
Local Government Committee

HB 1329

Brief Description: Concerning public meeting accessibility and participation.

Sponsors: Representatives Wicks, Pollet, Taylor, Ryu, Wylie, Shewmake, Bateman, Lovick, Fey, Morgan, Lekanoff, Harris-Talley and Peterson.

Brief Summary of Bill

- Requires local governments, with some exceptions, to provide for remote access to meetings of their governing bodies.
- Requires local governments, with some exceptions, to record and post recordings of meetings online for at least six months.
- Requires a governing body to accept public comment before taking a final action on a substantive matter.

Hearing Date: 1/26/21

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, agencies, commissions, and education institutions created by statute, as well as all counties, cities, school districts, and special purpose districts. A meeting is a gathering of the governing body where the transaction of the official business of the public agency occurs. The transaction of official business includes, but is not limited to, the receipt of public testimony, deliberations, discussions, considerations, reviews, evaluations, and final actions. A final action is a vote or other collective positive or negative decision by the members of the governing body upon a motion, proposal, resolution, order, or ordinance.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

The governing body may enter into executive session for deliberations, and exclude the members of the public from the executive session, under certain circumstances.

Meetings of the governing body require a physical location for the public to attend and for notice to be given. Minutes must be taken at all regular and special meetings, and the minutes must be available for public inspection.

A governing body is not required to take public testimony during a meeting.

Any person may seek mandamus or an injunction to stop or prevent violations of open meeting requirements by a governing body. Expenses and attorneys' fees can be awarded to a person who prevails against a public agency for a violation of open meeting requirements.

Summary of Bill:

A local government is a county, city, school district, special purpose district, transit agency, or other municipal corporation or political subdivision of the state of Washington. All meetings of the governing body of a local government must provide for public attendance at its meetings through real-time telephonic, electronic, Internet, or other readily available means of remote access, unless providing such access would be impossible because of an equipment failure, a lack of staff, or another reason that renders such access unfeasible; if allowing remote access would cost more than 1 percent of the local government's annual budget; or if the local government employs fewer than 10 full-time equivalent employees. If remote access to a meeting is offered, then the governing body of a local government is not required to meet in person. If the governing body is meeting in-person, however, then the public must also be allowed to attend in-person, unless public attendance is limited or prevented by a declared emergency.

Local governments must make a video recording of all meetings of the governing body, and must make the video recording available online for a minimum of six months, unless doing so would be impossible because of equipment failure, lack of staff, another reason that renders such access unfeasible, or because allowing remote access would cost more than 1 percent of the local government's annual budget. If it is impossible for the local government to make a video recording available, then an audio recording must be made available for a minimum of six months. Neither a video recording nor an audio recording is required if a local government employs fewer than 10 full-time equivalent employees, and the recording requirements do not apply to executive sessions of the governing body. The failure to post such a recording is not grounds for awarding attorneys' fees or for seeking mandamus or an injunction.

The purpose for excluding the public from an executive session must be entered into the minutes of the meeting.

Prior to taking a final decision, action, or vote on a matter other than the approval or minutes or an agenda, action on a procedural motion, or similar action, the governing body must allow

public comment on the matter. This public comment need not occur immediately before the final action, and need not occur prior to an amendment to the ordinance, motion, proposal, or order.

Once public comment has occurred, however, any further amendment to the ordinance, motion, proposal, or order will require public comment on the amendment and on final passage. Public comment may be acceptable orally, through electronic mail (e-mail), or both, at the discretion of the governing body. If accepted orally, than both those in-person and those attending remotely must be allowed to comment. If accepted through e-mail, then all such comments must be posted to a website designated by the governing body.

Appropriation: None.

Fiscal Note: Requested on 1/19/2021.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.