H-3766.1

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**HOUSE BILL 2331**

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**State of Washington 66th Legislature 2020 Regular Session**

**By** Representatives Kraft, Harris, and Pollet

AN ACT Relating to the requirements for posting agendas and notices under the open public meetings act; amending RCW 42.30.077, 42.30.060, and 42.30.080; and providing an effective date.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

**Sec.**  RCW 42.30.077 and 2014 c 61 s 2 are each amended to read as follows:

Public agencies with governing bodies must make the agenda of each regular meeting of the governing body available online no later than ((~~twenty-four~~)) seventy-two hours in advance of the published start time of the meeting. Subsequent modifications to the agenda must be posted no later than forty-eight hours in advance of the published start time of the meeting. The agenda must include a direct link to the minutes of the governing body's meetings that occurred within the immediately preceding twenty-four months. An agency subject to provisions of this section is not required to post an agenda online if it does not have a web site or if it employs fewer than ten full-time equivalent employees, but such an agency must prominently display the agenda at the main entrance of the agency's principal location and the meeting site if it is not held at the agency's principal location. ((~~Nothing in this section prohibits subsequent modifications to agendas nor invalidates any otherwise legal~~)) Any action taken at a meeting where the agenda was not posted in accordance with this section((~~. Nothing in this section modifies notice requirements or shall be construed as establishing~~)) is null and void. This section does not establish that a public body or agency's online posting of an agenda as required by this section is sufficient notice to satisfy public notice requirements established under other laws. Failure to post an agenda in accordance with this section shall ((~~not~~)) provide a basis for awarding attorney fees under RCW 42.30.120 or commencing an action for mandamus or injunction under RCW 42.30.130.

**Sec.**  RCW 42.30.060 and 1989 c 42 s 1 are each amended to read as follows:

(1) No governing body of a public agency shall adopt any ordinance, resolution, rule, regulation, order, or directive, except in a meeting open to the public of which an agenda has been properly posted in accordance with RCW 42.30.077 or notice provided pursuant to RCW 42.30.080, and then only at a meeting, the date of which is fixed by law or rule, or at a meeting of which notice has been given according to the provisions of this chapter. Any action taken at meetings failing to comply with the provisions of this subsection shall be null and void.

(2) No governing body of a public agency at any meeting required to be open to the public shall vote by secret ballot. Any vote taken in violation of this subsection shall be null and void, and shall be considered an "action" under this chapter.

**Sec.**  RCW 42.30.080 and 2012 c 188 s 1 are each amended to read as follows:

(1) A special meeting 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 by delivering, seventy-two hours in advance of the special meeting, written notice personally, by mail, by fax, or by ((~~electronic mail~~)) email to each member of the governing body. ((~~Written notice shall be deemed waived in the following circumstances:~~

~~(a) A member submits a written waiver of notice with the clerk or secretary of the governing body at or prior to the time the meeting convenes. A written waiver may be given by telegram, fax, or electronic mail; or~~

~~(b) A member is actually present at the time the meeting convenes.~~))

(2)(a) Notice of a special meeting called under subsection (1) of this section shall be:

((~~(a)~~)) (i) Delivered to each local newspaper of general circulation and local radio or television station that has on file with the governing body a written request to be notified of such special meeting or of all special meetings;

((~~(b)~~)) (ii) Posted on the agency's web site. An agency is not required to post a special meeting notice on its web site if it ((~~(i)~~)) (A) does not have a web site; ((~~(ii)~~)) (B) employs fewer than ten full-time equivalent employees; or ((~~(iii)~~)) (C) does not employ personnel whose duty, as defined by a job description or existing contract, is to maintain or update the web site; and

((~~(c)~~)) (iii) Prominently displayed at the main entrance of the agency's principal location and the meeting site if it is not held at the agency's principal location.

(b) Such notice required under (a) of this subsection must be delivered, prominently displayed, or posted, as applicable, at least ((~~twenty-four~~)) seventy-two hours before the time of such meeting as specified in the notice.

(3) The call and notices required under subsections (1) and (2) of this section shall specify the time and place of the special meeting and the business to be transacted. Final disposition shall not be taken on any other matter at such meetings by the governing body. Subsequent modifications to the notice must be posted no later than forty-eight hours in advance of the published start time of the meeting.

(4) Except as provided in subsection (5) of this section, any action taken at a meeting where the notice was not provided in accordance to this section is null and void.

(5) The notices provided in this section may be dispensed with in the event a special meeting is called to deal with an emergency involving injury or damage to persons or property or the likelihood of such injury or damage, when time requirements of such notice would make notice impractical and increase the likelihood of such injury or damage.

NEW SECTION. **Sec.**  This act takes effect July 1, 2020.

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