

EAST COUNTY FIRE & RESCUE
Policies, Procedures, and Guidelines

SUBJECT: Open Public Meetings Act Requirements

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1. Overview

The Open Public Meetings Act (OPMA), codified as Chapter 42.30 RCW, requires that all meetings of the governing bodies of a public agency and any committees of such governing bodies shall be open and public with certain limited exceptions. The following policy statement confirms that the District Board of Commissioners is subject to the OPMA and outlines the steps that each member is required to take in order to comply with this Act. The Board of Commissioners or its committees shall not take any action except in an open public meeting or executive session to which notice has been given according to this policy statement. "Actions" are defined as including: deliberations, discussions, considerations, reviews, evaluations, resolutions, rules, regulations, orders, and directives. Any action taken at meetings failing to comply with the OPMA shall be null and void.

2. Meetings Subject to the Act

All regularly scheduled meetings of the Board of Commissioners and special meetings, including committee meetings, attended by at least 3 Board members are subject to the Open Public Meetings Act.

3. Executive and Closed Sessions

Although all East County Fire and Rescue Board of Commissioner meetings must be open to the public as described above, a meeting may be recessed into executive (closed) session to consider certain matters as defined by law. A meeting devoted entirely to such matters must still have the required notices filed, be open to the public, and then recess to executive session. Prior to the executive session, the chairperson must publicly announce the purpose of the session and time when the executive session will be concluded. This announcement may be generic in nature, such as, "We are now going into executive session to evaluate an employee and will reconvene in public session at 7:30 P.M."

a. Purposes for Executive Sessions

Executive Sessions are permissible for the following reasons:

1. To consider matters affecting national security.
2. To consider the selection of a site or the acquisition of real estate by lease or purchase when public knowledge regarding such consideration would cause a likelihood of increased price.
3. To consider the minimum price at which real estate will be offered for sale or lease when public knowledge regarding such consideration would cause the likelihood of decreased price. However, final action selling or leasing of public property shall be taken in a meeting open to the public.
4. To review negotiations on the performance of publicly-bid contracts when public knowledge regarding such consideration would increase cost.

5. To receive and evaluate complaints or charges brought against a public officer or employee. However, upon the request of such officer or employee, a hearing or meeting open to the public shall be conducted upon such complaint or charge.
6. To evaluate the qualifications of an applicant for public employment or review the performance of a public employee. However, subject to RCW 42.30.140(4), discussion by a governing body of salaries, wages, and other conditions of employment to be generally applied within the agency shall occur in a meeting open to the public. Further, when a governing body elects to take final action on hiring, setting the salary of an individual employee, or of all employees, or discharging or disciplining an employee, that action shall be taken in a meeting open to the public.
7. To discuss with legal counsel representing the District, litigation or potential litigation to which the District is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequences to the District.

b. Purposes for Other Closed Sessions

Certain other functions are exempt from the OPMA and may be conducted in closed session.

1. Quasi-Judicial Matters—Quasi-judicial meetings are "court-like" proceedings to hold hearings on disputed claims or alleged infractions of rules and regulations and to make decisions in the general manner of procedures conducted by judges.
2. Labor Relations—Closed sessions may be used for collective bargaining sessions with employee organizations, including contract negotiations, grievance meetings, and discussions relating to the interpretations or application of a labor agreement; or that portion of a meeting during which the governing body is planning or adopting the strategy or positions to be taken by the governing body during the course of any collective bargaining, professional negotiations, or grievance or mediation proceedings, or reviewing the proposals made in the negotiations of proceedings in progress.

c. Final Actions Required in Open Meetings

When the Board of Commissioners comes out of executive session, no announcement need be made regarding what has occurred during the executive session. However, final actions must be accomplished in open session.

4. Procedures for Filing Meeting Notices

The Fire Chief coordinates the filing of all meeting notices for the District. Filing requirements for both regular and special meetings are described below.

a. Regular Meetings

The Board of Commissioners shall adopt a regular meeting schedule annually in order to minimize filing requirements.

b. Special Meetings

Special meetings are all meetings other than regular meetings. Special meeting notices shall be posted on the District website and at the front door of staffed stations. Notice shall also be delivered to members of the Board of Commissioners and any news media that have filed a written request for such notices, at least 24 hours prior to the meeting. The notice should contain the following:

1. The name of the governing body or committee;
2. The date and time the special meeting will be held;
3. The meeting location; and
4. The purpose of the meeting or a complete agenda.

No final action may be taken on any matter outside the agenda or stated purpose of a special meeting.

5. Minutes of Open Meetings

The law requires that notes be taken at all open meetings, both regular and special. The notes shall then be approved as minutes at the following regular meeting. Note that all documents produced in executive session are also subject to disclosure under the Public Disclosure Act unless specifically exempt under that Act.

6. Rescheduling of Regular Meetings

A regular meeting falling on a holiday may be postponed to the next business day. Postponement of a regular meeting, either for a holiday or some other reason, must be posted at the door of the meeting room ahead of the usual scheduled date. If a decision is made to hold a regular meeting ahead of the usual scheduled date, it should be treated as a special meeting. A special meeting notice can also be used to cancel a regular meeting and set a new one.

7. Recesses of Meetings

Recesses are permitted under the OPMA. Any regular or special meeting may be recessed to another time and/or place by posting the time and place of the reconvened meeting at the door of the original meeting room. Any new location for the meeting should be reasonably calculated to permit full public attendance.

8. Emergency Situations

If an emergency situation, such as fire, flood, earthquake, etc., creates a need for expedited action by the Board of Commissioners to meet the emergency or makes it unsafe to meet in the designated place, the Board Chairperson may call a meeting and designate another place for the meeting without complying with the notice requirement.

9. Conduct of Open Meetings

a. Right to Speak

Although the OPMA does not require a governing body to allow everyone to speak at a public meeting, East County Fire & Rescue permits public comment as outlined in district policy 70.1.1. *However, public comment may not be permitted during special meetings unless allowed by the Chairperson and strictly germane to the subject of the special meeting.*

b. Conduct

Members of the public or the news media may attend an open meeting without being required to give their names, complete a questionnaire, or provide other information.

In the event individuals disrupt the meeting so that the Board of Commissioners cannot continue to conduct the meeting in an orderly way, the members of the Board of Commissioners may order the meeting room cleared. The meeting may be adjourned by majority vote and reconvened at another location. Individuals not responsible for disturbing the meeting can be readmitted.

