
Local Government Committee

HB 1056

Brief Description: Concerning open public meeting notice requirements and declared emergencies.

Sponsors: Representatives Pollet, Goehner, Kloba, Lekanoff and Leavitt.

Brief Summary of Bill

- Allows a public agency to hold meetings of its governing body remotely, or with limited in-person attendance after a declared emergency.
- Requires that the public be allowed to listen in, in real time, to meetings that are held remotely or with limited in-person attendance.
- Requires all public agencies to post agendas online for regular meetings and for special meetings held remotely or with limited in-person attendance.

Hearing Date: 1/13/21

Staff: Kellen Wright (786-7134).

Background:

The meetings of the governing body of a public agency must, with limited exceptions, be open to the public. Public agencies include all state boards, commissions, and education institutions created by statutes, as well as all counties, cities, school districts and special purpose districts. Any member of the public who wants to attend such a meeting must be permitted to do so, and no conditions, such as requiring the provision of a name or address, may be imposed on attendance. Governing bodies are prohibited from adopting any ordinance, resolution, rule, regulation, order, or directive outside of a meeting that is open to the public, and for which the

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required notice has been provided. Any action taken at a meeting that violates these requirements is void.

In order to facilitate public involvement, governing bodies must establish a regular meeting time through an ordinance, resolution, bylaw, or other rule, and a schedule of these meetings must be published in the state register. For agencies that have a website or employ 10 or more full-time equivalent employees, agendas of regular meetings must be posted online at least 24 hours in advance of the meeting.

Special meetings outside of the ones regularly scheduled may be held if certain notice requirements are met, including the posting of notice on an agency's website and the prominent display of notice outside of the meeting location at least 24 hours prior to the meeting. An agency is not required to post notice on its website if it does not have a website or has fewer than 10 full-time equivalent employees.

One exception to the normal notice and meeting location requirements is during an emergency.

A governing body is allowed to meet at a location other than a regular meeting site, and without providing notice, during an emergency requiring expedited action by the governing body, such as a fire, flood, or earthquake.

Summary of Bill:

If a public agency determines, after the declaration of an emergency by a local or state government or agency or by the federal government, that a meeting of the governing body with public in-person attendance cannot be held with reasonable safety, then the governing body may limit public attendance at the meeting or may hold the meeting remotely.

If the meeting is held either with limited public attendance or held remotely, then the public agency must provide an option for the public to listen to the meeting. This may be through the telephone, on a local cable television station, over the Internet, or through some other means.

Whatever option is chosen, it cannot require any cost other than the cost for the telephone, cable, Internet, or other service itself. If the public agency has not provided such an option, then no action may be taken at the meeting. Notice provided for a remote meeting or a meeting with limited public attendance must provide instructions for how the public may attend remotely.

When there is a need for expedited action by a public agency to respond to an emergency, the agency may meet at a meeting site other than the regular meeting site, or may meet remotely or with limited public attendance, and the normal notice requirements are suspended during the emergency.

Public agencies may impose generally applicable conditions on attendance that the governing body determines to be reasonably necessary to protect public health or safety, to protect against interruption of the meeting, or as necessary to access the system used for a remote meeting or a meeting with limited in-person attendance.

All public agencies must post regular meeting agendas online at least 24 hours prior to the scheduled meeting. A public agency may share a website with, or have its website hosted by, another public agency. Notice of a special meeting must be posted on the agency's website if the meeting will be held remotely or with limited in-person attendance due to a declared emergency. Notice of other special meetings must also be posted online, unless the public agency does not have or share a website, has no full-time equivalent employees, or has no personnel whose duty it is to maintain or update the website. Notice of a special meeting does not need to be posted on the agency's principle location if the meeting will be held remotely or with limited in-person attendance due to a declared emergency if notice of the meeting is instead posted on the agency's website. Physical notice does not need to be posted when the posting cannot be done with reasonable safety under the circumstances.

Appropriation: None.

Fiscal Note: Requested on 1/11/2021

Effective Date: The bill contains an emergency clause and takes effect immediately.