

Practice Tips FOR LOCAL GOVERNMENTS



The Open Public Meetings Act (OPMA) requires agencies to provide sufficient public notice of their meetings and, in some cases, to post the agenda for the meeting in advance. Use these practice tips as a starting guide for OPMA notice requirements. For more information and resources visit mrsc.org/opma.

REGULAR MEETINGS (RCW 42.30.070 , .077)	SPECIAL MEETINGS (RCW 42.30.080)
Definition	
Held in accordance with a schedule fixed by ordinance, resolution, bylaws, or other rule.	Anything other than a regular meeting. May be called by the presiding officer or a majority of the members of the governing body.
Notice and Agendas	
<p>Agendas must be made available on the agency’s website at least 24 hours in advance of the meeting unless the agency:</p> <ul style="list-style-type: none"> • Has an aggregate valuation of the property subject to taxation by the district, city, or town of less than \$400,000,000, as placed on the last completed and balanced tax rolls of the county preceding the date of the most recent tax levy; • Has a population within its jurisdiction of under 3,000 persons; and • Provides confirmation to the state auditor at the time it files its annual reports under RCW 43.09.230 that the cost of posting notices on a website of its own, a shared website, or on the website of the county in which the largest portion of the district’s, city’s, or town’s population resides, would exceed one-tenth of one percent of the district’s, city’s, or town’s budget. <p>This requirement does not prohibit subsequent modifications to agendas. There are no other notice requirements for regular meetings in the OPMA. However, other relevant laws apply to some local governments. For example, cities and towns are required to establish a procedure for notifying the public of the preliminary agenda for the forthcoming council meeting and any upcoming hearings (although not necessarily online). See RCW 35A.12.160, 35.22.288, 35.23.221, 35.27.300. There are no similar requirements for counties or special purpose districts related to preliminary agendas.</p>	<p>The special meeting notice must specify the date, time, and place of the special meeting, and the business to be transacted.</p> <p>Personal notice. Written notice must be delivered personally, by mail, fax, or e-mail at least 24 hours before the meeting to:</p> <ul style="list-style-type: none"> • Each member of the governing body, unless the member submits a written waiver of notice in advance with the clerk or secretary, or the member is actually present at the meeting; and • Each member of the news media who has on file with the governing body a written request for notice of special meetings. <p>Website notice. Notice must be posted on the agency’s website 24 hours in advance of the meeting, unless the agency:</p> <ul style="list-style-type: none"> • Doesn’t have a website or share a website with another agency; or • Employs no full-time equivalent employees; or • Doesn’t employ personnel whose duty, as defined by a job description or existing contract, is to maintain or update the website. <p>Note: <i>The two latter exceptions to posting website notice do not apply to a remote meeting or a meeting at which the physical attendance by some or all members of the public is limited due to a declared emergency which prevents a meeting from being held in person with reasonable safety.</i></p> <p>Agency’s principal location notice: Notice must be prominently displayed 24 hours in advance at the main entrance of the agency’s principal location and the meeting site if the meeting isn’t held at the agency’s principal location.</p> <p>Note: <i>During a declared emergency which prevents a meeting from being held in-person with reasonable safety, an agency that hosts a website or shares a website with another agency may, in lieu of the notice at the agency’s principal location and the meeting site, instead post notice of a remote meeting without a physical location on the website hosted or shared by the agency.</i></p>

REGULAR MEETINGS (RCW 42.30.070, .077)	SPECIAL MEETINGS (RCW 42.30.080)
Notice and Public Comment	
If the agency is required by state law to solicit public comment for a statutorily specified period of time and is required by state law to provide notice that it is soliciting public comment, the notice must specify the first and last date and time by which written public comment may be submitted. See RCW 42.30.250 .	
Emergencies	
In an emergency situation (e.g., fire, flood, earthquake, or other emergency), a meeting may be held at a site other than the regular meeting site, and the notice requirements under the OPMA are suspended during such an emergency.	The notices required for special meetings aren't required if a special meeting is called to deal with an emergency involving injury or damage to persons or property or the likelihood of such injury or damage, when time requirements of such notice would make notice impractical and increase the likelihood of such injury or damage.
Holidays	
Regular meetings shall not be held on holidays. If a regular meeting falls on a holiday, the meeting must be held on the next business day.	Although not specifically addressed by the OPMA, we recommend that special meetings not be held on holidays out of consideration for public participation.
Business Transacted	
There are no restrictions on the type of business that may be transacted at regular meetings. The agency can go into executive session even if one was not noticed.	The agency can add matters for discussion to the agenda including an executive session. But, final disposition cannot be taken on any matter not listed in the special meeting notice.

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