

2 SHB 1384 - S COMM AMD

3 By Committee on State & Local Government

4 ADOPTED 04/04/01

5 Strike everything after the enacting clause and insert the
6 following:

7 "Sec. 1. RCW 42.30.110 and 1989 c 238 s 2 are each amended to read
8 as follows:

9 (1) Nothing contained in this chapter may be construed to prevent
10 a governing body from holding an executive session during a regular or
11 special meeting:

12 (a) To consider matters affecting national security;

13 (b) To consider the selection of a site or the acquisition of real
14 estate by lease or purchase when public knowledge regarding such
15 consideration would cause a likelihood of increased price;

16 (c) To consider the minimum price at which real estate will be
17 offered for sale or lease when public knowledge regarding such
18 consideration would cause a likelihood of decreased price. However,
19 final action selling or leasing public property shall be taken in a
20 meeting open to the public;

21 (d) To review negotiations on the performance of publicly bid
22 contracts when public knowledge regarding such consideration would
23 cause a likelihood of increased costs;

24 (e) To consider, in the case of an export trading company,
25 financial and commercial information supplied by private persons to the
26 export trading company;

27 (f) To receive and evaluate complaints or charges brought against
28 a public officer or employee. However, upon the request of such
29 officer or employee, a public hearing or a meeting open to the public
30 shall be conducted upon such complaint or charge;

31 (g) To evaluate the qualifications of an applicant for public
32 employment or to review the performance of a public employee. However,
33 subject to RCW 42.30.140(4), discussion by a governing body of
34 salaries, wages, and other conditions of employment to be generally
35 applied within the agency shall occur in a meeting open to the public,
36 and when a governing body elects to take final action hiring, setting

1 the salary of an individual employee or class of employees, or
2 discharging or disciplining an employee, that action shall be taken in
3 a meeting open to the public;

4 (h) To evaluate the qualifications of a candidate for appointment
5 to elective office. However, any interview of such candidate and final
6 action appointing a candidate to elective office shall be in a meeting
7 open to the public;

8 (i) To discuss with legal counsel representing the agency matters
9 relating to agency enforcement actions, or to discuss with legal
10 counsel representing the agency litigation or potential litigation to
11 which the agency, the governing body, or a member acting in an official
12 capacity is, or is likely to become, a party, when public knowledge
13 regarding the discussion is likely to result in an adverse legal or
14 financial consequence to the agency.

15 This subsection (1)(i) does not permit a governing body to hold an
16 executive session solely because an attorney representing the agency is
17 present. For purposes of this subsection (1)(i), "potential
18 litigation" means matters protected by RPC 1.6 or RCW 5.60.060(2)(a)
19 concerning:

20 (A) Litigation that has been specifically threatened to which the
21 agency, the governing body, or a member acting in an official capacity
22 is, or is likely to become, a party;

23 (B) Litigation that the agency reasonably believes may be commenced
24 by or against the agency, the governing body, or a member acting in an
25 official capacity; or

26 (C) Litigation or legal risks of a proposed action or current
27 practice that the agency has identified when public discussion of the
28 litigation or legal risks is likely to result in an adverse legal or
29 financial consequence to the agency;

30 (j) To consider, in the case of the state library commission or its
31 advisory bodies, western library network prices, products, equipment,
32 and services, when such discussion would be likely to adversely affect
33 the network's ability to conduct business in a competitive economic
34 climate. However, final action on these matters shall be taken in a
35 meeting open to the public;

36 (k) To consider, in the case of the state investment board,
37 financial and commercial information when the information relates to
38 the investment of public trust or retirement funds and when public

1 knowledge regarding the discussion would result in loss to such funds
2 or in private loss to the providers of this information.

3 (2) Before convening in executive session, the presiding officer of
4 a governing body shall publicly announce the purpose for excluding the
5 public from the meeting place, and the time when the executive session
6 will be concluded. The executive session may be extended to a stated
7 later time by announcement of the presiding officer.

8 NEW SECTION. **Sec. 2.** A new section is added to chapter 42.30 RCW
9 to read as follows:

10 The attorney general's office may provide information, technical
11 assistance, and training on the provisions of this chapter."

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15 On page 1, line 3 of the title, after "litigation;" strike the
16 remainder of the title and insert "amending RCW 42.30.110; and adding
17 a new section to chapter 42.30 RCW."

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