
SUBSTITUTE HOUSE BILL 3201

State of Washington 60th Legislature 2008 Regular Session

By House Local Government (originally sponsored by Representatives Simpson and Sullivan)

READ FIRST TIME 02/04/08.

1 AN ACT Relating to providing for the election of a board of
2 commissioners for regional fire protection service authorities;
3 amending RCW 52.26.020 and 52.26.080; and adding new sections to
4 chapter 52.26 RCW.

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

6 **Sec. 1.** RCW 52.26.020 and 2006 c 200 s 1 are each amended to read
7 as follows:

8 The definitions in this section apply throughout this chapter
9 unless the context clearly requires otherwise.

10 (1) Unless indicated otherwise, "board" means the governing body of
11 a regional fire protection service authority, including both the board
12 initially appointed at the time of the formation of the authority and
13 the subsequently elected board of commissioners taking office in
14 accordance with requirements of this chapter.

15 (2) "Appointed board" means the governing body of a regional fire
16 protection service authority initially appointed upon the formation of
17 a regional fire protection service authority.

18 (3) "Elected board" or "board of commissioners" means the governing

1 body of a regional fire protection service authority elected in
2 accordance with the requirements of this chapter.

3 (4) "Commissioner" means a member of an elected board of
4 commissioners.

5 (5) "Regional fire protection service authority" or "authority"
6 means a municipal corporation, an independent taxing authority within
7 the meaning of Article VII, section 1 of the state Constitution, and a
8 taxing district within the meaning of Article VII, section 2 of the
9 state Constitution, whose boundaries are coextensive with two or more
10 adjacent fire protection jurisdictions and that has been created by a
11 vote of the people under this chapter to implement a regional fire
12 protection service authority plan.

13 ~~((+3))~~ (6) "Regional fire protection service authority planning
14 committee" or "planning committee" means the advisory committee created
15 under RCW 52.26.030 to create and propose to fire protection
16 jurisdictions a regional fire protection service authority plan to
17 design, finance, and develop fire protection and emergency service
18 projects.

19 ~~((+4))~~ (7) "Regional fire protection service authority plan" or
20 "plan" means a plan to develop and finance a fire protection service
21 authority project or projects, including, but not limited to, specific
22 capital projects, fire operations and emergency service operations
23 pursuant to RCW 52.26.040(3)(b), and preservation and maintenance of
24 existing or future facilities.

25 ~~((+5))~~ (8) "Fire protection jurisdiction" means a fire district,
26 city, town, port district, or Indian tribe.

27 ~~((+6))~~ (9) "Regular property taxes" has the same meaning as in RCW
28 84.04.140.

29 **Sec. 2.** RCW 52.26.080 and 2004 c 129 s 8 are each amended to read
30 as follows:

31 (1) Upon the formation of an authority, the governing body will be
32 a temporary, appointed board determined in accordance with the plan and
33 consisting solely of elected officials holding office in the
34 participating entities. The number of board members representing each
35 of the participating entities shall be in accordance with the plan.
36 However, an individual entity participating in the plan is limited to
37 a maximum of three appointed board members.

1 (2) The appointed board shall be replaced by an elected board of
2 commissioners in accordance with the requirements of this chapter. The
3 elected board of commissioners shall consist of five members initially
4 elected at the first general election occurring after the passage of
5 three years following the formation of the authority. The
6 commissioners must be registered voters within the jurisdictional
7 boundaries of the authority.

8 (3)(a) Following the election of the five-member board of
9 commissioners in accordance with the provisions of this chapter, one
10 appointed board member from each of the participating entities shall
11 remain on the board for a period of one year as an ex officio,
12 nonvoting member. These ex officio members shall continue to serve on
13 the board in a consultative capacity to the newly elected members and
14 their term of office shall expire one year after the elected board
15 assumes office. During this one-year transition period, the ex officio
16 board members shall continue to receive the same compensation received
17 during their service on the original appointed board.

18 (b) Where a participating entity was represented on the original
19 appointed board by more than one member, the ex officio member
20 representing that entity in accordance with this subsection shall be
21 appointed by the public official or governing body that made the
22 original appointments to the board on behalf of that entity.

23 (4) The board shall adopt rules for the conduct of business. The
24 board shall adopt bylaws to govern authority affairs, which may
25 include:

- 26 (a) The time and place of regular meetings;
- 27 (b) Rules for calling special meetings;
- 28 (c) The method of keeping records of proceedings and official acts;
- 29 (d) Procedures for the safekeeping and disbursement of funds; and
- 30 (e) Any other provisions the board finds necessary to include.

