

THE OPMA AND PRA

QUICK OVERVIEW FOR LAW AND JUSTICE COUNCIL

Washington law requires transparency in both public meetings and public records. Two key laws apply to public officials and certain advisory bodies:

- **Open Public Meetings Act (OPMA)** – RCW 42.30
- **Public Records Act (PRA)** – RCW 42.56

Together, these laws help ensure public access to government decision-making and records. County staff will provide support to help the Law and Justice Council adhere to the provisions of the OPMA and PRA.

OPEN PUBLIC MEETINGS ACT (OPMA)

The OPMA requires meetings of governing bodies and certain advisory committees to be conducted openly and publicly. The following would apply to meetings that must adhere to the OPMA.

>> KEY OPMA GUIDELINES

Meetings must be open to the public

- For the Law and Justice Council, a quorum is defined as nine (9) or more members / designees. If a quorum will discuss or conduct council business, assume the meeting is subject to the OPMA. (This includes in-person meetings, phone calls, email chains and virtual meetings.)

Avoid “serial meetings”

- Do not use email, text messages or back-channel conversations to collectively deliberate or make decisions outside a public meeting.

No decisions outside public meetings

- Vote, make recommendations and take final action only during properly noticed meetings that are open to the public.

Public notice and agendas

- Meetings subject to the OPMA must be publicly noticed, and agendas must be posted at least 24 hours in advance of the meeting (county staff will help with this).

Minutes are required

- For meetings subject to the OPMA, minutes must be maintained and made available for public inspection (county staff will help with this) too.

OPMA training requirements

- Washington law requires those serving on governing bodies and certain advisory committees to complete OPMA training within 90 days of assuming duties, with refresher training every four years. Training is available online through the following:
 - State Attorney General's office: <https://www.atg.wa.gov/open-government-training>
 - Municipal Research and Services Center (MRSC), a nonprofit group that supports local governments in the state: <https://mrsc.org/training/pr-opma-e-learning>

Executive / closed sessions are limited

- Closed and executive session discussions are allowed only for specific reasons authorized by law. It's highly unlikely this group will require executive / closed session discussions.

PUBLIC RECORDS ACT (PRA)

The PRA requires public records relating to government business to be retained and disclosed upon request unless a specific exemption applies.

>> KEY PRA GUIDELINES

Most records related to public business are public records

- Emails, text messages, notes, agendas, attachments and other communications about council business may all be subject to disclosure.

Personal devices and accounts can still create public records

- If council business is discussed using a personal phone or email account, those communications may still be subject to a public records request.

Assume written communications will become public

- Communicate professionally and avoid unnecessary commentary in emails or texts.

Do not delete records related to public business

- Records retention laws apply even if a record is stored on a personal device or account.

PRA training requirements

- Washington law requires those serving on governing bodies and certain advisory committees to complete PRA training within 90 days of assuming duties, with refresher training every four years. Training is available online through the following:
 - State Attorney General's office: <https://www.atg.wa.gov/open-government-training>
 - Municipal Research and Services Center (MRSC), a nonprofit group that supports local governments in the state: <https://mrsc.org/training/pr-a-opma-e-learning>

Public records requests have legal deadlines

- The county is required to respond to PRA requests promptly, so preserving records is important.

Some information may be exempt

- Certain records or portions of records may be protected from disclosure by law, but exemptions are limited and specific.

Consider creating a separate email account just for your Law and Justice correspondence

- Several providers allow users to create email accounts at no charge. To help keep your Law and Justice correspondence from your personal emails, it may make sense to create an email account just for correspondence related to the Law and Justice Council.

OPMA AND PRA BEST PRACTICES

- Conduct council business only during publicly noticed meetings
- Do not send – or reply to – group emails
- Keep communications professional and concise
- Assume all written communications are public records, and retain records related to council business
- When unsure, consult county staff or legal counsel before acting
- Focus on transparency and public trust in all council activities
- Consider opening a separate email account for Law and Justice business

Additional resources: State Attorney General's office: <https://www.atg.wa.gov/open-government-training> or MRSC: <https://mrsc.org/training/pr-a-opma-e-learning>