters be added after publication of the preliminary agenda.

### WHEN CAN AN AGENDA BE MODIFIED?

- **Before the meeting**, as provided for by rule of the governing body.



**Tips from Local Rules:** Some local rules identify a deadline for adding items to an agenda, such as three business days before the meeting date. Others limit modification of the preliminary agenda by establishing a standard agenda setting process, such as requiring agenda items be selected from an agenda planner or having an agenda planning committee set the agenda at their weekly agenda planning meetings.

- **During the meeting**, upon a motion and majority vote of the governing body or by consensus if that is the agency practice. Often, the vote to modify the agenda will occur at the outset of the meeting when the final agenda is being approved, although it can happen at any point during the meeting, unless otherwise limited by local rule.



**Note on Consent Agendas:** A consent agenda is where multiple items are placed and are passed upon a single motion, without debate. If the agency uses a consent agenda then (unless the governing body's rules say differently) any member can remove an item from the consent agenda and place it in the meeting agenda to be discussed/voted on separately during the meeting.

## DOES THE AGENDA HAVE TO BE AMENDED TO TAKE NEW ACTION?

### For regular meetings

We recommend modifying the agenda before action is taken on a new topic as a best practice, although failure to amend the agenda to add the new topic wouldn't invalidate the action. Approval to modify the agenda doesn't have to be particularly formal (consensus may be ok if no member objects).

### For special meetings

The agenda can be modified to discuss a new matter, but the agency cannot take final action (vote) at that meeting on the new agenda item, unless the modified agenda (notice) was posted and delivered at least 24 hours in advance of the meeting, pursuant to [RCW 42.30.080](#).

DISCLAIMER: These practice tips are meant to provide practical information to local government officials and staff about electronic records and requirements under the OPMA. The tips aren't intended to be regarded as specific legal advice. Consult with your agency's attorney for guidance on specific situations.