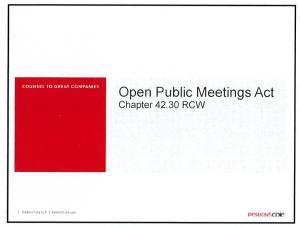


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Purpose of the OPMA

The legislature finds all public boards exist to aid in the conduct of the people's business. It is the intent of this chapter that their actions be taken openly and that their deliberations be conducted openly.

The people insist on remaining informed so that they may retain control over the instruments they have created.

RCW 42.30.010

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General Rules

- · Quorum of 3 members needed for a meeting
- Three types of meetings: Open; Executive Session; and Closed
- Presume meeting is <u>Open</u> unless an exception applies

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Open Meeting

Where the majority of the Board's work must be done



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Executive Session

- Must be part of a regular meeting or special meeting with the Board adjourning to Executive Session
- Must announce the reason for going into Executive Session and the time the session will conclude
- No minutes of the Executive Session are required to be recorded

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Confidentiality of Executive Session

- Information learned in Executive Session is confidential
- Disclosure of confidential information learned by reason of one's official position is prohibited. RCW 42.23.070

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Executive Session - Permissible for:

- Review of complaints or charges against an employee or public officer (Board member)
- Review of the performance of a public employee
- Evaluation of the qualifications of an applicant for employment
- Evaluation of the qualifications of candidates for Board appointment

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Executive Session - Permissible for: (cont'd)

- Sale or lease of real estate when public knowledge would be likely to cause an increased price
- Acquisition of real estate when public knowledge would be likely to cause an increased price
- Review of performance on publicly bid contracts when public knowledge would cause a likelihood of increased costs

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Executive Session – Permissible for: (cont'd)	
Discussion with legal counsel of litigation or	
potential litigation when public knowledge would be likely to result in an adverse legal or financial condition	
financial condition	
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Closed Meetings: Not Subject to the OPMA	-
Collective bargaining – negotiations, planning and adopting strategy, reviewing proposals	
 Quasi-judicial meetings with a named party— student discipline, HIB, and discrimination appeals 	
Social gatherings where Board business is <u>not</u> discussed	
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Unintended Meetings	
Serial meetings	
Meetings by email or text	
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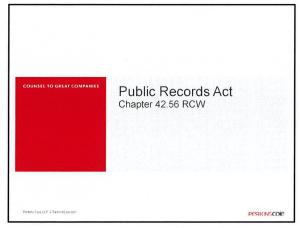
Effects of Violation

- · Void action
- Personal liability in the form of a \$100 civil penalty
- · Award of attorneys' fees and costs
- · Adverse publicity
- · State Auditor finding

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Purpose of the PRA

The people of this state do not yield their sovereignty to the agencies that serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may maintain control over the instruments that they have created.

RCW 42.56.030

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Interpretation of the PRA
The PRA is to be liberally construed The exemptions from the PRA are to be narrowly construed
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What Are Public Records?

- Assume everything is a public record any writing that contains information <u>relating to the</u> <u>conduct of government</u> or the performance of a governmental or proprietary function
- "Writing" includes paper records, electronic records, texts, emails, video and audio recordings, photographs, etc.

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Location of Public Records Irrelevant

- It does not matter whether the record is on your personal computer, personal smart phone, or District computer
- Recommend that you always use District email account for District business so records can be searched
- · Do not create records you do not want to share

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 An exception to the OPMA does not necessarily mean an exemption from the PRA

The Costs of the Public Records Act

- Judicial review of exemptions claimed or untimely responses
- · Costs and penalties
 - · Reasonable attorneys' fees and costs
 - · Penalties of up to \$100 per day per document
- · Costs of compliance are substantial
- · Costs of noncompliance are staggering
 - Monetarily
 - · Loss of public trust

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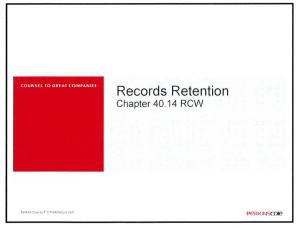
OPMA and PRA - Board Roles

- · Establish a culture of compliance
- · Ensure personal compliance
- · Monitor one another
- · Ask questions if unsure
- Support District leaders and staff in compliance efforts

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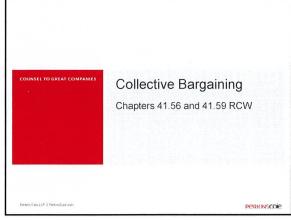
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What to Save? • Secretary of State • State Archives • Records Retention Schedules • Local Government • School District

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Legal Framework

- Duty to bargain in good faith (be available; try hard to reach agreement; and engage in give and take)
- Must bargain on mandatory subjects (wages, hours, and working conditions) and must be willing to talk about "permissive" proposals
- Duty to enter a contract reflecting the agreements reached

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Three-weeks-into-the-strike par	ameters
Low profile	
 Avoidance of gaffes 	
 Setting of parameters 	
Confidence in team	
 Oversight of team's strategy 	

Communications in Negotiations

- · Single spokesperson
 - · For the District
 - Not typically a Board member (usually not)
- · Low profile
 - · Board thrashing hurts

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Communications in Negotiations (cont'd)

- · Hazards of Board comments
 - Difficult to get it right and avoid misinterpretations
 - · Hardest thing to say: nothing
 - · Can cause mischief
 - "Lone Rangers," in private dialogues, do not help
 - Best bet: Inappropriate to comment; refer to District spokesperson

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