

San Juan County Public Hospital District #2
Lopez Island Hospital District
RESOLUTION 2017 – 14

BYLAWS AMENDMENT TO ACCOMMODATE OPEN PUBLIC MEETING
ACT(OPMA) (RCW 42.30)

WHEREAS, the Bylaws of San Juan County Public Hospital District speak to the requirements of the OPMA(RCW42.30) in Article II Section 4 and Section 5;

WHEREAS, additional language clarifications are required to clarify Section 4 and Section 5, to meet the liability requirements for violating the OPMA, OPMA training and holding of executive sessions;

THEREFORE, BE IT RESOLVED, that the Board of Commissioners of Lopez Island Hospital District does hereby adopt the following amendments to the Bylaws of the District:

Article II Section 4;

Current Language:

Action by the Board. As used herein, "action" means the transaction of the official business of the District by the Board including but not limited to receipt of public testimony, deliberations, discussions, considerations, reviews, evaluations, and final actions. "Final action" means a collective positive or negative decision, or an actual vote by a majority of the members of the Board when sitting as a body or entity, upon a motion, proposal or resolution.

All final action taken by the Board shall be by motion or resolution recorded in a book or books kept for such purposes. Minutes of all regular and special meetings, except executive sessions thereof, shall be promptly recorded, shall be submitted to the Board for its approval at its next regular meeting and, once approved by the Board, shall be open to public inspection.

All meetings at which action is taken by the Board shall be open and public and all persons shall be permitted to attend any meeting of the Board, except as otherwise provided in this section or by law. The Board shall never adopt any motion or resolution, except in a meeting open to the public and then only at a regular meeting, duly convened at the prescribed time and place, or at a special meeting of which notice has been given according to the provisions of the foregoing section. Any action taken at meetings failing to comply with the provisions of this section shall be null and void.

Additional Language to follow above:

Potential personal liability is present for a Commissioner who attends a meeting knowing that it violates the OPMA (RCW 42.30.120(1)(2)). Any person who prevails against the Board in any action in the courts for a violation of the OPMA will be awarded all costs, including attorney fees, incurred in connection with such legal action (RCW 42.30.120(2)).

Every member of the Board must complete training requirements on the OPMA within 90 days of assuming office or taking the oath of office (RCW 42.30.205(1). Every member of the Board must complete training at intervals of no more than four years as long as they remain in office (RCW 42.30.205(2).

Article II Section 5:
Current Language:

Before convening in executive session, the presiding officer of the Board shall publicly announce the purpose for excluding the public from the meeting place, and the time when the executive session will be concluded. The executive session may be extended to a stated later time by announcement of the presiding officer.

Replacement Language:

An executive session can only be held as part of a regular or special meeting. The presiding officer announces in open session the purpose of the executive session and the time the executive session will end. Legal counsel should be present during the executive session, if required. At the start of the executive session, participants are reminded that discussions are confidential. If the executive session is not completed by the originally announced end time, the presiding officer announces the extended end time in open session before returning to executive session. Open session will not resume until after the announced end time.

ADOPTED by the Board of Commissioners of Lopez Island Hospital District at a regular meeting held on 10/26/2017.

ABSENT
Christa Campbell, Chair of the Commission

Albert Berger
Albert Berger, Commissioner

Iris Graville
Iris Graville, Commissioner

Jim Orcutt
Jim Orcutt, Commissioner

Rebecca Presley
Rebecca Presley, Commissioner