

Executive Session and Closed Session Checklist

Executive Session Meeting Date: _____

Instructions:	✓
1) During Open Session announce topic to be discussed in Executive Session. Topic: _____	
2) During Open Session announce the time the Executive Session will end. Executive Session will end at _____ time. (NOTE: You cannot return to Open Session before this time.)	
3) At the start of the Executive Session, remind participants that: <ul style="list-style-type: none"> • Only announced topics may be discussed. • No final action can be taken in Executive Session. • Discussions are confidential. 	
4) If the Executive Session needs to be extended, the Presiding Officer must announce at the originally scheduled ending time that Executive Session will be extended to _____ time.	

Executive Meeting Subjects That Can Be Discussed with NO FINAL ACTION:	
Note: ONLY these subjects can be discussed in Executive Session RCW 42.30.110(1).	
a. (i). Consider matters affecting national security. (ii.) Required data security breach disclosure under RCW 19.255.010 & 42.56.590.	
b. Consider lease or purchase of real estate if disclosure would increase price. “Purchase” of property includes discussion of condemnation of property and price to be offered.	
c. Consider minimum offering price for sale or lease if disclosure would decrease price. Final action on selling/leasing must be taken in a meeting open to the public.	
d. Review negotiations on the performance of a publicly bid contract. A review of contract performance may only be discussed in executive session when public knowledge would cause a likelihood of increased costs. This ground for executive session does not apply to negotiations over the formation of the original contract.	
e. Consider financial and commercial information supplied by private persons to an export trading company.	

f. Consider complaints or charges brought against a public officer or employee. Upon the request of such officer or employee, a public hearing or a meeting open to the public shall be conducted upon such complaint or charge.	
g. Evaluate the qualifications of applicant for public employment	
g. Review the performance of a public employee. ¹ .	
h. Evaluate the qualifications of candidate for appointment to elective office. However, any interview of such candidate and final action appointing a candidate to elective office shall be in a meeting open to the public.	
i. Discuss with legal counsel representing the agency matters relating to agency enforcement actions; or Discuss with legal counsel representing the agency litigation or potential litigation to which the agency, the governing body, or a member acting in an official capacity is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency ²	

Closed Session Meeting Date: _____

Closed Session Meeting Subjects That Can Be Discussed with NO FINAL ACTION: Note: ONLY these subjects can be discussed in Closed Session RCW 42.30.140.	
(2) Quasi-judicial hearings – that portion of the meeting that relates to a quasi-judicial matter involving named parties as distinguished from a matter having general effect on the public or on a class or group.	
(3) Matters governed by RCW 34.05, or the Administrative Procedure Act.	
(4a) Collective bargaining sessions with employee organizations, including contract negotiations, grievance meetings, and interpreting application of a labor agreement.	
(4b) Planning or adopting the strategy or position of the governing body during the course of any collective bargaining, professional negotiations, grievance, or mediation proceedings, or reviewing the proposals made in the negotiations or proceedings while in progress.	

End Notes

¹Collective bargaining sessions are NOT subject to the Open Public Meetings Act. See RCW 42.30.140(4). Subject to this exception, discussion of salaries, wages, and other conditions of employment to be generally applied within the agency must occur in open session. Final action regarding hiring, setting the salary of an individual employee or class of employees, or discharging or disciplining an employee, must also be taken during an open session.

²**Legal counsel must be present for these grounds for executive session to apply** (although “presence” may be by telephone.) Any discussion must otherwise be privileged under RPC 1.6 or RCW 5.60.060(2)(a). “Potential litigation” means litigation that has been specifically threatened to which the agency, the governing body, or a member acting in an official capacity is, or is likely to become, a party; or the agency reasonably believes may be commenced by or against the agency, the governing body, or a member acting in an official capacity. Discussion of the “legal risks” of a current or proposed action can only occur in executive session if public disclosure of those legal risks is likely to result in an adverse legal or financial consequence to the agency.