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Washington State Supreme Court

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Ronald R. Carpenter
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No. 90500-2

SUPREME COURT OF THE STATE OF WASHINGTON

CITIZENS ALLIANCE FOR PROPERTY RIGHTS LEGAL FUND,

Petitioner,

v.

SAN JUAN COUNTY, et al.,

Respondents.

AMICUS CURIAE MEMORANDUM OF
THE ISLAND GUARDIAN
SUPPORTING REVIEW

Filed *E*
Washington State Supreme Court

JAN - 7 2015

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Clerk *by h*

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ORIGINAL

TABLE OF AUTHORITIES

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DISCUSSION

It is hard to imagine a more important issue of affecting “substantial public interest” than one which prescribes when the public can participate in observing the workings of government. As such, this case is well within the rubric allowing review by RAP 14.4(b)(4).

Amici The Island Guardian has been covering political news in San Juan County from 2005 and is one of the few sources citizens can obtain news on the workings of government. The Island Guardian has covered land use proceedings in response to the public’s interest in being kept abreast of legislative developments in the County. During the years-long review of the Critical Areas Ordinance, the stories about the revisions to the CAO’s were among the most popular of The Island Guardian’s readership and prompted the most public debate in the forms of letters to the editor than any other topic than The Island Guardian covered during its 9 year history. Amici The Island Guardian would ask the Court to take notice of the public interest generated by the CAO revisions. Had the meetings been open to the public, it is without question that The Island Guardian would have reported on such to its readership.

The Island Guardian urges the Court to undertake review of the lower courts’ decisions and reverse the limitations read into Chapter 42.30 by the so that the public may be well informed and participate in government.

With due respect to the lower court decisions and other pleadings filed

in this case, it is The Island Guardian's position that this Court need look no further than the plain meaning of the statute to determine that the lower court decisions were in error.

Starting with the legislative declaration of the OPMA, set forth in RCW 42.30.010, it is simply not correct that subcommittees can be used to skirt the requirements of the OPMA. The section reads "[t]he legislature finds and declares that all public commissions, boards, councils, committees, *subcommittees*, departments, divisions, offices, and all other public agencies of this state and subdivisions thereof exist to aid in the conduct of the people's business. It is the intent of this chapter that their actions be taken openly *and that their deliberations* be conducted openly.

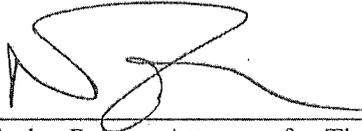
RCW 42.30.010 emphasis supplied.

Moreover, RCW 42.30.020(3) defines "action" as "the transaction of the official business of a public agency by a governing body including *but not limited to* receipt of public testimony, deliberations, discussions, considerations, reviews, evaluations and final actions." The lower courts rulings finding no violation of the OPMA has occurred is especially tortured given that RCW 42.30.910 requires that the chapter "shall be liberally construed."

Based on the above, The Island Guardian asks this Court to accept review, reverse the lower court decisions and protect the interest of the citizens of Washington to observe and participate fully in their government.

December 5, 2014

Respectfully submitted,

A handwritten signature in black ink, consisting of a large, stylized 'N' followed by a series of loops and a long horizontal stroke extending to the right.

Nicholas Power, Attorney for The Island Guardian