

SENATE BILL REPORT

SB 6685

As Reported by Senate Committee On:
Government Operations & Elections, January 28, 2010

Title: An act relating to posting information on public agencies' web sites.

Brief Description: Requiring public agencies, special purpose districts, and municipalities to post certain information on their web sites.

Sponsors: Senators Roach and Fairley.

Brief History:

Committee Activity: Government Operations & Elections: 1/26/10, 1/28/10 [DPS, DNP].

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

Majority Report: That Substitute Senate Bill No. 6685 be substituted therefor, and the substitute bill do pass.

Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach, Ranking Minority Member; McDermott and Pridemore.

Minority Report: Do not pass.

Signed by Senator Swecker.

Staff: Sharon Swanson (786-7447)

Background: In 1971 the Legislature enacted the Open Meetings Act (Act) to make the conduct of government more accessible and open to the public.

The Act applies to all city and town councils and all county councils and boards of county commissioners, as well as to many subordinate city and county commissions, boards, and committees. The Act requires that all meetings of such bodies be open to the public and that all action taken by such bodies be done at meetings that are open to the public.

Currently, the governing body of a public agency must provide the time for holding regular meetings by ordinance, resolution, bylaws, or by whatever other rule is required for the conduct of business by that body.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Special meetings may be called at any time by the presiding officer of the governing body of a public agency or by a majority of the members of the governing body. Notification of the meeting is delivered by written notice personally, by mail, by fax, or by electronic mail to each member of the governing body; to each local newspaper of general circulation; and to each local radio or television station on file with the governing body with a written request to be notified. This notice must be delivered personally, by mail, by fax, or by electronic mail at least 24 hours before the time of the meetings as specified in the notice.

Summary of Bill (Recommended Substitute): The agenda of all regular meetings of the governing body of every public agency, special purpose district, and any municipality that owns or maintains a web site must be posted 72 hours before a meeting.

The agenda of all special or emergency meetings must be posted 24 hours before a meeting.

The posting must indicate if the agenda is in draft form.

The text of any ordinance, rule, or regulation that is under consideration at the meeting must be included on the web site at the same time the agenda is posted.

The minutes of all regular and special meetings of the governing body of every public agency, special purpose district, and any municipality that owns or maintains a web site must be posted within 15 business days after a meeting. The posting of the minutes must indicate whether or not the minutes are in draft form or adopted.

All postings must remain on the web site for one calendar year.

EFFECT OF CHANGES MADE BY GOVERNMENT OPERATIONS & ELECTIONS COMMITTEE (Recommended Substitute): The substitute bill clarifies that the the legislation only applies to public agencies, special purpose districts, and any municipality that owns and maintains a website.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: The bill takes effect on July 1, 2011.

Staff Summary of Public Testimony on Original Bill: PRO: This is a good bill that can be made better. Many local jurisdictions don't have a paper to run notices in. The cost in many instances is prohibitive. Perhaps an amendment to allow a jurisdiction to run a meeting notice on their website in lieu of posting in a paper will save money, time, and resources.

OTHER: Many of the special purpose districts are very small and are run by volunteers. In many instances, the public website is maintained by a third party. The concern is the delay or expense of requiring a third party to take care of this information. The jurisdictions in question are small and don't have the resources or know how to comply with this bill. In

many instances, emergency meetings will not be able to be placed on a website. The jurisdiction relies on a third party to post notices and this could create a problem.

Persons Testifying: PRO: Brian Enslow, Washington State Association of Counties.

OTHER: Joe Daniels, Washington State Association of Counties; Roger Ferris, Washington Fire Commissioners Association.