

SENATE BILL REPORT

SB 5185

As Reported By Senate Committee On:
Government Operations & Elections, February 26, 2003

Title: An act relating to open public meetings.

Brief Description: Changing provisions relating to open public meetings.

Sponsors: Senators Benton, Mulliken and Stevens.

Brief History:

Committee Activity: Government Operations & Elections: 2/5/03, 2/26/03 [DPS].

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

Majority Report: That Substitute Senate Bill No. 5185 be substituted therefor, and the substitute bill do pass.

Signed by Senators Roach, Chair; Stevens, Vice Chair; Kastama and Reardon.

Staff: Ronda Larson (786-7429)

Background: The Open Public Meetings Act requires that governing bodies of public agencies deliberate openly. Governing bodies cannot adopt valid rules and regulations unless they do so in a public meeting. They also must notify the public about the meeting.

As for notice of regular meetings, both state and local agency governing bodies must adopt resolutions or bylaws that set out the time for holding regular meetings. State agencies must publish a schedule of the time and place for the regular meetings. As for notice of special meetings, a body's presiding officer or a majority of its members must notify other members of the body in writing at least 24 hours before the meeting. Unlike regular meetings, at special meetings the body may not take final action on any matter.

As for meeting location, agency governing bodies may hold their public meetings outside the boundaries of the territory over which they have authority.

If a state or local governing body needs to quickly convene to address fire, flood, or another emergency, the body need not satisfy notice requirements for regular meetings. The body need not satisfy notice requirements for special meetings if the emergency involves personal injury or property damage and if notice is impractical.

Summary of Substitute Bill: Public agency governing bodies must adopt rules fixing the agenda requirements for meetings, including deadlines for posting agendas, and time allotted per agenda item. They must also adopt rules fixing the location for meetings, including meetings involving more than one jurisdiction.

Substitute Bill Compared to Original Bill: The original bill set out in statute several specific requirements regarding agenda posting and meeting location. The substitute eliminates the specific requirements from the statute and instead more generally requires agencies to pass such type of requirements as agency rules and ordinances. The original bill required agencies to post meeting agendas three days before a regular meeting and one day before a special meeting; it required each agenda item to be allotted 15 minutes for public comment; and it prohibited agency governing bodies from having a public hearing outside the territory over which the agency has jurisdiction.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: None.

Testimony Against: It is not possible to implement the requirements of the bill. When agency governing bodies meet with the bodies of other jurisdictions to address regional issues, it is impossible for at least one of the bodies to meet within its jurisdiction. In some circumstances, an agency's public meeting place such as a community center is just outside the boundaries of the agency's jurisdiction. Such an agency would be unable to use its community center under this bill. For bodies that meet only once a month, it would be impossible to add last minute items to the agenda without violating the three-day posting requirement. The bodies would have to wait for a whole month to address the items.

Testified: CON: Steve Lindstrom, Snohomish-King Water District Coalition; Paul Parker, Washington State Association of Counties; Anne Noris, Washington Assn. of Clerks to Commissions and Councils; Gerry Johnson, Pierce County Council; Charlotte Taylor, City of Lacey, Washington Municipal Clerks Association.