PUBLIC MEETINGS and PUBLIC RECORDS

Tacoma Minimum Wage Task Force
PUBLIC MEETINGS ACT

• State law, RCW 42.30, “Open Public Meetings Act” “OPMA”

• Applies to Task Force as a group formed by a “governing body”
  – Council is the “governing body” of the City
  – Task force formed by Council to act on behalf of Council to gather information and make recommendations
PUBLIC MEETING REQUIREMENTS

- All meetings of task force open to public
- All actions of the task force taken openly
PUBLIC MEETINGS

• It is a meeting when a quorum present and “action” occurs
• Action is any official business of the task force such as
  – Discussion, deliberation, receipt of public testimony, consideration, reviews, evaluations
  – Not limited to “final” action or voting
CLOSED SESSIONS

- Authorized in certain specific and limited circumstances but unlikely to apply to task force
- If you think you need one, check with staff
MEETING REQUIREMENTS

• Notice to public (for regular and special meetings)
• Published agenda (especially if special meeting)
• Public permitted to attend without conditions – not required to allow participation
• Minutes generally taken
• Topics generally limited to published agenda
E-MAIL “MEETINGS”

• E-mail exchanges can be meetings when the Task Force or a quorum is on the same e-mail or in same chain.

• How to avoid:
  – Don’t “Reply All”
  – Don’t participate in “serial” e-mails, forwarded from member to member
  – Rely on staff to manage outgoing and communications
“SOCIAL MEDIA” MEETINGS

• Task Force Member conversations in shared environment can be meetings
  – Avoid group blogs, group forums, groups in social media
  – Rely on staff to manage social media for the task force
  – If using social media as an individual, avoid suggesting you speak for the group
VIOLATION OF OPEN MEETINGS LAWS

• Individual member liability
  –$100 penalty for *knowing* violation
• Task force action null and void
• Bad Press
• Public Distrust
PUBLIC RECORDS ACT

• State law, RCW 42.56, “Public Records Act” “PRA”

• Applies to “records” made and used by task force members
  – “Records” are information or communication of any type – paper, electronic, audio etc.

• Only applies to public records
  – Public records relate to the performance of task force related business
  – Does not apply to personal records, statements, opinions of task force members
RETAIN PUBLIC RECORDS

Duty to retain public records for the periods set by state and City

– “Owner” of record generally keeps
  • Task force members not likely to “own” most records
– Some records have no retention period
– Transitory records discarded when no longer useful
  • Personal notes, informational copies, duplicates, meeting notices etc.
REQUEST FOR RECORDS

- Members of public entitled to inspect and copy public records upon request
  - If record exists must be produced even if retention period past
- Narrow exemptions to production
- Requester not required to give reason for request
RESPONSE TO REQUEST

– Timely search all potential locations
  • Personal computers, personal cell phones, smart phones, lap tops, tablets, paper files
– Produce all responsive records to staff
– May be exemptions, staff to determine, so produce all

• Let staff know promptly if receive communication that could be records request
MANAGING YOUR PUBLIC RECORDS

• Keep all task force related records in one location
  – Separate e-mail account/separate folders for task force business
    • Streamlines search and production
    • Reduces intermingling with personal records

• Diligently manage public records
  – Dispose of transitory records when no longer needed
  – Rely on staff to initiate, direct, and facilitate communications
  – Be mindful of creating public records by blogging, social media posting, writing as a task force member
PUBLIC RECORDS VIOLATIONS

• City held responsible
  – Penalties for not searching, not producing, late producing etc.

• Failure to conduct adequate search could cause a court to order search
  – Including of any location where records may be, to include personal or home or business locations and devices

• Good faith effort to comply is defense to penalties
QUESTIONS?