

SENATE BILL REPORT

ESHB 1329

As of February 18, 2022

Title: An act relating to public meeting accessibility and participation.

Brief Description: Concerning public meeting accessibility and participation.

Sponsors: House Committee on Local Government (originally sponsored by Representatives Wicks, Pollet, Taylor, Ryu, Wylie, Shewmake, Bateman, Lovick, Fey, Morgan, Lekanoff, Harris-Talley and Peterson).

Brief History: Passed House: 1/12/22, 79-16.

Committee Activity: State Government & Elections: 3/19/21, 3/24/21 [DPA]; 2/18/22.

Brief Summary of Bill

- Encourages public agencies to provide remote access to governing body meetings, and to record and post recordings of meetings online for at least six months.
- Requires governing bodies to provide an opportunity for public comment at or before every regular meeting at which final action is taken, except in emergency situations.
- Requires governing bodies, if feasible, to provide an opportunity for remote oral comment for an individual at a meeting upon request if the individual will find physical attendance at a meeting difficult.

SENATE COMMITTEE ON STATE GOVERNMENT & ELECTIONS

Staff: Samuel Brown (786-7470)

Background: Open Public Meetings Act. The meetings of the governing body of a public agency must, with limited exceptions, be open to the public. Any member of the public who wants to attend such a meeting must be permitted to do so without conditions, such as

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requiring the provision of a name or address, imposed on attendance. Governing bodies may not adopt any ordinance, resolution, rule, regulation, order, or directive outside of a properly noticed meeting that is open to the public. Any action taken at a meeting that violates these requirements is void. Governing bodies are not required to take public testimony at a meeting.

The governing body may enter into executive session for deliberations, and exclude the members of the public from the executive session, under certain circumstances. Minutes must be taken at all regular and special meetings and subsequently made available for public inspection.

Summary of Bill: Remote Access to Public Meetings. Public agencies are encouraged to:

- provide increased public access and participation in governing body meetings through real-time telephone, Internet, or other readily available means of remote access to the meeting at no cost to members of the public;
- make an audio or video recording of, or provide a streaming option for, all regular governing body meetings; and
- make the recordings of public meetings available online for at least six months.

Public Comment Requirement. There must be an opportunity for public comment at or before every regular meeting in which a public agency governing body takes final action, except in emergency situations. Public comment may be:

- taken orally at the meeting; or
- through an opportunity for submitting written comments prior to the meeting.

If public comment is offered through written submission, the governing body may set a reasonable deadline for submissions, and comments must be distributed to members of the governing body.

Accommodations. The governing body must, when feasible, provide an opportunity for individuals to provide oral comment remotely upon request if an individual will have difficulty physically attending the meeting if oral public comment is to be taken at the meeting.

Executive Sessions. The purpose for which the governing body of a public agency goes into executive session must be entered into the meeting minutes.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony (Regular Session 2022): PRO: This will help save public comment—many folks are not sure whether remote testimony will continue after pandemic measures are lifted. Meeting minutes are not verbatim transcripts and it's difficult to determine if they're accurate without a recording. Provisions encouraging things should be changed to "required"—public agencies should record all meetings, including emergency meetings and executive sessions. This is a compromise product, and many counties will probably take the recommendation to adopt optional procedures. Cities appreciate the work putting this into a form that can be implemented. We're heartened to hear intent to add updates to emergency provisions and make this a more comprehensive Open Public Meetings Act update.

Persons Testifying: PRO: Joe Kunzler; Tom Thiersch; Mike Hoover, Washington State Association of Counties; Candice Bock, Association of Washington Cities.

Persons Signed In To Testify But Not Testifying: No one.