



March 24, 2020

RE: Request to temporarily suspend the OPMA requirement that a physical meeting place for municipal meetings be provided

Dear Governor Jay Inslee:

On behalf of our membership, which represents more than 350 cities, counties, and special districts across the state of Washington, we urge you to consider temporarily suspending the Open Public Meetings Act (OPMA) requirement that a physical meeting place for council meetings be provided.

The OPMA (RCW chapter 42.30), requires a public meeting have a location where members of the public may gather to attend the meeting, even if it is only to listen to the legislative members participating in the meeting remotely. The emergency meeting provisions set out in the Act at RCW 42.30.070 do not contemplate what we are facing today. Our emergency is not an earthquake, riot or insurrection, which are relatively short in duration and could result in having to relocate a meeting place. The COVID-19 emergency requires that we be very careful about meeting in person at all.

Additionally, we believe that your March 23, 2020 order applies and potentially supersedes the OPMA requirements during this time of emergency; but specific clarity on this subject from the State would be extremely helpful:

“2. All people in Washington State shall immediately cease participating in all public and private gatherings and multi-person activities for social, spiritual and recreational purposes, regardless of the number of people involved, except as specifically identified herein. Such activity includes, but is not limited to, community, civic, public, leisure, faith-based, or sporting events; parades; concerts; festivals; conventions; fundraisers; and similar activities. This prohibition also applies to planned wedding and funeral events. This prohibition shall remain in effect until midnight on April 6, 2020, unless extended beyond that date.”

Municipal clerks are the silent innovators behind the scene of every legislative branch. In response to “social distancing” AND the physical meeting requirements mandated by the OPMA, clerks are reorganizing Council chambers, exploring technology options with limited staffing, and posting signage to protect the health of the public, as well as the health of our members, and their respective communities. As a statewide organization, the Washington Municipal Clerks Association (WMCA) is also very sympathetic to the impacts COVID-19 is having on our rural jurisdictions where staffing is consistently limited and in the wake of a pandemic, contingency staffing and modern technology is significantly reduced.

Washington Clerks are resourceful and are sharing information, policies, guidelines, and directives daily. We were quick to share the Attorney General's March 6, 2020, Open Public Meetings Act General Guidance across our channels but its advice 18 days later no longer addresses the growing

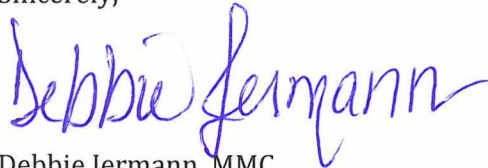
challenge facing our legislative bodies – we need a legal and transparent alternative to conduct the public’s business in manner that protects the health of the public as well as the health of our city staff. We need the ability to take the meeting out of the physical setting and into a safe, virtual setting!

King County said it well, when they wrote, “Our desire is not to close out the public from attending Council meetings. Instead, we propose to meet the spirit of the Open Public Meetings Act by using the modern technology available to preserve the public's right to attend Council meetings while at the same time protecting that same public from the risk of contracting the coronavirus.”

Therefore, WMCA respectfully requests a proclamation from you suspending, for the duration of this emergency, any requirement that governing bodies must provide a physical presence for its public meetings if the governing body allows the public to attend virtually and provide comment telephonically or in writing.

Thank you for the leadership you have shown throughout this emergency. We are fortunate to live in a State with a robust public health system and with safeguards such as the paid family medical leave act that will help our residents weather this emergency and its aftermath. Like you, we are dedicated to carrying out our duties as public servants to the best of our ability, including protecting the health and safety of the public.

Sincerely,



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WMCA President

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