
HOUSE BILL 2331

State of Washington

66th Legislature

2020 Regular Session

By Representatives Kraft, Harris, and Pollet

Prefiled 01/09/20. Read first time 01/13/20. Referred to Committee on State Government & Tribal Relations.

1 AN ACT Relating to the requirements for posting agendas and
2 notices under the open public meetings act; amending RCW 42.30.077,
3 42.30.060, and 42.30.080; 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 meetings that occurred
14 within the immediately preceding twenty-four months. An agency
15 subject to provisions of this section is not required to post an
16 agenda online if it does not have a web site or if it employs fewer
17 than ten full-time equivalent employees, but such an agency must
18 prominently display the agenda at the main entrance of the agency's
19 principal location and the meeting site if it is not held at the
20 agency's principal location. ~~((Nothing in this section prohibits~~
21 ~~subsequent modifications to agendas nor invalidates any otherwise~~

1 legal)) Any action taken at a meeting where the agenda was not posted
2 in accordance with this section(~~(. Nothing in this section modifies~~
3 ~~notice requirements or shall be construed as establishing)) is null
4 and void. This section does not establish that a public body or
5 agency's online posting of an agenda as required by this section is
6 sufficient notice to satisfy public notice requirements established
7 under other laws. Failure to post an agenda in accordance with this
8 section shall (~~not~~) provide a basis for awarding attorney fees
9 under RCW 42.30.120 or commencing an action for mandamus or
10 injunction under RCW 42.30.130.~~

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

13 (1) No governing body of a public agency shall adopt any
14 ordinance, resolution, rule, regulation, order, or directive, except
15 in a meeting open to the public of which an agenda has been properly
16 posted in accordance with RCW 42.30.077 or notice provided pursuant
17 to RCW 42.30.080, and then only at a meeting, the date of which is
18 fixed by law or rule, or at a meeting of which notice has been given
19 according to the provisions of this chapter. Any action taken at
20 meetings failing to comply with the provisions of this subsection
21 shall be null and void.

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

26 **Sec. 3.** RCW 42.30.080 and 2012 c 188 s 1 are each amended to
27 read as follows:

28 (1) A special meeting may be called at any time by the presiding
29 officer of the governing body of a public agency or by a majority of
30 the members of the governing body by delivering, seventy-two hours in
31 advance of the special meeting, written notice personally, by mail,
32 by fax, or by (~~electronic mail~~) email to each member of the
33 governing body. (~~Written notice shall be deemed waived in the~~
34 ~~following circumstances:~~

35 ~~(a) A member submits a written waiver of notice with the clerk or~~
36 ~~secretary of the governing body at or prior to the time the meeting~~
37 ~~convenes. A written waiver may be given by telegram, fax, or~~
38 ~~electronic mail; or~~

1 ~~(b) A member is actually present at the time the meeting~~
2 ~~convenes.)~~

3 (2) (a) Notice of a special meeting called under subsection (1) of
4 this section shall be:

5 ~~((a))~~ (i) Delivered to each local newspaper of general
6 circulation and local radio or television station that has on file
7 with the governing body a written request to be notified of such
8 special meeting or of all special meetings;

9 ~~((b))~~ (ii) Posted on the agency's web site. An agency is not
10 required to post a special meeting notice on its web site if it
11 ~~((i))~~ (A) does not have a web site; ~~((ii))~~ (B) employs fewer than
12 ten full-time equivalent employees; or ~~((iii))~~ (C) does not employ
13 personnel whose duty, as defined by a job description or existing
14 contract, is to maintain or update the web site; and

15 ~~((e))~~ (iii) Prominently displayed at the main entrance of the
16 agency's principal location and the meeting site if it is not held at
17 the agency's principal location.

18 (b) Such notice required under (a) of this subsection must be
19 delivered, prominently displayed, or posted, as applicable, at least
20 ~~((twenty-four))~~ seventy-two hours before the time of such meeting as
21 specified in the notice.

22 (3) The call and notices required under subsections (1) and (2)
23 of this section shall specify the time and place of the special
24 meeting and the business to be transacted. Final disposition shall
25 not be taken on any other matter at such meetings by the governing
26 body. Subsequent modifications to the notice must be posted no later
27 than forty-eight hours in advance of the published start time of the
28 meeting.

29 (4) Except as provided in subsection (5) of this section, any
30 action taken at a meeting where the notice was not provided in
31 accordance to this section is null and void.

32 (5) The notices provided in this section may be dispensed with in
33 the event a special meeting is called to deal with an emergency
34 involving injury or damage to persons or property or the likelihood
35 of such injury or damage, when time requirements of such notice would
36 make notice impractical and increase the likelihood of such injury or
37 damage.

1 NEW SECTION. **Sec. 4.** This act takes effect July 1, 2020.

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