H-3950.2

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**HOUSE BILL 2901**

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**State of Washington 65th Legislature 2018 Regular Session**

**By** Representatives Kraft and Pollet

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

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

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

Public agencies with governing bodies must make the agenda of each regular meeting of the governing body available online no later than ((~~twenty-four~~)) seventy-two hours in advance of the published start time of the meeting. Subsequent modifications to the agenda must be posted no later than forty-eight hours in advance of the published start time of the meeting. The agenda must include a direct link to the minutes of the governing body's previous meetings. An agency subject to provisions of this section is not required to post an agenda if it does not have a web site or if it employs fewer than ten full-time equivalent employees. ((~~Nothing in this section prohibits subsequent modifications to agendas nor invalidates any otherwise legal~~)) Consistent with RCW 42.30.060, any final action taken at a meeting where the agenda was not posted in accordance with this section((~~. Nothing in this section modifies notice requirements or shall be construed as establishing~~)) is null and void. This section does not establish that a public body or agency's online posting of an agenda as required by this section is sufficient notice to satisfy public notice requirements established under other laws. Failure to post an agenda in accordance with this section shall ((~~not~~)) provide a basis for ((~~awarding attorney fees under RCW 42.30.120 or~~)) commencing an action for mandamus or injunction under RCW 42.30.130. A prevailing party in any action in the courts for a violation of this section shall not be awarded attorneys' fees under RCW 42.30.120.

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

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

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

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

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