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SENATE BILL 5151

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State of Washington

58th Legislature

2003 Regular Session

By Senators Benton, Reardon and Mulliken

Read first time 01/15/2003. Referred to Committee on Government Operations & Elections.

1 AN ACT Relating to open public meetings; amending RCW 42.30.030,  
2 42.30.040, 42.30.060, and 42.30.070; and adding a new section to  
3 chapter 42.30 RCW.

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

5 **Sec. 1.** RCW 42.30.030 and 1971 ex.s. c 250 s 3 are each amended to  
6 read as follows:

7 All meetings of the governing body of a public agency shall be open  
8 and public and all persons shall be permitted to attend any meeting of  
9 the governing body of a public agency, except as otherwise provided in  
10 this chapter.

11 (1)(a) Except as provided in (b) of this subsection, an agenda must  
12 be posted at least seventy-two hours before each regular meeting and  
13 twenty-four hours before each special meeting. Each agenda item must  
14 be described with enough specificity to indicate the subject matter or  
15 action to be considered, but need not exceed twenty words per agenda  
16 item.

17 (b) In the case of a subject matter raised by a citizen during a  
18 regular or special meeting, the matter may be heard. However, in no

1 event may final action be taken on any matter about which the public  
2 has not received notice as provided in (a) of this subsection.

3 (2) The governing body shall accept written comments in addition to  
4 spoken comments.

5 **Sec. 2.** RCW 42.30.040 and 1971 ex.s. c 250 s 4 are each amended to  
6 read as follows:

7 A member of the public shall not be required, as a condition to  
8 attendance at a meeting of a governing body, to register his or her  
9 name and other information, to complete a questionnaire, or otherwise  
10 to fulfill any condition precedent to his or her attendance.

11 The governing body may require persons desiring to speak or present  
12 written comments to identify himself or herself.

13 **Sec. 3.** RCW 42.30.060 and 1989 c 42 s 1 are each amended to read  
14 as follows:

15 (1) ~~((No))~~ A governing body of a public agency ~~((shall))~~ may adopt  
16 ~~((any))~~ an ordinance, resolution, rule, regulation, order, or  
17 directive~~((, except in))~~ only when:

18 (a) The action is taken at a meeting (i) open to the public ((and  
19 then only at a meeting,)) and (ii) for which the date ((of which)) is  
20 fixed by law or rule((,)) or ((at a meeting of which)) notice has been  
21 given according to the provisions of this chapter; and

22 (b) The agenda for the meeting clearly indicates that the governing  
23 body may take final action on the matter.

24 Any action taken at meetings failing to comply with the provisions  
25 of this subsection shall be null and void.

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

30 **Sec. 4.** RCW 42.30.070 and 1983 c 155 s 2 are each amended to read  
31 as follows:

32 The governing body of a public agency shall provide the time for  
33 holding regular meetings by ordinance, resolution, bylaws, or by  
34 whatever other rule is required for the conduct of business by that  
35 body. ~~((Unless otherwise provided for in the act under which the~~

1 ~~public agency was formed,~~) Meetings of ((the)) a governing body need  
2 not be held within the boundaries of the territory over which the  
3 public agency exercises jurisdiction unless final action is taken on  
4 any matter. If final action is taken on a matter, then meetings of a  
5 public agency defined under RCW 42.30.020(1)(a) must be held within the  
6 state; and meetings of a governing body of a public agency defined  
7 under RCW 42.30.020(1) (b), (c), or (d) must be held within the  
8 boundaries of the jurisdiction if possible, or within the boundaries of  
9 the county, or of the county of largest population if there is more  
10 than one county within which lies the territory over which the public  
11 agency, or the subagency or policy group serving the public agency,  
12 exercises jurisdiction. If at any time any regular meeting falls on a  
13 holiday, such regular meeting shall be held on the next business day.  
14 (~~If, by reason of fire, flood, earthquake, or other emergency, there~~  
15 ~~is a need for expedited action by a governing body to meet the~~  
16 ~~emergency, the presiding officer of the governing body may provide for~~  
17 ~~a meeting site other than the regular meeting site and the notice~~  
18 ~~requirements of this chapter shall be suspended during such~~  
19 ~~emergency.)) It shall not be a violation of the requirements of this  
20 chapter for a majority of the members of a governing body to travel  
21 together or gather for purposes other than a regular meeting or a  
22 special meeting as these terms are used in this chapter: PROVIDED,  
23 That they take no action as defined in this chapter.~~

24 Any actions taken at meetings failing to comply with this section  
25 are null and void.

26 NEW SECTION. Sec. 5. A new section is added to chapter 42.30 RCW  
27 to read as follows:

28 The governing body of the public agency may waive the requirements  
29 of this chapter in the event of an emergency.

30 For purposes of this section, "emergency" means unforeseen  
31 circumstances beyond the control of the public agency.

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