
HOUSE BILL 2901

State of Washington

65th Legislature

2018 Regular Session

By Representatives Kraft and Pollet

Read first time 01/22/18. Referred to Committee on State Govt,
Elections & IT.

1 AN ACT Relating to modifying the requirements of agendas posted
2 under the open public meetings act; amending RCW 42.30.077 and
3 42.30.060; and providing an effective date.

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

5 **Sec. 1.** RCW 42.30.077 and 2014 c 61 s 2 are each amended to read
6 as follows:

7 Public agencies with governing bodies must make the agenda of
8 each regular meeting of the governing body available online no later
9 than (~~twenty-four~~) seventy-two hours in advance of the published
10 start time of the meeting. Subsequent modifications to the agenda
11 must be posted no later than forty-eight hours in advance of the
12 published start time of the meeting. The agenda must include a direct
13 link to the minutes of the governing body's previous meetings. An
14 agency subject to provisions of this section is not required to post
15 an agenda if it does not have a web site or if it employs fewer than
16 ten full-time equivalent employees. (~~Nothing in this section~~
17 ~~prohibits subsequent modifications to agendas nor invalidates any~~
18 ~~otherwise legal~~) Consistent with RCW 42.30.060, any final action
19 taken at a meeting where the agenda was not posted in accordance with
20 this section(~~. Nothing in this section modifies notice requirements~~
21 ~~or shall be construed as establishing~~) is null and void. This

1 section does not establish that a public body or agency's online
2 posting of an agenda as required by this section is sufficient notice
3 to satisfy public notice requirements established under other laws.
4 Failure to post an agenda in accordance with this section shall
5 ~~((not))~~ provide a basis for ~~((awarding attorney fees under RCW~~
6 ~~42.30.120 or))~~ commencing an action for mandamus or injunction under
7 RCW 42.30.130. A prevailing party in any action in the courts for a
8 violation of this section shall not be awarded attorneys' fees under
9 RCW 42.30.120.

10 **Sec. 2.** RCW 42.30.060 and 1989 c 42 s 1 are each amended to read
11 as follows:

12 (1) No governing body of a public agency shall adopt any
13 ordinance, resolution, rule, regulation, order, or directive, except
14 in a meeting open to the public of which an agenda has been properly
15 posted in accordance with RCW 42.30.077, and then only at a meeting,
16 the date of which is fixed by law or rule, or at a meeting of which
17 notice has been given according to the provisions of this chapter.
18 Any action taken at meetings failing to comply with the provisions of
19 this subsection shall be null and void, except that only final
20 actions, as defined in RCW 42.30.020, taken at meetings failing to
21 comply with agenda posting requirements under RCW 42.30.077 shall be
22 null and void.

23 (2) No governing body of a public agency at any meeting required
24 to be open to the public shall vote by secret ballot. Any vote taken
25 in violation of this subsection shall be null and void, and shall be
26 considered an "action" under this chapter.

27 NEW SECTION. **Sec. 3.** This act takes effect July 1, 2019.

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