

## WCMAC Communication Guidelines

### A. Background

The Attorney General’s (AG) office was asked for guidance on the following questions:

How can members communicate amongst themselves without triggering the Open Public Meeting Act (OPMA) via email? What would constitute intent to “collectively transact official business” under the OPMA? Is it when there is an active exchange of emails amongst more than a quorum of members? Is it when there is an attempt to collectively discuss an issue?

#### Summary of AG response:

- 1-on-1 communication is fine.
- Small group communication is fine (as long as it is below quorum).
- Passive exchange of information is fine.
- Deliberating or discussing substance of an issue (sending something with the intent to discuss), including back and forth responses, with a quorum or the whole group is problematic (such as using “reply all” to emails). Exchanges of this sort are deemed to act as a meeting and violate the OPMA.
- Groups should err on the side of having substantive discussions in the open and public (i.e. at regular meetings).

Examples of Communication	Draft analysis of OPMA	Other factors
Sharing a published document related to Council topics.	OK	None.
Providing information on webinar, workshop, conference, reference website, related to Council topics.	OK	None.
Member communicates an opinion(s) or concern(s) on an issue as background for other members, but without further discussion or deliberation amongst members.	Gray area.	Can occur with less than a quorum of members (fewer than 13 members).  Can be shared with whole Council, as long as it doesn’t trigger further discussion/response.
Member provides feedback, opinion, analysis or other communication about an issue that may come before the full Council.  For example, a member states their opinion about a particular need (e.g. study, funding, or policy action) that the Council should take action on (recommend).	No, not with full Council.	Can occur with less than a quorum of members (fewer than 13 members).

## **B. WCMAC Communication Guidelines**

### **I. Rules from Open Public Meetings Act**

- a. WCMAC members may share information among themselves at any time using the WCMAC contact list or through a shared document site (such as SharePoint or Dropbox).
- b. In sharing information with the entire Council, WCMAC members should REFRAIN from discussion of the information (such as “I think this is good/bad”, “I think we should do x/y”, etc.).
- c. Upon receipt of information, WCMAC members should NOT “reply all” and discuss the information.
- d. Substantive discussion of information or deliberation of issues should occur in meetings.
- e. Discussion via e-mail may occur in small groups (less than 13 people) where no quorum is present.

### **II. Additional WCMAC Communication Guidelines**

- a. WCMAC members are encouraged to communicate via the two standing committees as much as possible.
  - Information relevant to the Steering Committee should be sent to the WCMAC chair, with cc’s to WCMAC staff and facilitator.
  - Information relevant to the Technical Committee should be sent to the Technical Committee Co-Leads, with cc’s to WCMAC staff and facilitator.
  - Committee Chairs or Co-leads will work with staff and the facilitator to determine the best way to address the issues.
- b. The facilitator, staff or the chair will send meeting materials (which members are expected to read before meetings) via the WCMAC listserv prior to meetings. They should not be expected to forward member communications.
- c. WCMAC members are expected to use general courtesy and professionalism in e-mail communications. Members should also strive to keep e-mail communications clear and concise, and clearly indicate the purpose of the e-mail in the first paragraph (e.g. to share specified information, to ask a specific question, to request a specific action, etc.).
- d. As noted in the Bylaws (Section IV. A. iii): E-mail communication between and among members is voluntary. It is not assumed or expected that all Council members will read all e-mail communications (or attachments) shared among members; it is expected that all Council members *will* read materials included with meeting agendas in preparation for Council meetings and committee meetings.

### **III. Subcommittees/ Conference Calls**

- a. Information sharing may occur in subcommittees or conference calls (e.g. a webinar, presentation, etc.)
- b. Discussion or deliberation may not occur if a quorum is present (13 members).
- c. If a call or meeting has more than 12 members present and discussion is desired, the agenda item will be referred to the Steering Committee for discussion at a full WCMAC meeting.