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## Government Operations & Elections Committee

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### HB 1197

**Brief Description:** Concerning open public meetings.

**Sponsors:** Representatives Pollet, Zeiger, Reykdal, Moscoso, Moeller, Upthegrove, Magendanz, Jinkins and Bergquist.

#### Brief Summary of Bill

- Requires the governing body of a public agency to allow for public comment on any proposed action prior to its adoption.

**Hearing Date:** 1/31/13

**Staff:** Marsha Reilly (786-7135).

#### Background:

The Open Public Meetings Act (OPMA) requires that all meetings of the governing body of a public agency be open to the public and all persons shall be allowed to attend. For the purposes of the OPMA, a public agency is defined broadly and includes, but is not limited to, any state board, commission, department, education institution, agency, local government, and special purposes district. A governing body is defined as the multimember board, commission, committee, council, or other policy or rulemaking body of a public agency or any committee thereof that is acting on behalf of the public agency.

A governing body may meet without the public for portions of a regular or special meeting to discuss certain issues. "Executive session" is not expressly defined in the OPMA, but according to the Attorney General's Deskbook, the term is commonly understood to mean that part of a regular or special meeting of the governing body that is closed to the public. A governing body may hold an executive session only for purposes specified in statute and only during a regular or special meeting. Washington courts have held that because an executive session is an exception

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to the OPMA's overall provisions requiring open meetings, a court will narrowly construe the grounds for an executive session in favor of requiring an open meeting.

**Summary of Bill:**

The governing body of a public entity must allow for public comment on any action prior to its adoption. Meeting materials prepared by a governing body related to an action must be made available to the public prior to the time for public comment, unless such materials are exempt under the Public Records Act. As a *best practice*, governing bodies should post such materials on their web sites at least 24 hours before the period for public comment. If materials are not made available on the agency web site, the materials must be available at the time the meeting is called to order.

**Appropriation:** None.

**Fiscal Note:** Requested on 1/28/13.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.