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Columbia Riverkeeper v. Port of Vancouver USA

Supreme Court of Washington - June 8, 2017 - P.3d - 2017 WL 2483271

Environmental groups brought action against port, alleging that port violated the Open Public Meetings Act (OPMA) by conducting five executive sessions relating to the proposed lease of property for a large rail terminal.

The Superior Court granted partial summary judgment to port. Groups' petition for discretionary review was granted.

As matters of first impression, the Supreme Court, en banc, held that:

- OPMA's minimum price exception does not apply to general discussion of contextual factors that directly alter lowest acceptable value, and
- Executive sessions were not focused on setting minimum price itself, as required to invoke exception.

The Open Public Meetings Act's (OPMA) minimum price exception limits discussion in executive session to consideration of the lowest acceptable value to sell or lease property. To the extent that various factors directly alter the lowest acceptable value, the governing body may discuss how these factors impact the minimum price, but this limited scope does not permit a general discussion of the contextual factors themselves, and any such general discussion must occur at an open public meeting.

Port's five executive sessions included discussions of factors relevant to lease price for proposed large rail terminal, but were not focused on setting minimum price itself, as required to invoke Open Public Meetings Act's (OPMA) minimum price exception. Executive sessions involved discussions of duration of exclusivity agreement, proposed lessee's ability to pay for possible environmental cleanup, and construction timelines and costs.