

**REQUIREMENTS OF THE
OPEN PUBLIC MEETINGS
ACT, Ch. 42.30 RCW, AND THE
PUBLIC RECORDS ACT, CH.
42.56 RCW**

Meeting of the Clark County Charter Review Commission

January 14, 2026

OPMA and PRA

- The Open Public Meetings Act (OPMA) is found at Chapter 42.30 RCW.
- The state legislature adopted OPMA in 1971.
- The Public Records Act (PRA) is found at Chapter 42.56 RCW.
- The PRA was initially adopted in 1975, and was then codified in Chapter 42.17 RCW.

Other sources of open government law.

- Some related requirements are located outside Ch. 42.30.
- The minutes requirement is in Chr. 42.32 RCW.
- Specific notice requirements for the Charter Review Commission (CRC) are set forth in Section 9.1 of the Clark County Home Rule Charter (Charter).

OPMA governs the actions of the CRC.

- Clark County is a public agency as defined by RCW 42.30.020(1)(b).
- CRC is a subagency of Clark County.
- CRC was created pursuant to the Charter.
- CRC is a public agency as defined by RCW 42.30.020(1)(c).

CRC is a governing body under OPMA. Committees?

- Any CRC committee might be an OPMA “governing body”. RCW 42.30.020(2).
 - Does the committee act on behalf of the CRC?
 - Does the committee take testimony or public comment?

If either is so, a committee is a governing body.

Another OPMA definition: action

“Action” means the transaction of the official business of a public agency by a governing body including (BNLT) receipt of public testimony, deliberations, discussions, considerations, reviews, evaluations and final actions. RCW 42.30.020(3).

The absolute best OPMA definition: meeting

“Meeting” means meetings at which action is taken. RCW 42.30.020(4).

OPMA's overarching requirement:
meetings to be open and public

All meetings of the governing body of a public agency shall be open and public and all persons shall be permitted to attend any meeting of the governing body of a public agency, except as otherwise provided in [OPMA]. RCW 42.30.030.

Secret voting prohibited.

- No secret ballots.
- No vote in executive session.

RCW 42.30.060.

Other OPMA provisions

- OPMA encourages public agencies to provide for virtual attendance and participation in meetings of governing bodies. RCW 42.30.030(2).

More OPMA provisions

No conditions for attendance. RCW 42.30.040.

Exceptions:

May not interrupt or disrupt. RCW 42.30.050.

No open carry at meetings in PSC. RCW 9.41.305(1)(b).

The public must be given due notice of public meetings.

14 days' public notice of regular meetings is required. Charter Sec. 9.1.

A meeting agenda must be posted at least 24 hours in advance of the start time of the meeting. RCW 42.30.077(1).

Special notice must be given for special meetings. RCW 42.30.080.

Executive sessions

Executive sessions (closed and privileged) are permitted with notice, but only for reasons in statute.

RCW 42.30.110.

PRA for Charter Review Commissioners

Definitions - RCW 42.56.010

- "Public record" includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.
- "Local agency" includes every county, city, town, municipal corporation, quasi-municipal corporation, or special purpose district, or any office, department, division, bureau, board, commission, or agency thereof, or other local public agency.

PRA for Charter Review Commissioners

Definitions - RCW 42.56.010

- "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation including, BNL, letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, motion picture, film and video recordings, magnetic or punched cards, discs, drums, diskettes, sound recordings, and other documents including existing data compilations from which information may be obtained or translated.

PRA requirements

- Records must be retained, maintained, protected, and made available to the public upon request, except in limited cases. Ch. 40.14 RCW; RCW 42.56.070.
- The PRA includes many process requirements for public agencies. RCW 42.56.040, 070, 080, 090, 120, 150.
- Anyone may request public records for any reason, with limited specified exceptions. See RCW 42.56.230 (personal information).

PRA requirements

- A person's privacy rights are violated by disclosure of information under PRA only if the disclosure about the person: (1) Would be highly offensive to a reasonable person, and (2) is not of legitimate concern to the public.
- Keep your CRC electronic records organized and available on your device. Separate them from your personal records.
- You will be required to search your records if the County receives a request for them. You will be asked to sign an affidavit that you have searched your records and provided responsive records.

Thank you. Questions?