

Bond Case Briefs

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In re Recall of Olsen

Supreme Court of Washington, En Banc - December 4, 2025 - P.3d - 2025 WL 3481900

Registered voter filed recall petition against county commissioner, alleging two charges of violations of the Open Public Meetings Act (OPMA).

The Superior Court found both charges were factually and legally sufficient. Commissioner appealed.

The Supreme Court held that:

- Allegations that legal counsel was absent during certain executive sessions meeting were legally and factually insufficient to support charge that commissioner violated the OPMA by failing to have legal counsel present;
- Allegations that legal counsel was not in attendance during entirety of certain executive sessions meeting were legally and factually insufficient to support charge that commissioner violated the OPMA by failing to have legal counsel present;
- Allegations based on conduct during certain executive sessions meetings in which commissioners discussed "litigation or potential litigation" were legally and factually insufficient to support charge that commissioner violated the OPMA by failing to have legal counsel present;
- Allegations that commissioner violated the OPMA by undermining "public deliberation and transparency" and engaging in discussions about jail "outside the public's view," were factually insufficient to support charge for violation of the OPMA; and
- Allegations that commissioner violated the OPMA by undermining "public deliberation and transparency" and engaging in discussions about jail "outside the public's view," were legally insufficient to support charge for violation of the OPMA.