

SENATE BILL 5089

State of Washington 52nd Legislature 1991 Regular Session

By Senators Talmadge, Skratek and Rasmussen.

Read first time January 18, 1991. Referred to Committee on
Governmental Operations.

1 AN ACT Relating to open public meetings; and amending RCW
2 42.30.010, 42.30.020, 42.30.030, 42.30.060, 42.30.070, and 42.30.080.

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

4 **Sec. 1.** RCW 42.30.010 and 1971 ex.s. c 250 s 1 are each amended to
5 read as follows:

6 The legislature finds and declares that all public commissions,
7 boards, councils, committees, subcommittees, departments, divisions,
8 offices, ~~((and))~~ all other public agencies of this state and
9 subdivisions thereof, and the legislature exist to aid in the conduct
10 of the people's business. It is the intent of this chapter that their
11 actions be taken openly and that their deliberations be conducted
12 openly.

13 The people of this state do not yield their sovereignty to the
14 agencies which serve them. The people, in delegating authority, do not
15 give their public servants the right to decide what is good for the

1 people to know and what is not good for them to know. The people
2 insist on remaining informed so that they may retain control over the
3 instruments they have created.

4 **Sec. 2.** RCW 42.30.020 and 1985 c 366 s 1 are each amended to read
5 as follows:

6 As used in this chapter unless the context indicates otherwise:

7 (1) "Public agency" means:

8 (a) Any state board, commission, committee, department, educational
9 institution, or other state agency which is created by or pursuant to
10 statute, other than courts and the legislature;

11 (b) Any county, city, school district, special purpose district, or
12 other municipal corporation or political subdivision of the state of
13 Washington;

14 (c) Any subagency of a public agency which is created by or
15 pursuant to statute, ordinance, or other legislative act, including but
16 not limited to planning commissions, library or park boards,
17 commissions, and agencies;

18 (d) Any policy group whose membership includes representatives of
19 publicly owned utilities formed by or pursuant to the laws of this
20 state when meeting together as or on behalf of participants who have
21 contracted for the output of generating plants being planned or built
22 by an operating agency.

23 (2) "Governing body" means the multimember board, commission,
24 committee, council, or other policy or rule-making body of a public
25 agency or the legislature, or any committee thereof when the committee
26 acts on behalf of the governing body, conducts hearings, or takes
27 testimony or public comment.

28 (3) "Action" means the transaction of the official business of a
29 public agency or the legislature by a governing body including but not

1 limited to receipt of public testimony, deliberations, discussions,
2 considerations, reviews, evaluations, and final actions. "Final action"
3 means a collective positive or negative decision, or an actual vote by
4 a majority of the members of a governing body when sitting as a body or
5 entity, upon a motion, proposal, resolution, order, or ordinance.

6 (4) "Meeting" means meetings at which action is taken.

7 **Sec. 3.** RCW 42.30.030 and 1971 ex.s. c 250 s 3 are each amended to
8 read as follows:

9 All meetings of the governing body of a public agency or the
10 legislature shall be open and public and all persons shall be permitted
11 to attend any meeting (~~(of the governing body of a public agency)~~),
12 except as otherwise provided in this chapter.

13 **Sec. 4.** RCW 42.30.060 and 1989 c 42 s 1 are each amended to read
14 as follows:

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

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

26 **Sec. 5.** RCW 42.30.070 and 1983 c 155 s 2 are each amended to read
27 as follows:

1 The governing body of a public agency or the legislature shall
2 provide the time for holding regular meetings by ordinance, resolution,
3 bylaws, or by whatever other rule is required for the conduct of
4 business by that body. Unless otherwise provided for in the act under
5 which the public agency was formed, meetings of the governing body need
6 not be held within the boundaries of the territory over which the
7 public agency exercises jurisdiction. If at any time any regular
8 meeting falls on a holiday, such regular meeting shall be held on the
9 next business day except for the legislature which may hold the meeting
10 on a holiday. If, by reason of fire, flood, earthquake, or other
11 emergency, there is a need for expedited action by a governing body to
12 meet the emergency, the presiding officer of the governing body may
13 provide for a meeting site other than the regular meeting site and the
14 notice requirements of this chapter shall be suspended during such
15 emergency. It shall not be a violation of the requirements of this
16 chapter for a majority of the members of a governing body to travel
17 together or gather for purposes other than a regular meeting or a
18 special meeting as these terms are used in this chapter: PROVIDED,
19 That they take no action as defined in this chapter.

20 **Sec. 6.** RCW 42.30.080 and 1971 ex.s. c 250 s 8 are each amended to
21 read as follows:

22 A special meeting may be called at any time by the presiding
23 officer of the governing body of a public agency or by a majority of
24 the members of the governing body by delivering personally or by mail
25 written notice to each member of the governing body; and to each local
26 newspaper of general circulation and to each local radio or television
27 station which has on file with the governing body a written request to
28 be notified of such special meeting or of all special meetings. Such
29 notice must be delivered personally or by mail at least twenty-four

1 hours before the time of such meeting as specified in the notice. The
2 call and notice shall specify the time and place of the special meeting
3 and the business to be transacted. Final disposition shall not be
4 taken on any other matter at such meetings by the governing body. Such
5 written notice may be dispensed with as to any member who at or prior
6 to the time the meeting convenes files with the clerk or secretary of
7 the governing body a written waiver of notice. Such waiver may be
8 given by telegram or facsimile. Such written notice may also be
9 dispensed with as to any member who is actually present at the meeting
10 at the time it convenes. The notices provided in this section may be
11 dispensed with in the event a special meeting is called to deal with an
12 emergency involving injury or damage to persons or property or the
13 likelihood of such injury or damage, when time requirements of such
14 notice would make notice impractical and increase the likelihood of
15 such injury or damage.