
State Government & Tribal Relations Committee

HB 2520

Brief Description: Concerning emergency meetings of public agencies.

Sponsors: Representatives Lekanoff, Eslick, Parshley, Pollet, Donaghy, Ramel and Scott.

Brief Summary of Bill

- Authorizes counties to hold special meetings outside of the county seat or remotely when necessary to take expedited action needed to meet an emergency, thereby aligning such authority with provisions under the Open Public Meetings Act.
- Authorizes governing bodies of an agency to take expedited action to address an emergency at a meeting held remotely or at which the physical attendance by some or all members of the public is limited due to a declared emergency, without first providing the option for the public to listen to such meeting.

Hearing Date: 1/27/26

Staff: Desiree Omli (786-7105).

Background:

Open Public Meetings Act.

Generally. The meetings of the governing body of a public agency must, with limited exceptions, be open to the public. The Open Public Meetings Act (OPMA) grants public access to all meetings of the governing body involving the transaction of official business, such as receipt of public testimony, deliberations, discussions, considerations, reviews, evaluations, and

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final actions. Governing bodies generally may not adopt any ordinance, resolution, rule, regulation, order, or directive outside of a properly noticed meeting that is open to the public. Minutes are required for all regular and special meetings except executive sessions and must be made available for public inspection.

Unless otherwise provided for in the statute under which the public agency was formed, meetings of the governing body need not be held within the boundaries of the territory over which the public agency exercises jurisdiction. Meetings of the governing body may be held as hybrid meetings where the physical location of the meeting is coupled with a remote access option. However, governing bodies may not hold a remote-only meeting absent a declared emergency that impedes the governing body's ability to hold an in-person meeting.

Members of a governing body may also meet in an executive session during an open public meeting and exclude the members of the public from the executive session, but only for reasons specified in state law, including, in part, discussions related to the purchase or sale of land, the qualifications of potential appointees, or to consider complaints or charges against a public official or employee.

In general, the OPMA supersedes conflicting provisions in other state laws, with exceptions.

Special Meetings and Emergencies. Whenever an agency has a meeting at a time other than a scheduled regular meeting, it is conducting a "special meeting." For each special meeting that is not an emergency meeting, the OPMA requires at least 24 hours' written notice to members of the governing body, media representatives, and the public. The notice of a special meeting must specify the time and place of the meeting and "the business to be transacted." At a special meeting, final disposition by the agency is limited to the matters identified as the business to be conducted in the notice.

No action may be taken at a remote meeting or a meeting at which the physical attendance by some or all members of the public is limited due to a declared emergency if the public agency has not provided an option for the public to listen to proceedings.

If, by reason of fire, flood, earthquake, or other emergency, there is a need for expedited action by a governing body to meet the emergency, the presiding officer of the governing body may provide for a special meeting at a site other than the regular meeting site for a remote meeting without a physical location or for a meeting at which the physical attendance by some or all members of the public is limited due to a declared emergency. The courts have found that an agency must be confronted with a true emergency that requires immediate action, such as a natural disaster, for its governing body to hold an emergency meeting that does not comply with the OPMA. The notice requirements of the OPMA are suspended during the emergency. An agency should, however, provide a special meeting notice of an emergency meeting, if practicable.

County Meetings. Although the OPMA does not require that a city, county, or special district

governing body hold its meetings within the city or in a particular place in the county or district, other statutes may require governing bodies of local governments to meet in specific locations in order to conduct business. For example, county legislative bodies must hold their regular meetings at the county seat. However, county legislative bodies can hold regular meetings outside the county seat but within the county if the legislative body determines that holding a meeting at an alternate location would be in the interest of supporting greater citizen engagement in local government. In addition, county legislative bodies may hold special meetings in the county outside of the county seat if there are agenda items that are of unique interest or concern to the residents of the area of the county in which the meetings are held. A joint meeting of two or more county legislative authorities may be held in the county seat of a participating county if the meeting agenda includes an item or items that relate to actions or considerations of mutual interest or concern to the participating legislative authorities.

Summary of Bill:

The governing body of a county may hold a special meeting outside of the county seat or remotely when necessary to take expedited action needed to meet an emergency. Notice of such a meeting is required unless exempt under the OPMA in circumstances of emergencies, and minutes of such meetings must be recorded and open to public inspection.

The OPMA is amended to specify that an agency may take action to address an emergency at a meeting held remotely or at which the physical attendance by some or all members of the public is limited due to a declared emergency, without first providing the option for the public to listen to such meeting.

Appropriation: None.

Fiscal Note: Not requested.

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