

Editorial: State high court ruling undercuts spirit of open government

By [Editorial Board](#), [By LIZ SIDOTI AP National Politics Editor](#)

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The state Supreme Court might be correct in its ruling that the San Juan County Council did not technically violate the Open Public Meetings Act when some of its members met with county officials and employees. The high court on Thursday said the team of Council members working on an update of the county's critical areas ordinance did not constitute a committee of and did not act on behalf of the Council.

However, the Council members clearly violated the spirit of the law. The unofficial committee served as a way for Council members to have discussions about the matter without the public being involved.

"The purpose of the open meetings act is so that people can see not just the final vote, but to see the entire deliberative process," said Toby Nixon, president of the Washington Coalition for Open Government said. "People cannot truly see why certain actions were taken if they can't see the whole process."

Exactly.

Frankly, we have zero interest in how San Juan County structured its critical areas ordinance. That is, or at least should be, between the Council members and the citizens who elected them.

But this ruling could have an impact throughout the state. And that is concerning.

Washington's Open Meetings Act clearly states a quorum of a government body — one member more than half — cannot meet in private and conduct public business.

At the time of the incident, the San Juan County Council consisted of six voting members. But, as noted in the dissenting opinion of the high court, it is not clear if the informal group of council members acted on behalf of the council and that the critical areas ordinance team was actually a committee of the San Juan County Council.

Since 2010, San Juan County has adopted a three-member Council with the same type of district representation as the Walla Walla County Board of Commissioners.

The three-member format would have made it difficult for the San Juan Council to sell these meetings as anything other than an effort to keep the public out of the loop.

Still, city and county councils with five or more members might find cover in this ruling.

While the high court did what it was directed in juxtaposing the specifics of this case with the law, it's nevertheless disappointing the spirit of open government was undercut by the ruling.

