

Bond Case Briefs

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OPEN MEETINGS - WASHINGTON

McFarland v. Tompkins

Court of Appeals of Washington, Division 3 - April 24, 2025 - P.3d - 2025 WL 1186580

County resident brought action against county and members of county board of commissioners under Open Public Meetings Act (OPMA), seeking civil penalties and other relief based on contention that defendants failed to give advance notice of possible action taken during special board meeting, namely, board's approval of letter to Governor and state legislators advocating for restraints on measures taken to combat COVID-19 pandemic.

Parties cross-moved for summary judgment. The Superior Court initially granted summary judgment in favor of resident as to issues of standing and adequacy of notice of special meeting, but granted defendants' motion for reconsideration and granted summary judgment in defendants' favor. Resident appealed.

The Court of Appeals held that:

- Resident had standing to bring claim to void resolution under OPMA;
- County was proper defendant on claim to void resolution under OPMA;
- Resident's claims were not moot;
- Any unreasonable delay by resident in bringing suit did not warrant application of doctrine of laches;
- Notice of agenda topics to be discussed at special meeting was inadequate under OPMA; and
- Triable issue existed as to whether board members knew notice of special meeting agenda was inadequate.