

Bond Case Briefs

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Zink v. City of Mesa

Court of Appeals of Washington, Division 3 - June 1, 2021 - P.3d - 2021 WL 2197995

City council meeting attendee brought action against city, mayor, city council members, county, sheriff's offices, sheriff, and deputies, alleging violations of the Open Public Meetings Act (OPMA) in connection with arrest for video recording city council meeting, among other claims.

Following a jury verdict in favor of defendants, the Superior Court set aside jury's verdict and found city violated OPMA by prohibiting attendee from video recording meeting, and awarded \$5,000 in attorney fees. Attendee appealed.

Upon transfer from the Supreme Court, the Court of Appeals held that:

- City council proceedings constituted a "meeting" within meaning of OPMA;
- City's decision to eject attendee who was video recording meeting was not reasonable;
- Attendee stated a claim that city's governing body established an invalid condition precedent on attendance at a public meeting in violation of OPMA;
- Individual elected officials were not subject to personal individual liability; and
- Trial court's brief analysis with respect to \$5,000 attorney fee award was an abuse of discretion.