

SENATE BILL REPORT

SHB 1019

AS REPORTED BY COMMITTEE ON GOVERNMENT OPERATIONS, MARCH 23, 1993

Brief Description: Changing provisions relating to the conduct of meetings in cities and towns.

SPONSORS: House Committee on Local Government (originally sponsored by Representatives Dunshee, H. Myers and Springer)

HOUSE COMMITTEE ON LOCAL GOVERNMENT

SENATE COMMITTEE ON GOVERNMENT OPERATIONS

Majority Report: Do pass as amended.

Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Loveland, Oke, Owen, and Winsley.

Staff: Katie Healy (786-7784)

Hearing Dates: March 19, 1993; March 23, 1993

BACKGROUND:

The mayor of a third class city may call special meetings by delivering written notices to each councilmember at least three hours before the time specified for the proposed meeting. The mayor of a town, or three councilmembers, may call a special meeting by providing written notice to each member at least three hours before the time specified for the meeting. The Open Public Meetings Act, Chapter 42.30 RCW, requires the governing body of a public agency to give its members at least 24 hours notice of a special meeting. The Open Public Meetings Act applies to cities and towns.

All council meetings of a third class city or town must be held within the city or town corporate limits. This restriction makes joint hearings with other jurisdictions difficult.

Statutes specify what day the oath of office must be given to councilmembers of third class cities and towns.

Councilmembers of a third class city may elect a member from the council to act as a mayor pro tempore when the mayor is absent. A majority of town councilmembers constitutes a quorum for the transaction of business, but a lesser number may compel the attendance of absent members as provided by ordinance. In the absence of the mayor, the town council may appoint a president pro tempore.

Each code city must provide, without charge, three copies of each of its ordinances of general application to the Association of Washington Cities.

SUMMARY:

Notice requirements for special meetings by third class cities and towns are made consistent with the provisions of the Open Public Meeting Act. The mayor of a third class city or of a town, or three town councilmembers, may call a special meeting by written notice delivered personally or by mail to each councilmember at least 24 hours before the time of the special meeting specified in the notice. If a local newspaper of general circulation or local radio or television station has made a written request to be notified of such meetings, it must also be notified personally or by mail 24 hours before the meeting. Written notice may be dispensed with if a councilmember files a written waiver of notice at or prior to the meeting, or if a councilmember is actually present at the meeting when it begins. The written notice may be waived if the special meeting is called to deal with an emergency involving injury or damage or potential injury or damage to persons or property.

The requirement that all meetings of third class cities and towns must be held within the city or town limits is removed, but any business of the city or town must be conducted within the city or town limits. Restrictive language on what date the oath of office must be taken is deleted.

The councilmembers of a third class city or town may appoint, by majority vote, a councilmember pro tempore to serve during the extended excused absence or disability of a councilmember.

SUMMARY OF PROPOSED SENATE AMENDMENT:

Code cities are added to the bill, allowing a code city council to meet outside the corporate limits of the city and requiring that all final action on resolutions and ordinances take place within the city corporate limits. The term "final action" is used instead of the previously suggested language.

Appropriation: none

Revenue: none

Fiscal Note: none requested

TESTIMONY FOR:

This is technical legislation designed to create some flexibility for cities and towns. By requiring the council to make the decisions where to meet as opposed to being locked into designated meeting places by ordinances, the bill eliminates some rigidity. The term "final action" is a better phrase. Sending copies of ordinances to AWC is ineffective. Most cities do not comply with this requirement.

TESTIMONY AGAINST: None

TESTIFIED: Representative Dunshee, original prime sponsor (pro); Stan Finkelstein, AWC (pro)

