

SENATE BILL REPORT

SB 5655

As of February 5, 2001

Title: An act relating to clarifying the circumstances under which the governing body of a public agency may hold an executive session to discuss litigation.

Brief Description: Clarifying the circumstances under which the governing body of a public agency may hold an executive session to discuss litigation.

Sponsors: Senators Patterson, Roach, Fairley, Kline, McCaslin, Parlette, Fraser, T. Sheldon, Shin, Winsley, Gardner and Horn.

Brief History:

Committee Activity: State & Local Government: 2/8/01.

SENATE COMMITTEE ON STATE & LOCAL GOVERNMENT

Staff: Aaron Jennings (786-7445)

Background: The governing body of a public agency may hold an executive session during a regular or special meeting in certain circumstances. These circumstances are to review: (1) matters of national security; (2) the selection, sale, or rental of real estate if public knowledge would increase the price or rent paid for the property or decrease the value of property to be sold or rented; (3) negotiations on a bid if public knowledge could lead to increased costs; (4) private information supplied to an export trading company; (5) complaints or charges against a public officer or employee; (6) the qualifications of an applicant for public employment, a candidate for public office or the performance of a public employee; (7) with legal counsel actual or potential litigation; (8) potential purchases of library supplies or equipment; (9) financial or commercial information when it relates to the investment of public trust or retirement funds.

Summary of Bill: A governing body of a public agency may not simply hold an executive session because an attorney representing the council is present. Before discussion of potential litigation— may take place in executive session, the litigation must be actually threatened or the agency must have a reasonable belief that litigation will be commenced. The governing body must state in its minutes at the open session the reasons for the executive session. Minutes for the executive session must be taken and may be reviewed by a judge to see if the executive session was in compliance with the public disclosure statute.

Appropriation: None.

Fiscal Note: Available.

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