31 ~~((2) The governing board shall be determined by the plan and~~
32 ~~consist solely of elected officials.))~~

33 NEW SECTION. Sec. 3. The initial five members of the elected
34 board of commissioners shall be elected at the first general election
35 occurring after the passage of three years following the formation of
36 the authority. Candidates shall file for not more than one of the five
37 separate commissioner positions. Elections shall be held as provided

1 in chapter 29A.52 RCW, with the county auditor opening up a special
2 filing period as provided in RCW 29A.24.171 and 29A.24.181, as if there
3 were a vacancy. The person who receives the greatest number of votes
4 for each position shall be elected to that position. The terms of
5 office of the initial commissioners shall be staggered as follows: (1)
6 The two persons elected receiving the greatest number of votes shall be
7 elected to six-year terms of office if the election is held in an odd-
8 numbered year or five-year terms of office if the election is held in
9 an even-numbered year; (2) the two persons elected receiving the next
10 greatest number of votes shall be elected to a four-year term of office
11 if the election is held in an odd-numbered year or a three-year term of
12 office if the election is held in an even-numbered year; (3) the other
13 person elected shall be elected to a two-year term of office if the
14 election is held in an odd-numbered year or a one-year term of office
15 if the election is held in an even-numbered year. The initial
16 commissioners shall take office immediately when elected and qualified
17 and their terms of office shall be calculated from the first day of
18 January in the year following their election.

19 The term of office of each subsequent commissioner shall be six
20 years. Each commissioner shall serve until a successor is elected and
21 qualified and assumes office in accordance with RCW 29A.20.040.

22 NEW SECTION. **Sec. 4.** Elections to elect the members of the board
23 of commissioners shall be conducted by the election officials of the
24 county or counties in which the authority is located in accordance with
25 the general election laws of the state. Such elections shall be held
26 in accordance with RCW 29A.04.321 and 29A.04.330.

27 NEW SECTION. **Sec. 5.** Each member of the board of commissioners
28 shall receive ninety dollars per day or portion thereof, not to exceed
29 eight thousand six hundred forty dollars per year, for time spent in
30 actual attendance at official meetings of the board or in performance
31 of other services or duties on behalf of the authority.

32 In addition, they shall receive necessary expenses incurred in
33 attending meetings of the board or when otherwise engaged in authority
34 business, and shall be entitled to receive the same insurance available
35 to all firefighters of the authority. The premiums for such insurance,

1 except liability insurance, shall be paid by the individual
2 commissioners who elect to receive it.

3 Any commissioner may waive all or any portion of his or her
4 compensation payable under this section as to any month or months
5 during his or her term of office, by a written waiver filed with the
6 secretary as provided in this section. The waiver, to be effective,
7 must be filed any time after the commissioner's election and prior to
8 the date on which the compensation would otherwise be paid. The waiver
9 shall specify the month or period of months for which it is made.

10 The board of commissioners shall fix the compensation to be paid
11 the secretary and all other agents and employees of the district. The
12 board of commissioners may, by resolution adopted by unanimous vote,
13 authorize any of its members to serve as volunteer firefighters without
14 compensation. A commissioner actually serving as a volunteer
15 firefighter may enjoy the rights and benefits of a volunteer
16 firefighter.

17 The dollar thresholds established in this section must be adjusted
18 for inflation by the office of financial management every five years,
19 beginning July 1, 2009, based upon changes in the consumer price index
20 during that time period. "Consumer price index" means, for any
21 calendar year, that year's annual average consumer price index, for
22 Washington state, for wage earners and clerical workers, all items,
23 compiled by the bureau of labor and statistics, United States
24 department of labor. If the bureau of labor and statistics develops
25 more than one consumer price index for areas within the state, the
26 index covering the greatest number of people, covering areas
27 exclusively within the boundaries of the state, and including all items
28 shall be used for the adjustments for inflation in this section. The
29 office of financial management must calculate the new dollar threshold
30 and transmit it to the office of the code reviser for publication in
31 the Washington State Register at least one month before the new dollar
32 threshold is to take effect.

33 A person holding office as commissioner for two or more special
34 purpose districts shall receive only that per diem compensation
35 authorized for one of his or her commissioner positions as compensation
36 for attending an official meeting or conducting official services or
37 duties while representing more than one of his or her districts.

1 However, such commissioner may receive additional per diem compensation
2 if approved by resolution of all boards of the affected commissions.

