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State Government Committee

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SSB 5185

**Brief Description:** Changing provisions relating to open public meetings.

**Sponsors:** Senate Committee on Government Operations & Elections (originally sponsored by Senators Benton, Mulliken and Stevens).

**Brief Summary of Substitute Bill**

- Revises the requirements of the Open Public Meetings Act for a public agency to adopt an ordinance, rule, regulation, resolution, order, or directive, or to hold a joint meeting with another public agency.

**Hearing Date:** 3/27/03

**Staff:** Katie Blinn (786-7114).

**Background:**

Under the Open Public Meetings Act (OPMA), meetings of state and local public agencies must be open to the public. Anyone wishing to attend a meeting cannot be required to provide a name or any other information as a condition precedent to mere attendance. Unless otherwise required by the agency's enabling act, meetings need not be held within the boundaries of the agency's jurisdiction. An agency may only adopt an ordinance, resolution, rule, regulation, order, or directive (a) at a meeting that is open to the public, the date of which is fixed in law or rule, or (b) at a meeting for which notice has otherwise been properly given. An agency must establish the time for holding meetings in rule, ordinance, resolution, bylaws, or whatever other means are used for the conduct of business.

A special meeting may be called at any time by the presiding officer or by a majority of members by written notice provided at least 24 hours in advance to each member and to local newspapers, radio stations and television stations that have requested notification. The notice for the special meeting must specify the time, location, and business to be transacted at the meeting. Final action on any matter not included in the notice may not be taken at the special meeting. The notice requirement for special meetings may be waived if the special meeting has been called to address an emergency involving injury or damage to persons or property, or when the time requirements would make notice impractical and increase the likelihood of injury or damage. If, due to a fire, flood, earthquake, or other emergency,

there is a need for expedited action by an agency, the notice requirements may be suspended and the agency may conduct a meeting somewhere other than the normal meeting location.

The public may not attend executive sessions. An agency may hold an executive session to consider a number of issues, such as contract negotiations, the qualifications of an applicant for employment, or pending litigation.

Citizens may bring court actions to challenge the validity of past meetings held in violation of the OPMA, or to enjoin future violations of the OPMA. Actions taken at a meeting in violation of the OPMA are void. A public official knowingly attending a meeting in violation of the OPMA may be subject to a civil penalty.

**Summary of Bill:**

A public agency may require a person wishing to speak or present written testimony at a public hearing to identify himself or herself. An agency may only adopt an ordinance, resolution, rule, regulation, order, or directive (a) at a meeting that is open to the public, the date and location of which are fixed in law or rule, for which the procedures and deadlines for posting the meeting agenda are fixed in law or rule, and for which the time allotted per agenda item is fixed in law or rule, or (b) at a meeting for which notice has otherwise been properly given. In addition to the time, an agency must establish the location for holding meetings in rule, ordinance, resolution, bylaws, or whatever other means are used for the conduct of business.

For meetings attended by one or more public agencies with authority over at least two mutually exclusive jurisdictions, the public agencies must adopt guidelines for setting the location and time for holding multi-jurisdictional meetings by ordinance, resolution, bylaws, or whatever other means are used for the conduct of business. When two or more public agencies with different jurisdictions meet, their guidelines must determine meeting times and locations that do not conflict.

**Appropriation:** None.

**Fiscal Note:** Not Requested.

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