

FINAL BILL REPORT

SHB 1201

PARTIAL VETO

C 363 L 91

Brief Description: Removing references to county classes.

By House Committee on Local Government (originally sponsored by Representatives Cooper, Wood, Rayburn, Edmondson, Franklin, Haugen, Nealey, Zellinsky, Wynne, Bray, Mitchell, Roland and Ferguson).

House Committee on Local Government
Senate Committee on Governmental Operations

Background:

County classes: The state constitution authorizes the Legislature to classify counties as follows: (1) counties may be classified by population for purposes of electing officers in certain counties who exercise the powers of two or more county officers; and (2) counties may be classified by population for purposes of establishing compensation for county officers.

Counties are classified by population in 11 classes: AA, A, and 1st through 9th, each class associated with a descending population range. The statute does not indicate how the population is determined for purposes of these classes.

The Office of Financial Management makes annual estimates of population for each county in the state that are accepted for a variety of purposes.

Counties have been classified by population since statehood and legislation has been enacted using these classifications to both combine the duties of certain county officers in certain classes of counties and to provide different levels of compensation for county officers depending on the class of the county. In addition, newer legislation has been enacted classifying counties for other purposes.

Elections: County auditors are the election officials who conduct most elections.

County purchasing and public works: A variety of laws have been enacted controlling the procedures by which counties make purchases and award contracts for public works projects.

Where the value of the items to be purchased exceeds a given amount, the purchase must be made using a formal competitive bidding procedure with the submission of sealed bids. Items valued below the threshold may be purchased without using this formal competitive bidding procedure.

A formal competitive bidding procedure with the submission of sealed bids must also be followed to award a non-road public works project contract exceeding a statutory amount. A modified competitive bidding process involving a small works roster is permitted for counties to award public works projects of a medium dollar value level. Contracts for public works projects of a low dollar value may be let without using a competitive bidding procedure.

Road improvement districts (RID's): Counties may establish road improvement districts (RID's) to finance road projects. RID's are local improvement districts used for county road projects. Under this procedure, special assessments are imposed on property that is benefited by the road project to finance all or part of the project's costs.

Essential rail assistance account: The State makes grants to first class cities, county rail districts, and port districts from the essential rail assistance account for a variety of capital and operating purposes for publicly owned railroads and rail facilities.

County road vacations: Counties are permitted, under certain circumstances, to vacate county roads. A road vacation is initiated by the filing of a petition proposing the road vacation that has been signed by at least 15 freeholders residing in the vicinity of the road that is proposed to be vacated. The county planning commission makes a recommendation on the proposed vacation, as does the county engineer. The county legislative authority makes the decision on the vacation after holding a public hearing.

County associations: Counties may designate the Washington State Association of Counties to coordinate and administer various county programs and may designate the Washington State Association of County Officials to coordinate and administer various programs related to county elected officials other than county legislative authorities. County dues to each of these associations may not exceed an amount equal to the amount that would be obtained from a tax levy by the county equal to one half cent per thousand dollars of assessed valuation.

Community corrections boards: A county may establish a community corrections board consisting of nine members, four of whom are appointed by the county legislative authority

and five of whom are various county officials, to establish a corrections plan for the county.

Siting of schools: Counties are authorized to adopt comprehensive plans and zoning ordinances controlling land uses in the unincorporated area of the county. The Supreme Court has held that water district facilities are subject to these zoning ordinances. It appears that public schools proposed to be located in the unincorporated area are subject to county zoning controls.

Ad hoc community councils: Counties are permitted to create ad hoc community councils to advise the county.

Summary:

County classes: The classes of counties are eliminated. Every statute containing a classification of counties is altered to delete the class of counties, and the population range that is associated with the classification is substituted for the class, except each reference to class AA counties is altered to refer to counties with populations of one million or more, which covers only King County. However, the ability of a port district that is located in a class AA county to elect its commissioners without using commissioner districts is permitted in any county with a population with 500,000 or more and the authority of a class AA county to provide for 12 unclassified positions in its sheriffs office is retained for any county with a population of 500,000 or more.

The following changes are made relating to population ranges of counties: (1) the population is increased to allow a county to use receipts from the management of its county tax lands to balance the county budget, to permit Skamania County to continue this practice; and (2) a county that loses population below the population sufficient to allow it to elect a separate coroner, such as Whitman County, may adopt an ordinance continuing the election of a coroner instead of having the prosecuting attorney act as the coroner.

