

HOUSE BILL REPORT

SHB 1201

As Passed Legislature

Title: An act relating to local government.

Brief Description: Removing references to county classes.

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

Brief History:

Reported by House Committee on:
Local Government, February 13, 1991, DPS;
Passed House, March 12, 1991, 97-1;
Amended by Senate;
Conference Committee Report adopted;
Passed Legislature, 97-0.

**HOUSE COMMITTEE ON
LOCAL GOVERNMENT**

Majority Report: *That Substitute House Bill No. 1201 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: Steve Lundin (786-7127).

Background:

A. 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. A constitutional amendment authorized the Legislature to delegate the authority to establish levels of compensation of county officers to the county legislative

authorities. Legislation has been enacted so delegating this authority to county legislative authorities.

The current statute that classifies counties by population creates the following 11 classes: AA, A, and 1st through 9th, each associated with a descending range of population. This 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.

B. Elections.

County auditors are the election officials and conduct most elections.

C. 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 that are proposed to be purchased exceed a given amount, a formal competitive bidding procedure with the submission of sealed bids must be followed to make the purchase. Items below this value may be purchased without using this formal competitive bidding procedure.

Where the value of a non-road public works project exceeds a given amount, a formal competitive bidding procedure with the submission of sealed bids must be followed to award the contract. 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.

D. Road improvement districts (RID's).

Counties may establish road improvement districts (RID's) to finance road projects. These are local improvement

districts (LID's) 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 projects costs.

E. 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.

F. County road vacations.

Counties are permitted, under certain circumstances, to vacate county roads. A proposed 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. Then the county legislative authority holds a public hearing on the proposed vacation and may choose to either vacate the road or not vacate the road.

G. 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. The dues that a county may pay 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.

H. 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.

I. 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. Presumably public schools proposed to be located in the unincorporated area are subject to county zoning controls.

J. Ad hoc community councils.

Counties are permitted to create ad hoc community councils to provide advice to the county.

Summary of Bill:

A. 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 counties with populations of one million or more, which only refers to 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 somewhat, for purposes of allowing 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 had a population sufficient to allow it to elect a separate coroner, but loses population below this threshold, 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 used whenever a statute references the population of a county, whether 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 differ from general election laws and provide for different ways for a prospective candidate for port commissioner to file for office or for conducting port district elections, based upon the class of county in which the port district is located.

B. Elections.

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

C. 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. A single statute that includes requirements for county public works projects and county purchases is altered to provide for separate statutes containing requirements for these two subjects. The procedure by which counties use small works rosters to award construction projects of less than \$100,000 is altered. The maximum dollar value of purchases that a county makes using a modified competitive bidding procedure is increased from \$10,000 to \$25,000.

General law 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 percentages of this amount indicated for each budget category is altered so that the amount for each budget category is expressed as a dollar amount.

D. Road improvement districts (RID's).

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

E. 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.

F. 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 a recommendation on proposed road vacations.

G. County associations.

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

H. Local law and justice councils.

Community corrections boards are changed to local law and justice councils. Restrictions on the size and composition of the council are eliminated. The county legislative authority is permitted to determine its 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. Subjects are provided that must be addressed by a local law and justice plan that is developed by the council for the county, and the plan is subject to final approval by the county legislative authority.

I. Siting of schools.

Counties must allow schools to be sited in all parts of their planning jurisdiction by being either an outright permitted use or by conditional use permits.

J. Ad hoc community councils.

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

Voters of unincorporated communities in a county that is composed entirely of islands, and with 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 for which a community council is elected, must include at least 1000 residents unless it is an entire island, in which case it must include at least 300 residents. A community council consists of from five to 11 members elected by the voters of the community.

The county legislative authority adopts an ordinance establishing policies and requirements, and designating portions of the county comprehensive plan and zoning ordinances, with which proposed community comprehensive plans and proposed community zoning ordinances must conform. A proposed community plan and proposed community ordinance are submitted to the county legislative authority for its review for consistency with the requirements of this ordinance. If found to be consistent, the county legislative authority approves that proposed plan and ordinance, but if found not to be consistent, the county legislative authority returns the proposed plans and proposed ordinance and details the inconsistencies in writing.

The county enforces proposed community comprehensive plans and proposed community zoning ordinances that it has approved 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 the county altering the ordinance that establishes requirements for these plans and ordinances.

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

Fiscal Note: Not requested.

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

Testimony For: This is a technical bill. Several practices by counties that have been followed for decades, in apparent violation of state law, were authorized by eliminating references to counties of the 9th class. Citizens may know a county's population and not know the class of the county. It is not clear which population figures are used to determine the class of a county.

Testimony Against: None.

Witnesses: Gary Lowe, Washington State Association of Counties; and George Walk, Pierce County.