

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?