
SUBSTITUTE SENATE BILL 5072

State of Washington

54th Legislature

1995 Regular Session

By Senate Committee on Government Operations (originally sponsored by Senators Haugen and Winsley)

Read first time 03/01/95.

1 AN ACT Relating to open public meetings; amending RCW 42.30.080 and
2 42.30.120; and prescribing penalties.

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

4 **Sec. 1.** RCW 42.30.080 and 1971 ex.s. c 250 s 8 are each amended to
5 read as follows:

6 A special meeting may be called at any time by the presiding
7 officer of the governing body of a public agency or by a majority of
8 the members of the governing body by delivering personally or by mail
9 written notice to each member of the governing body; and to each local
10 newspaper of general circulation and to each local radio or television
11 station which has on file with the governing body a written request,
12 dated no earlier than one year before the notice, to be notified of
13 such special meeting or of all special meetings. Such notice must be
14 delivered personally or by mail at least twenty-four hours before the
15 time of such meeting as specified in the notice. Personal delivery may
16 be by facsimile transmission. Notice by mail must be postmarked at
17 least seventy-two hours before the meeting. The call and notice shall
18 specify the time and place of the special meeting and the business to
19 be transacted. If the special meeting is to be conducted in executive

1 session, the notice shall state the purpose for excluding the public
2 from the meeting place and the time when the executive session will be
3 concluded, in accordance with RCW 42.30.110(2). Final disposition
4 shall not be taken on any other matter at such meetings by the
5 governing body. Such written notice may be dispensed with as to any
6 member who at or prior to the time the meeting convenes files with the
7 clerk or secretary of the governing body a written waiver of notice.
8 Such waiver may be given by telegram or facsimile transmission. Such
9 written notice may also be dispensed with as to any member who is
10 actually present at the meeting at the time it convenes. The notices
11 provided in this section may be dispensed with in the event a special
12 meeting is called to deal with an emergency involving injury or damage
13 to persons or property or the likelihood of such injury or damage, when
14 time requirements of such notice would make notice impractical and
15 increase the likelihood of such injury or damage.

16 **Sec. 2.** RCW 42.30.120 and 1985 c 69 s 1 are each amended to read
17 as follows:

18 (1) Each member of the governing body who attends a meeting of such
19 governing body where action is taken in violation of any provision of
20 this chapter applicable to him or her, with knowledge of the fact that
21 the meeting is in violation thereof, shall be subject to personal
22 liability in the form of a civil penalty in the amount of one hundred
23 dollars for the first violation. For a second violation of this
24 section by the same person associated with the same governing body, a
25 civil fine of up to one thousand dollars may be imposed. Upon a third
26 violation of this section by the same person connected with the same
27 governing body, a civil fine of up to ten thousand dollars may be
28 imposed. The civil penalty shall be assessed by a judge of the
29 superior court and an action to enforce this penalty may be brought by
30 any person. A violation of this chapter does not constitute a crime
31 and assessment of the civil penalty by a judge shall not give rise to
32 any disability or legal disadvantage based on conviction of a criminal
33 offense.

34 (2) Any person who prevails against a public agency in any action
35 in the courts for a violation of this chapter shall be awarded all
36 costs, including reasonable attorney fees, incurred in connection with
37 such legal action. Pursuant to RCW 4.84.185, any public agency who
38 prevails in any action in the courts for a violation of this chapter

1 may be awarded reasonable expenses and attorney fees upon final
2 judgment and written findings by the trial judge that the action was
3 frivolous and advanced without reasonable cause.

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