

April 24, 2020



SECOND 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 extension ([Proclamation 20-25.1](#))

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.

This 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 is 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 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 second updated guidance document for agencies and their attorneys addresses only the OPMA, 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.