3 NEW SECTION. **Sec. 6.** The polling places for a regional fire
4 protection service authority election may be located inside or outside
5 the boundaries of the authority, as determined by the auditor or
6 auditors of the county or counties in which the fire protection
7 district is located, and the elections of the fire protection district
8 shall not be held to be irregular or void on that account.

9 NEW SECTION. **Sec. 7.** Vacancies on a board of commissioners shall
10 occur as provided in chapter 42.12 RCW. In addition, if a commissioner
11 is absent from the authority for three consecutive regularly scheduled
12 meetings unless by permission of the board, the office shall be
13 declared vacant by the board of commissioners. However, such an action
14 shall not be taken unless the commissioner is notified by mail after
15 two consecutive unexcused absences that the position will be declared
16 vacant if the commissioner is absent without being excused from the
17 next regularly scheduled meeting. Vacancies on a board of
18 commissioners shall be filled as provided in chapter 42.12 RCW.

19 NEW SECTION. **Sec. 8.** Before beginning the duties of office, each
20 commissioner shall take and subscribe the official oath for the
21 faithful discharge of the duties of office as required by RCW
22 29A.04.133, which oath shall be filed in the office of the auditor of
23 the county in which all, or the largest portion, of the authority is
24 located.

25 NEW SECTION. **Sec. 9.** The commissioners shall elect a chairman
26 from their number and shall appoint a secretary of the authority, who
27 may or may not be a member of the board, for such term as they shall by
28 resolution determine. The secretary, if a member of the board, shall
29 not receive additional compensation for serving as secretary.

30 The secretary of the authority shall keep a record of the
31 proceedings of the board, shall perform other duties as prescribed by
32 the board or by law, and shall take and subscribe an official oath
33 similar to that of the commissioners which oath shall be filed in the
34 same office as that of the commissioners.

1 NEW SECTION. **Sec. 10.** The board of commissioners shall hold
2 regular monthly meetings at a place and date as it determines by
3 resolution, and may adjourn its meetings as required for the proper
4 transaction of business. Special meetings of the board of
5 commissioners shall be called at any time under the provisions of RCW
6 42.30.080.

7 NEW SECTION. **Sec. 11.** All meetings of the board of commissioners
8 shall be conducted in accordance with chapter 42.30 RCW and a majority
9 constitutes a quorum for the transaction of business. All records of
10 the board of commissioners shall be open to inspection in accordance
11 with chapter 42.56 RCW. Subject to the requirements of the regional
12 fire protection service authority plan, the board of commissioners has
13 the power and duty to adopt a seal of the authority, to manage and
14 conduct the business affairs of the authority, to make and execute all
15 necessary contracts, to employ any necessary services, and to adopt
16 reasonable rules to govern the authority and to perform its functions,
17 and generally to perform all such acts as may be necessary to carry out
18 the objects of the creation of the authority.

19 NEW SECTION. **Sec. 12.** The board of commissioners of an authority
20 may adopt a resolution by unanimous vote causing a ballot proposition
21 to be submitted to voters of the authority authorizing the creation of
22 commissioner districts. The board of commissioners shall create
23 commissioner districts if the ballot proposition authorizing the
24 creation of commissioner districts is approved by a simple majority
25 vote of the voters of the authority voting on the proposition. No two
26 commissioners may reside in the same commissioner district.

27 No change in the boundaries of any commissioner district shall be
28 made within one hundred twenty days next before the date of a general
29 district election, nor within twenty months after the commissioner
30 districts have been established or altered. However, if a boundary
31 change results in one commissioner district being represented by two or
32 more commissioners, those commissioners having the shortest unexpired
33 terms shall be assigned by the commission to commissioner districts
34 where there is a vacancy, and the commissioners so assigned shall be
35 deemed to be residents of the commissioner districts to which they are

1 assigned for purposes of determining whether those positions are
2 vacant.

3 The population of each commissioner district shall include
4 approximately equal population. Commissioner districts shall be
5 redrawn as provided in chapter 29A.76 RCW. Commissioner districts
6 shall be used as follows: (1) Only a registered voter who resides in
7 a commissioner district may be a candidate for, or serve as, a
8 commissioner of the commissioner district; and (2) only voters of a
9 commissioner district may vote at a primary to nominate candidates for
10 a commissioner of the commissioner district. Voters of the entire
11 authority may vote at a general election to elect a person as a
12 commissioner of the commissioner district.

13 NEW SECTION. **Sec. 13.** Sections 3 through 12 of this act are each
14 added to chapter 52.26 RCW.

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