

# Open Public Meetings Act:

<http://www.mrsc.org/subjects/legal/opma.aspx>

## Avoid potential OPMA violations:

- Keep in mind that, although passive receipt of information via email is permissible, discussion of issues via email by the governing body can constitute a meeting.
- If you want to provide via email information to other members of the governing body, especially regarding a matter that may come before the body for a vote, have the “Re:” or “Subject” line and the first line of the email itself clearly state: “For informational purposes only. Do not reply.”
- Don’t send an email to all or a majority of the governing body or use “reply all” when the recipients are the rest of the members or a majority of the governing body, except when the message is only to provide documents or factual information, such as emailing a document to all members for their review prior to the next meeting.
- Alternatively, rather than emailing materials to your colleagues on the governing body in preparation for a meeting, have a designated staff member email or otherwise provide the materials to the rest of the governing body.
- Be mindful of Public Records Act (chapter [42.56](#) RCW) and records retention requirements (e.g., chapter [40.14](#) RCW) that apply to public records, including public disclosure requirements applicable to emails and other records that relate to the conduct of government.

## The OPMA is **not** violated if:

- Less than a majority of the governing body meet (unless a committee of less than a majority of the governing body is acting on behalf of that body, holding a hearing, or taking testimony or public comment).
- Members of the governing body are merely receiving information about upcoming issues or communicating among themselves about matters unrelated to the

governing body's business. A governing body, for example, can travel or gather together for purposes other than a regular or special meeting.

- There is only passive receipt of information via email without discussion between members of the governing body.