

SENATE BILL REPORT

SB 5553

As Reported by Senate Committee On:
Government Operations, Tribal Relations & Elections, February 17, 2011

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

Brief Description: Requiring public agencies, special purpose districts, and municipalities to post certain information on their web sites.

Sponsors: Senators Roach, Pridemore and Chase.

Brief History:

Committee Activity: Government Operations, Tribal Relations & Elections: 2/08/11, 2/17/11 [DPS].

SENATE COMMITTEE ON GOVERNMENT OPERATIONS, TRIBAL RELATIONS & ELECTIONS

Majority Report: That Substitute Senate Bill No. 5553 be substituted therefor, and the substitute bill do pass.

Signed by Senators Pridemore, Chair; Swecker, Ranking Minority Member; Benton, Chase, Nelson and Roach.

Staff: Sharon Swanson (786-7447)

Background: The Open Public Meetings Act (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

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each local radio or television station on file with the governing body with a written request to be notified. This notice must be delivered at least 24 hours before the time of the meetings as specified in the notice.

Summary of Bill: The bill as referred to committee not considered.

Summary of Bill (Recommended Substitute): The agenda of all regular meetings of the governing body of every qualifying public agency, special purpose district, and any municipality that owns and maintains a website 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 must indicate if the agenda is in draft form.

The text of any ordinance, rule, or regulation that is under consideration at the meeting must be included on the website at the same time the agenda is posted.

The minutes of all regular and special meetings of the governing body of every public agency, special purpose district, and any municipality that owns or maintains a website must be posted within 15 business days after adoption.

All postings must remain on the website for one calendar year.

Counties with a population of less than 30,000 and the special purpose districts and school districts located within those counties are exempt from the requirement in the act.

Actions relating to the purchase of municipal bonds are exempt.

EFFECT OF CHANGES MADE BY GOVERNMENT OPERATIONS, TRIBAL RELATIONS & ELECTIONS COMMITTEE (Recommended Substitute): The minutes of all regular and special meetings of the governing body of every public agency, special purpose district, and any municipality that owns and maintains a website must be posted within 15 business days of approval.

Counties with a population of less than 30,000 and the special purpose districts and school districts located within those counties are exempt from the requirement in the bill.

The bill applies to the governing body of qualifying public agencies, special purpose districts, and any municipality that owns and maintains a website.

Actions relating to the purchase of municipal bonds are exempt.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: The bill contains an emergency clause and takes effect on July 1, 2011.

Staff Summary of Public Testimony on Proposed Substitute as Heard in Committee:

PRO: This is a good public policy bill. Counties are supportive of the bill but have a request for two amendments. Government is behind the times in regard to technology. It would be easier for county governments to move forward and grab the rung in front of us if we were allowed to let go of the rung behind us. Counties are required to post in the newspapers and on the web. Letting go of one obligation will make the new obligations easier to meet.

CON: Some of the smaller special purpose districts have one full-time staffer. Geographically they may serve a large area but have a small staff. The requirements of this bill will be burdensome and cost prohibitive. The bill introduces some uncertainty into the finality of local government legislations effective date. The underlying legislation needs to be effective and binding for a bond purchased subsequent to the legislation to be binding. The bill requires that the text of any ordinance or resolution be posted 24 hours prior to a hearing. Many bonds are purchased the day the legislation passes. If the legislation is null and void, is the bond null and void? It's unclear if the minutes are posted at the wrong time if the underlying authorizing legislation is null and void or valid.

OTHER: We encourage an amendment to allow the counties with a population of less than 20,000 to include the special purpose districts within it. Maybe an amendment for agencies that have no more than three administrative employees – the agency could be exempt. Draft minutes are drafts and could be incorrect. Most fire protection districts post approved minutes when there can be clarification about a possible miscommunication. We suggest that own or maintain the bill should be own and maintain in case the website is not maintained in house. Over 200 fire protection districts are volunteer and have no paid staff. Perhaps the fire protection districts can be tied to a population size closer to those of the cities and counties.

Persons Testifying: PRO: Brian Enslow, Washington State Association of Counties.

CON: Marc Greenough, Foster Pepper PLLC; Jay Hupp, Port of Shelton.

OTHER: Ginger Eagle, Washington Public Ports Association; Roger Farris, Washington Fire Commissioners Association.