

East Bellevue Community Council
Summary Minutes of Special Meeting

March 28, 2018
4:00 p.m.

Bellevue City Hall
Bellevue, Washington

PRESENT: Chair Hummer, Vice Chair Walter, Councilmember Dhananjaya, Councilmember Kasner

ABSENT: Councilmember Gooding

STAFF: Catherine Drews, Assistant City Attorney

1. **CALL TO ORDER**

The meeting was called to order at 4:07 p.m., with Chair Hummer presiding.

2. **ROLL CALL**

Deputy City Clerk Karin Roberts called the roll. All Councilmembers except Councilmember Gooding were present.

3. **NEW BUSINESS**

(a) Open Public Meetings Act and Public Records Act Training

Matt Segal and Jessica Skelton from Pacifica Law Group conducted the training on the Open Public Meetings Act (OPMA) and the Public Records Act (PRA).

Ms. Skelton noted what laws apply to the East Bellevue Community Council. She said that, as a public body, Washington state law applies to Community Council actions, including but not limited to the Open Public Meetings Act and the Public Records Act. She further stated that if Community Council procedures conflict with municipal or state law, municipal and state law controls. She also noted the other laws and procedures that apply, which include the Rules and Procedures adopted by the Community Council and, where a specific rule or procedure does not apply, Robert's Rules of Order governs the conduct of meetings.

Ms. Skelton said that the OPMA applies to all public commissions, boards, council, committees, subcommittees, departments, divisions, offices, and all other public agencies of the state and its subdivisions. In 2014, the Legislature imposed a training requirement for the OPMA that every member of a governing body must complete training on OPMA requirements no later than 90

days after either the member takes the oath of office or assumes his or her duties. Additionally, it states that every member must complete OPMA training at intervals of no more than four years so long as he or she remains a member.

Ms. Skelton provided the definition of “governing body”, noting that it is not just limited to the City Council. She spoke about OPMA basics and defined the term “action”, noting that the definition is very broad and that no legal action may be taken by a council, board, commission, committee, or task force except in a public meeting. She said that if the public body lacks a quorum, no meeting takes place and the OPMA does not apply. She further stated that action taken by a quorum of the members outside of a public meeting violates the OPMA.

Ms. Skelton noted that, per the OPMA, agendas must be posted 24 hours before the meeting. She said that at a regular meeting, any member may move to amend the proposed agenda and at a special meeting, only action that appears on the posted agenda may be taken.

Ms. Skelton reviewed the list of specific reasons that a governing body may hold an executive session. She spoke about serial meetings and noted that members should be cautious about creating a serial meeting through the use of social media technology, as OPMA restrictions apply regardless of the form of communication. She also spoke about meeting outside of meetings and said that, when members attend other public meetings, they should make it clear that they are there representing themselves and their own viewpoints and not those of the entire Community Council. She said that the risk of violating the OPMA can include fees and penalties against the City, civil penalties against violating members, invalidation of the City’s action, and loss of public trust and confidence.

Mr. Segal said that the PRA is quite broad and requires disclosure of all public records unless they fall within a specific exemption. He said that, similar to the OPMA, the PRA requires that each local elected official must complete a training course either before assuming office or within 90 days of taking the oath of office or assuming duties and at least every four years thereafter so long as he or she holds office. He spoke further about the broad scope of the PRA and noted the definitions of a “record”, a “writing”, and a “public record”.

Mr. Segal spoke about the PRA as it relates to email and social media. He noted that all members should observe best practices with respect to electronic public records by segregating public and personal records. He spoke about retention under the PRA, how public records requests are handled, and PRA fees and penalties.

4. ADJOURNMENT

At 5:46 p.m., Chair Hummer declared the meeting adjourned.

Karin Roberts, CMC
Deputy City Clerk