

HOUSE BILL REPORT

HB 1275

*As Reported By House Committee on:
Local Government*

Title: An act relating to local government.

Brief Description: Adjusting provisions relating to local government.

Sponsor(s): Representatives Haugen, Ferguson and Cooper.

Brief History:

Reported by House Committee on:
Local Government, March 6, 1991, DPS.

**HOUSE COMMITTEE ON
LOCAL GOVERNMENT**

Majority Report: *That Substitute House Bill No. 1275 be substituted therefor, and the substitute bill do pass.*
Signed by 15 members: Representatives Haugen, Chair; Cooper, Vice Chair; Ferguson, Ranking Minority Member; Mitchell, Assistant Ranking Minority Member; Bray; Edmondson; Franklin; Horn; Nealey; Nelson; Rayburn; Roland; Wood; Wynne; and Zellinsky.

Staff: Bill Lynch (786-7092).

Background:

Compensation and Removal of Employees

The council of a third class city or town establishes the duties and compensation of all officers of the city or town. The mayor is authorized to remove any of the appointive officers at his or her pleasure. The mayor of a code city, with a mayor-council form, may remove any employee at his or her pleasure subject to any civil service laws. There are no similar provisions governing the compensation and removal of employees of a third class city or town.

Open Public Meetings - Special Meetings

The Open Public Meetings Act, chapter 42.30 RCW, requires every governing body of a state or local government to establish a time for holding regular meetings. A special meeting may be called if written notice is provided to each

member of the governing body, each local newspaper, and each television or radio station that has on file a request to be notified of special meetings. The notice must be provided at least 24 hours before the meeting and must state the business to be transacted. The notice requirements may be dispensed with if there is an emergency involving injury or damage to persons or property.

The laws governing third class cities and towns only require notice of a special meeting to be delivered to council members three hours before the meeting.

Appointment of Pro Tem Council Members

If a city council member of a third class city or town is absent from three consecutive regular meetings of the council without permission of the council, the office may be declared vacant by the council. There is no authority for the council to appoint a councilmember pro tem to serve in the event of an extended excused absence or disability of a councilmember. The councilmembers of a code city are authorized to make pro tem appointments to the council in the event of an extended excused absence or disability of a councilmember.

Authority of Town to Control and Dispose of Property

A town is authorized to purchase, lease, receive, hold and enjoy real and personal property and control and dispose of the property for the common benefit of the town. Towns do not have the specific authorization that third class cities possess to dispose of property by lease, sublease, or conveyance.

City and Town Ordinances

Each code city is required to provide three copies of each ordinance of general application to the Association of Washington Cities without charge. It has been suggested that a single source of information should be established regarding ordinances of cities and towns within the state.

Veterans' Preferences on Examinations

The laws governing public employment with the state or a local government allow a veterans' preference for examinations. A credit of 10 percent on the competitive exam is granted to a veteran who is not receiving any veterans retirement payments; a credit of 5 percent on the competitive exam is granted to a veteran who is receiving veterans retirement payments; and a 5 percent credit on the first promotional exam is granted to any veteran who was

employed with the state or local government and was recalled to active military service for a period of one year or more during a time of war. These preferences must be used within eight years of release of active service.

The civil service statutes for city police officers and city firefighters conflict with the provisions in the general public employment statutes for the granting of veterans' credits in exams. City police officers and firefighters are allowed a 10 percent credit on entrance examinations.

Public Disclosure Exemptions

The public disclosure laws generally require each state and local government agency to make information available for public inspection and copying. There are a number of statutory exemptions from these requirements, including personal information about employees; investigative information compiled by law enforcement agencies; and personal information in files about patients or clients of public institutions or public health agencies, or public assistance recipients.

There is no specific statutory exemption for information contained in files maintained for patients or clients who have been provided emergency medical services by a publicly operated emergency medical service provider.

Local Government Election Provisions

Candidates for port commissioner have their names rotated on the ballot, but this reference is not included in the general election statutes. Candidates for public utility district commissioner do not have their names rotated on the ballot. A number of local election laws use the term "elector" instead of "registered voter."

Summary of Substitute Bill: The council of a third class city or town is required to establish the duties and compensation of all employees of the city or town. All employees of a third class city or town serve at the pleasure of the mayor.

The laws pertaining to the calling of special meetings by third class cities and towns are amended to conform with the special meetings provisions in the Open Public Meetings Act.

The councilmembers of a third class city or town, in the event of an extended excused absence or disability of a councilmember, may by majority vote appoint a councilmember pro tem to serve during the absence or disability.

A town is specifically authorized to dispose of property by lease, sublease, or conveyance.

The clerk of every city and town is directed to provide a copy of each of its regulatory ordinances, as well as other kinds of ordinances that may be requested from time to time, to the Municipal Research Council or its designee promptly after adoption. A city or town is not required to send copies of these ordinances to the Municipal Research Council. Code cities are no longer required to send copies of their ordinances to the Association of Washington Cities.

The civil service laws for city police officers and firefighters are modified to allow veterans credit on exams in accordance with the public employment statutes.

Information contained in files maintained for patients or clients who have been provided emergency medical services by a publicly operated emergency medical service provider are exempt from public disclosure and copying.

A reference to port commissioner candidates having their names rotated on the ballots is added to the general election statutes. Candidates for public utility district commissioner have their names rotated on the ballots. References to "electors" are changed to "registered voter."

Substitute Bill Compared to Original Bill: The section which would have removed the authority of a mayor of a city or town that was not under the jurisdiction of a boundary review board, to convene an ad hoc review board to review a request for an annexation through the direct petition method, is deleted. Candidates for public utility district commissioner have their names rotated on the ballot. Other changes are made in the election laws to remove obsolete language.

Fiscal Note: Not requested.

Effective Date of Substitute Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: This is a cleanup measure based upon calls to the Municipal Research Council. This will help bring consistency in the laws and avoid confusion.

Testimony Against: None.

Witnesses: Stan Finkelstein, Association of Washington Cities.