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SENATE BILL 6383

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State of Washington

54th Legislature

1996 Regular Session

By Senators Hale, Winsley, Haugen and Swecker

Read first time 01/12/96. Referred to Committee on Government Operations.

1 AN ACT Relating to the authority to conduct executive sessions  
2 under the Open Public Meetings Act to discuss sales of personal  
3 property; and amending RCW 42.30.110.

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

5 **Sec. 1.** RCW 42.30.110 and 1989 c 238 s 2 are each amended to read  
6 as follows:

7 (1) Nothing contained in this chapter may be construed to prevent  
8 a governing body from holding an executive session during a regular or  
9 special meeting:

10 (a) To consider matters affecting national security;

11 (b) To consider the selection of a site or the acquisition of real  
12 estate by lease or purchase when public knowledge regarding such  
13 consideration would cause a likelihood of increased price;

14 (c) To consider the minimum price at which real estate or personal  
15 property will be offered for sale or lease when public knowledge  
16 regarding such consideration would cause a likelihood of decreased  
17 price. However, final action selling or leasing public real or  
18 personal property shall be taken in a meeting open to the public;

1 (d) To review negotiations on the performance of publicly bid  
2 contracts when public knowledge regarding such consideration would  
3 cause a likelihood of increased costs;

4 (e) To consider, in the case of an export trading company,  
5 financial and commercial information supplied by private persons to the  
6 export trading company;

7 (f) To receive and evaluate complaints or charges brought against  
8 a public officer or employee. However, upon the request of such  
9 officer or employee, a public hearing or a meeting open to the public  
10 shall be conducted upon such complaint or charge;

11 (g) To evaluate the qualifications of an applicant for public  
12 employment or to review the performance of a public employee. However,  
13 subject to RCW 42.30.140(4), discussion by a governing body of  
14 salaries, wages, and other conditions of employment to be generally  
15 applied within the agency shall occur in a meeting open to the public,  
16 and when a governing body elects to take final action hiring, setting  
17 the salary of an individual employee or class of employees, or  
18 discharging or disciplining an employee, that action shall be taken in  
19 a meeting open to the public;

20 (h) To evaluate the qualifications of a candidate for appointment  
21 to elective office. However, any interview of such candidate and final  
22 action appointing a candidate to elective office shall be in a meeting  
23 open to the public;

24 (i) To discuss with legal counsel representing the agency matters  
25 relating to agency enforcement actions, or to discuss with legal  
26 counsel representing the agency litigation or potential litigation to  
27 which the agency, the governing body, or a member acting in an official  
28 capacity is, or is likely to become, a party, when public knowledge  
29 regarding the discussion is likely to result in an adverse legal or  
30 financial consequence to the agency;

31 (j) To consider, in the case of the state library commission or its  
32 advisory bodies, western library network prices, products, equipment,  
33 and services, when such discussion would be likely to adversely affect  
34 the network's ability to conduct business in a competitive economic  
35 climate. However, final action on these matters shall be taken in a  
36 meeting open to the public;

37 (k) To consider, in the case of the state investment board,  
38 financial and commercial information when the information relates to  
39 the investment of public trust or retirement funds and when public

1 knowledge regarding the discussion would result in loss to such funds  
2 or in private loss to the providers of this information.

3 (2) Before convening in executive session, the presiding officer of  
4 a governing body shall publicly announce the purpose for excluding the  
5 public from the meeting place, and the time when the executive session  
6 will be concluded. The executive session may be extended to a stated  
7 later time by announcement of the presiding officer.

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