

# SENATE BILL REPORT

## SB 5420

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As Reported By Senate Committee On:  
Government Operations & Elections, February 8, 2007

**Title:** An act relating to posting information on public agencies' web sites.

**Brief Description:** Requiring public agencies to post certain information to their web sites.

**Sponsors:** Senators Roach, Fairley, Kauffman, Clements, Schoesler and Pflug.

**Brief History:**

**Committee Activity:** Government Operations & Elections: 2/05/07, 2/08/07 [DPS, DNP].

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### SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

**Majority Report:** That Substitute Senate Bill No. 5420 be substituted therefor, and the substitute bill do pass.

Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach, Ranking Minority Member; Benton, Kline and Swecker.

**Minority Report:** Do not pass.

Signed by Senator Pridemore.

**Staff:** Sharon Swanson (786-7447)

**Background:** In 1971, the Legislature enacted the Open Meetings Act (Act) to make the conduct of government more accessible and open to the public.

The Act applies to all city and town councils and all county councils and boards of county commissioners, as well as to many subordinate city and county commissions, boards, and committees. The Act requires that all meetings of such bodies be open to the public and that all action taken by such bodies be done at meetings that are open to the public.

Currently, the governing body of a public agency must provide the time for holding regular meetings by ordinance, resolution, bylaws, or by whatever other rule is required for the conduct of business by that body.

Special meetings may be called at any time by the presiding officer of the governing body of a public agency or by a majority of the members of the governing body. Notification of the meeting is delivered by written notice personally, by mail, by fax, or by electronic mail to each member of the governing body; to each local newspaper of general circulation; and to each local radio or television station on file with the governing body with a written request to be

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notified. This notice must be delivered personally, by mail, by fax, or by electronic mail at least 24 hours before the time of the meetings as specified in the notice.

**Summary of Bill:** Bill as referred to committee not considered.

**SUMMARY OF BILL (Recommended Substitute that Passed Committee):**

- The agenda of all regular meetings of the governing board of every public agency, special purpose district, and any municipality that owns or maintains a web site must be posted 72 hours before a meeting.
- The agenda of all special or emergency meetings must be posted 24 hours before a meeting.
- The posting of agendas must indicate if the agenda is in draft form.
- The minutes of all regular and special meetings must be posted within 15 business days after a meeting.
- The posting of the minutes must indicate whether or not the minutes are in draft form or adopted.
- All postings must remain on the web site for one calendar year.

**EFFECT OF CHANGES MADE BY GOVERNMENT OPERATIONS & ELECTIONS COMMITTEE (Recommended Substitute):** The proposed substitute heard in committee required the posting of minutes of meetings within 5 days; the recommended substitute that passed committee changed that to 15 days.

The population threshold for local entities exempt from the legislation are as follows: counties with a population of twenty thousand; cities or towns with a population of less than eight thousand; school districts or special purpose districts providing services to a population of less than one thousand.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony on Proposed Substitute Heard in Committee:** PRO: Public disclosure is eminent for all members of the public. Government must disclose what is being discussed, considered, and voted on, no matter how small the government entity. Passage of this bill will enhance the openness and transparency of government. The cost will be nominal when balanced against the greater good.

CON: This bill is an unfunded mandate. It is not possible to have minutes posted on the internet within five days. Many small counties and districts do not have the personnel or the resources to complete that short of a turn around. There is no money behind the bill to finance the technical supports that are necessary. Local governments would like to prioritize choice rather than have a mandate from the state telling us what we must post. We are short on resources so local governments should be able to decide where the need is for their communities. In one week a local government had two special meetings and one regular meeting. There is no way to keep up with the postings involved.

OTHER: Perhaps assistance from the state in terms of information and manpower to get our systems upgraded would be helpful.

**Persons Testifying:** PRO: Anthony Hemstad, City of Maple Valley; Alan Gamblin, Citizens Against Unfair Taxes.

CON: Sandy Paul Lyle, City of Pacific; Victoria Lincoln, Association of Washington Cities; Eric Johnson, Washington Association of Counties; Dayna Prewitt, Washington Association of County Commission, Council Clerks; Pat Jones, Washington Public Ports Association.

OTHER: Dick Goldsmith, Association of Washington Public Hospital Districts.