



CASE REPORT

OPEN PUBLIC MEETINGS ACT - ATTENDANCE OF COUNCIL MEMBERS AT STANDING COMMITTEE MEETINGS. If a quorum of the city council attends standing committee meetings, separate notice for a special council meeting is required if the city council members in attendance take action. Attorney General Op. No. 9 (2010).

I. Applicable Law and Analysis. The Attorney General issued an opinion on November 30, 2010, opining that if a standing committee meeting of a city council is regularly scheduled, noticed, and open to the public, and a majority of the city council members attend the standing committee meeting, separate notice of a special council meeting may be required if a quorum of the council is present and taking “action” at the committee meeting, as defined in the Open Public Meetings Act (OPMA). In other words, the OPMA is not satisfied by giving notice of a standing committee meeting if the meeting turns out to constitute a meeting of the city council as well. The OPMA requires that all meetings of the governing body of a public agency shall be open and public. To comply with the OPMA, meetings are either regularly scheduled or specially noticed according to RCW 42.30.080.¹ In this particular case, the city’s standing committee meetings were already regularly noticed and scheduled, so a concern would arise under the OPMA only if an additional meeting results from the attendance or participation of other city council members at the standing committee meetings.

The Opinion concluded that separate noticing would be required if a quorum of the city council is present at the committee meeting and the council takes “action.” “Action” means the transaction of the official business of a public agency by a governing body, including but not limited to, receipt of public testimony, deliberations, discussions, considerations, reviews, evaluations, and final actions. This raises the question of whether simple attendance at a committee meeting could constitute “action” by the council. The Opinion concluded that this was possible because, as the standing committee is already a subpart of the city council and is almost certainly transacting official city business, the persons in attendance could be receiving public testimony, considering proposals, or performing other types of action while in attendance. However, the Opinion stated that determining whether “action” occurs cannot be answered in the abstract and would likely be a fact-specific inquiry.

II. Conclusion. When a quorum of the city council takes action at a standing committee meeting, a city council meeting has occurred and separate notice of the special meeting must be given consistent with the OPMA. This does not mean that council members cannot attend committee meetings. Rather, as this office has previously advised, it only requires the notice of

¹ RCW 42.30.080 requires that the notice of special meetings be delivered to each member of the governing body and to each local newspaper, radio station, or television station on file to receive notice 24 hours prior to the special meeting. The notice must specify the time and place of the special meeting and the business to be transacted.

the special meeting to be given 24 hours in advance in accordance with RCW 42.30.080. Although this Opinion did not address the noticing of standing committees, it is important to note that a standing committee of the city council is itself considered a “governing body,” and its meetings must be noticed when the committee acts on behalf of the city council, conducts hearings, or takes testimony or public comment. As a practical matter, it is usually best to notice both the committee meeting and the city council meeting if a quorum will be present to avoid any problems with OPMA compliance.