The latest determination of a county's population is to be used whenever a statute references the population of a county, whether the population is established by a census, special county census, or population estimate by the Office of Financial Management.

Specific port district provisions of law are repealed that provide different methods for filing for port commissioner and for conducting port district elections, depending on the class of county in which the port district is located.

Elections: County auditors are permitted to contract with the post office for change of postal address information, which could be used to initiate cancellation of voter registration if notices sent to a registered voter are returned as being undeliverable.

County purchasing and public works: A variety of changes are made to the procedures by which counties make purchases and award contracts for non-road related public works projects.

Counties are permitted to award multiple contracts on bids for road construction materials.

The requirement that first class and larger counties must establish a purchasing department is deleted and any county is permitted to establish a purchasing department. The requirements for county public works projects are separated from the requirements for county purchases. The procedure by which counties use small works rosters to award construction projects of less than \$100,000 is altered. The modified competitive bidding procedure is altered and the maximum value of a purchase that may be made using this modified procedure is increased from \$10,000 to \$25,000.

General laws relating to county road budgets are amended to delete certain details. The requirement that county road budgets be prepared with a total budget amount and each budget category expressed as a percentage of this total budget amount is altered so that the amount for each budget category is expressed as a dollar amount.

Road improvement districts (RID's): When a RID is used to finance road improvements, a county may consider the value of land donated to the county for the improvement in establishing the special assessments to be imposed on the parcel from which the land was donated.

Essential rail assistance account: Counties are eligible for state grants from the essential rail assistance account to finance a variety of capital and operating railroad facilities and projects that are owned by the county.

County road vacations: The signature requirement on a petition to initiate the proposed vacation of a county road is altered from the signatures of at least 15 freeholders residing in the vicinity of the road that is proposed to be vacated, to the signatures of the owners of a majority of the frontage on the road that is proposed to be vacated. The requirement is deleted that the county planning commission make recommendations on proposed road vacations.

County associations: The ceilings are eliminated on dues that a county may pay to the Washington State Association of Counties and the Washington State Association of County Officials.

Local law and justice councils: Community corrections boards are changed to local law and justice councils. The county legislative authority is permitted to determine the size and composition of these councils, which must include representatives of county and city governing bodies, and various persons associated with the county and city criminal justice system. A local law and justice plan that the council develops for the county must address specified subjects and the plan is subject to final approval by the county legislative authority.

Siting of schools: Counties must allow schools to be sited in all parts of their planning jurisdiction either as a permitted use or under a conditional use permit.

Community councils: Statutes are repealed permitting counties to create ad hoc community councils to provide advice to the county.

Voters of unincorporated communities in counties that are composed entirely of islands and that have a population of 30,000 or more may establish elected community councils to serve as a forum to discuss issues and to develop proposed community comprehensive plans and proposed community zoning ordinances. A community from which a community council is elected must include at least 1000 residents unless it is an entire island, in which case the community must include at least 300 residents. A community council consists of from five to 11 members elected by the voters of the community.

Within 90 days of electing a community council, the county legislative authority is required to adopt an ordinance establishing policies and requirements, and designating the portions of the county comprehensive plan and zoning ordinances with which the proposed community comprehensive plans and proposed community zoning ordinances must conform. A proposed community plan and proposed community ordinances are submitted to the county legislative authority for review for consistency with the requirements of the county ordinance. The county legislative authority must approve the proposed plan and proposed ordinances, or return the proposed plans and proposed ordinances with written findings specifying the inconsistencies.

The county is required to enforce approved community comprehensive plans and approved community zoning ordinances as if it had adopted the plans and ordinances. Provisions

are made for altering the approved community comprehensive plans and approved community zoning ordinances and for altering the county ordinance that establishes requirements for these plans and ordinances.

Once every four years a ballot proposition must be submitted to the voters of a community to consider if its community council shall be reestablished for another four years.

Votes on Final Passage:

House	97	1	
Senate	44	0	(Senate amended)
House			(House refused to concur)

Conference Committee

Senate	38	9
House	97	0

Effective: July 28, 1991
July 1, 1992 (Sections 28, 29, 33 and 131)
July 1, 1993 (Section 47)

Partial Veto Summary: Several sections were vetoed relating to county classes, that were amended in other laws. The section was vetoed relating to county control over the siting of schools.