

May 14, 2020



FOURTH UPDATED
OPEN PUBLIC MEETINGS ACT GENERAL GUIDANCE
FROM THE OFFICE OF THE ATTORNEY GENERAL
REGARDING THE CORONAVIRUS DISEASE (COVID-19) EVENT

Some state and local agencies have been considering their options for how to conduct public meetings under the state's Open Public Meetings Act (OPMA) at [RCW 42.30](#), during the outbreak of coronavirus disease 2019 (COVID-19) in Washington State. See also [Governor's Proclamation 20-05](#) declaring a state of emergency in all counties and directing state resources to affected political subdivisions. More proclamations are on the Governor's Office website [here](#) including the "[Stay Home, Stay Healthy](#)" [Proclamation 20-25](#) and its recent extensions ([Proclamations 20-25.1](#) and [20-25.2](#) and [20-25.3](#)).

March 6, 2020 Guidance. On March 6, 2020, the Office of the Attorney General provided some general guidance on how to conduct meetings during this event and under the circumstances at that time, under RCW 42.30.210.

First Update to Guidance – March 26, 2020. On March 24, 2020, the Governor issued [Proclamation 20-28 \(Open Public Meetings Act and Public Records Act\)](#) to, among other things, temporarily prohibit in-person public attendance at meetings subject to the OPMA. The proclamation was in effect from March 24, 2020 through midnight April 23, 2020, unless extended beyond that date. Therefore, on March 26, 2020 the Office of the Attorney General updated its March 6, 2020 guidance for the period of time the proclamation is in effect. That updated guidance revised some parts of some responses to the questions in the March 6, 2020 guidance for the period of time the proclamation is in effect and provided some non-exclusive suggestions and considerations for agencies conducting remote meetings.

Second Update to Guidance – April 24, 2020. On April 22, 2020, the state legislative leadership extended the waivers/suspensions of the OPMA and PRA statutes and statutory language in Proclamation 20-28 (Open Public Meetings Act and Public Records Act), to **May 4, 2020**. On April 23, 2020, in [Proclamation 20-28.1 \(Extension - Open Public Meetings Act and Public Records Act\)](#), the Governor extended Proclamation 20-28 to **May 4, 2020**. Therefore, the March 26, 2020 guidance was updated in one respect, to reflect the extended date of the proclamation's effect. All other parts of the guidance from the Office of the Attorney General remained the same.

Third Update to Guidance – May 6, 2020. On May 4, 2020, the state legislative leadership extended the waivers/suspensions of the OPMA and PRA statutes and statutory language in Proclamation 20-28.1 (Open Public Meetings Act and Public Records Act), to **May 31, 2020**, **except** for the waiver/suspension of the PRA’s five business day agency response requirement in RCW 42.56.520(1) which was extended to **May 11, 2020**. On May 5, 2020, in [Proclamation 20-28.2 \(Extension - Open Public Meetings Act and Public Records Act\)](#), the Governor extended Proclamation 20-28 and 20-28.1 to **May 31, 2020**, **except** for the waiver/suspension of the language in RCW 42.56.520(1) which the legislative leadership had extended to **May 11, 2020**. Therefore, the April 24, 2020 guidance was updated in one respect, to reflect the extended dates of the proclamation’s effect. All other parts of the guidance from the Office of the Attorney General remained the same.

This Fourth Update to Guidance – May 14, 2020. On May 11, 2020, the state legislative leadership extended the waiver/suspension of the PRA’s five business day agency response requirement in RCW 42.56.520(1) to **May 31, 2020**, **except** for PRA requests received by an agency electronically (thus, agencies must again respond to those requests in the five business day time). On May 12, 2020, in [Proclamation 20-28.3 \(amending and extending the prior proclamations concerning the Open Public Meetings Act and Public Records Act\)](#), the Governor extended and amended Proclamations 20-28, 20-28.1 and 20-28.2 to reflect the May 11, 2020 legislative leadership action with respect to the waiver/suspension of the PRA five business day response. Therefore, the May 6, 2020 guidance is updated in one respect, to reflect the reference to the extended date and amended condition for the PRA five business day response waiver/suspension. All other parts of the guidance from the Office of the Attorney General remain the same.

The guidance documents from the Office of the Attorney General are posted on the office’s website on the Open Government Training webpage under [Lesson 3, “Other Resources.”](#) The guidance documents are not legal advice or a legal opinion. An agency should consult with its assigned legal counsel if it has questions or needs legal advice or a legal opinion. State agencies should consult with their assigned Assistant Attorney General.

As with the office’s prior guidance documents, this fourth updated guidance document for agencies and their attorneys addresses only the OPMA (except for the updated references only in the proclamations concerning the PRA), and as of the events on the date above. Other laws may apply to some meetings of some agencies. In addition, depending upon the agency and its governing statutes, or agency resources, other options might be available at a particular agency. This guidance provides information about the OPMA as of the date above. Later-enacted statutes, case law, or other legal developments may affect the analysis.

For more information about COVID-19, see this webpage of the Washington State Department of Health: <https://www.doh.wa.gov/Emergencies/Coronavirus>. Information about strategies to mitigate exposure is also available from many federal and local agencies.