

THE SPOKESMAN-REVIEW

October 8, 2015

Our View: Broaden open meetings law

The Spokesman-Review

Tags: Open Public Meetings Act public records

Government advisory boards that craft policy and offer recommendations should be subject to the Open Public Meetings Act, but they are allowed to work in private, according to the courts.

That's why the Washington Legislature must adopt a law that brings transparency to these government functions.

The Washington Supreme Court ruled last Thursday that San Juan County's critical-areas-ordinance team was not in violation of the public meetings law when it conducted business in private.

Citing precedents, the court decided, in a 6-3 vote, that the advisory group was not subject to the open government law because it wasn't made up of a majority of county council members and it was acting "informally."

The group included three council members, county planners and a scientific consultant. But because they didn't have the final word on the matter, they weren't required to open the sessions.

Such a practice clearly undermines the spirit of a law that calls for government to conduct the public's business in public.

In her dissent, Justice Mary Yu said, "Nothing about the (Open Public Meetings Act) endorses the view that informality is an adequate substitute for open government."

The ruling leaves a large loophole for secrecy-minded officials to waltz through.

Last spring, Rep. Gerry Pollet, D-Seattle, sponsored a bill – HB 1425 – that would have ended the practice of advisory boards and nonprofits operating in private, even though they're doing government work.

The bill was sparked by a controversy at Seattle's Woodland Park Zoo, where officials closed a meeting about its elephant program, and later acknowledged its error. But the zoo's board still opposed HB 1425.

Seattle contracted out management of the zoo to a nonprofit, which receives 30 percent of its budget from the city. There is no dispute that, if the city had continued to manage the zoo, the city's meetings would be subject to public meetings law.

HB 1425 would end the confusion by requiring zoos and aquariums run by nonprofits to meet in public. It would also add this line to the Open Public Meetings Act: "Meetings of an advisory board, committee, or other entity established by a public agency to provide formal advice or recommendations to the agency are subject to the provisions of this chapter."

The Washington Coalition for Open Government has thrown its support behind the bill.

Legislators should revisit and pass the measure, or be prepared to explain why secrecy is preferred. And government agencies should formalize any arrangements with advisory bodies and nonprofits to comply with the spirit of the law.

Government shouldn't be able to avoid scrutiny by delegating its work. Advisory boards shape and influence policy and are a critical component of decision-making.

The public shouldn't have to wait at the finish line to view the process.

To respond to this editorial online, go to www.spokesman.com (<http://www.spokesman.com>) and click on Opinion under the Topics menu.

Get more news and information at [Spokesman.com](http://www.spokesman.com)