

HOUSE BILL REPORT

2SSB 5355

As Reported by House Committee On:
State Government & Tribal Affairs

Title: An act relating to special meetings.

Brief Description: Regarding notice requirements for special meetings of public agencies.

Sponsors: Senate Committee on Government Operations, Tribal Relations & Elections
(originally sponsored by Senators Morton, Swecker and Honeyford).

Brief History:

Committee Activity:

State Government & Tribal Affairs: 2/15/12, 2/20/12 [DPA].

**Brief Summary of Second Substitute Bill
(As Amended by Committee)**

- Makes changes to requirements for special meeting notices under the Open Public Meetings Act.

HOUSE COMMITTEE ON STATE GOVERNMENT & TRIBAL AFFAIRS

Majority Report: Do pass as amended. Signed by 8 members: Representatives Hunt, Chair; Appleton, Vice Chair; Alexander, Darneille, Dunshee, Hurst, McCoy and Miloscia.

Minority Report: Do not pass. Signed by 3 members: Representatives Taylor, Ranking Minority Member; Overstreet, Assistant Ranking Minority Member; Condotta.

Staff: Marsha Reilly (786-7135).

Background:

The Open Public Meetings Act (OPMA) requires that all meetings of the governing body of a public agency be open to the public and that all persons be allowed to attend. A schedule for regular meetings must be provided by ordinance, resolution, bylaws, or other rule. State agencies must file a schedule of the time and place of meetings on or before January of each year to the Office of the Code Reviser for publication in the Washington State Register.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

A governing body may meet without the public for portions of a regular or special meeting to discuss certain issues. A special meeting may be called by the presiding officer of the governing body or by a majority of the members by delivering written notice personally, by mail, fax, or electronic mail, to each member of the governing body as well as to each local newspaper of general circulation and local radio or television stations that request such notice. These notices must be delivered at least 24 hours before the time of the special meeting. Members of the governing body may waive the requirement for written notice with the clerk or secretary of the governing body.

Summary of Amended Bill:

Notice of special meetings under the OPMA are modified. Members of a governing body must always be notified of a special meeting and may no longer waive notification. In addition to the existing requirements, notices must be posted on an agency's website, if the agency has a website, and if a local government, the agency employs more than 10 full-time equivalent employees. Meeting notices also must be prominently displayed at the main entrance of the agency's principal location, as well as at the meeting site, if different.

Amended Bill Compared to Second Substitute Bill:

The striking amendment removes all conditions under which notice of a special meeting to members of a governing body are waived. The requirement to post meeting notices on the agency's website is conditioned on whether or not the agency has a website and, if a local government, the agency employs more than 10 full-time equivalent employees.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Amended Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) The bill adds requirements for posting meeting notices for special meetings called by a governing body of a public agency. The bill fixes a gap in the OPMA. The premise of the act is that the public has the right to attend meetings. Special meetings are not often advertised broadly and the public does not get notice. There is a legal duty to put the information on a website, if the agency has a website. Like the bill that requires public records to be available online, this, too, is a good bill for the same reason. Posting information online is easy and takes very little time.

The OPMA contains language regarding special meetings that can be abused. If a listserv does go out, subsection (2)(a) should be amended. If you are a city and you do have a website, you should be able to post, and a listserv should be free. Notices to the members is already required, so a listserv would be easy.

(In support with amendment) Providing public notice is something that local governments strive to do. Meeting notices should be put online. However, special meetings require a 24-hour notice, and sometimes special meetings are called at the last minute because of emergencies. This proposal requires that meetings be put on websites if the agency has a website. There are very small agencies that do not update their websites due to lack of staff.

(Opposed) None.

Persons Testifying: (In support) Senator Morton, prime sponsor; Tim Ford, Office of the Attorney General; Kimberly Hendrickson; and Rowland Thompson, Allied Daily Newspapers.

(In support with amendment) Victoria Lincoln, Association of Washington Cities.

Persons Signed In To Testify But Not Testifying: None.