

SENATE BILL REPORT

SHB 2809

AS OF FEBRUARY 24, 1992

Brief Description: Revising reimbursement provisions for local government officials.

SPONSORS: House Committee on Local Government (originally sponsored by Representatives Zellinsky, Wynne, Haugen, Roland, Nelson, Franklin, Bray, Horn, Wood, Edmondson, Paris and Rayburn)

HOUSE COMMITTEE ON LOCAL GOVERNMENT

SENATE COMMITTEE ON GOVERNMENTAL OPERATIONS

Staff: Barbara Howard (786-7410)

Hearing Dates: February 26, 1992

BACKGROUND:

Most members of local government legislative bodies are entitled to be reimbursed for travel expenses connected to their official duties. A general chapter of law that applies to these reimbursements states that they shall be made under local ordinance or resolution, unless otherwise specified in some statute. The statutes of individual units of government differ from this chapter and among each other. It is unclear which laws apply to the process by which local governments reimburse their governing body members for travel expenses.

Although most units of local government are specifically authorized to reimburse their governing body members for travel expenses, cities, sewer districts, city planning commissions, city libraries, metropolitan park districts, weed districts, and intercounty weed districts are not specifically authorized to provide reimbursement for travel expenses.

Several units of local government may provide insurance coverage to their governing body members. School districts, fire districts, and irrigation districts require the governing body members to pay the premiums. Port districts, public utility districts, and sewer districts and water districts with 5,000 or more customers may pay the premiums for their governing body members. Some of these local governments are not prohibited from providing greater coverage to their governing body members than to their employees. Questions also have been raised by the Attorney General concerning whether insurance benefits for local government governing board members constitute "compensation" within the meaning of the Washington Constitution.

City council members of a newly incorporated code city are paid at a salary level established in statute until a salary

ordinance can be adopted and take effect. The salary varies with the size of the code city. There is no comparable statute for newly incorporated noncode cities. Since the Constitution prohibits an elected official from receiving any pay increase that he or she votes upon during that term of office, the first city council in a newly incorporated noncode city must serve without any salary.

Members of local governing bodies are generally authorized to waive a portion or all of their compensation. There are no provisions that expressly authorize city council members to waive their compensation.

A conflict exists between two statutes pertaining to first-class cities. One statute provides that compensation shall be fixed in the city charter, while the other statute states that compensation shall be fixed by ordinance irrespective of any charter provision. It is unclear how these statutes should be reconciled.

Candidates for a board of airport commissioners or for a county noxious weed control board must submit a nominating petition signed by ten registered voters. Candidates for public office generally are not required to file nominating petitions.

SUMMARY:

The provisions for reimbursing members of local government legislative bodies for travel expenses are standardized. Members are entitled to reimbursement for reasonable expenses actually incurred in connection with official business, including subsistence and lodging while away from their residence. Members may also receive mileage for use of a privately-owned vehicle.

Cities, sewer districts, city planning commissions, city libraries, metropolitan park districts, weed districts, and intercounty weed districts are specifically authorized to reimburse their governing body members for travel expenses.

Units of local government are prohibited from providing greater insurance coverage to their governing body members than to their employees except for liability insurance. Insurance coverage provided to governing body members does not constitute "compensation" as the term is used in the Washington Constitution.

A salary schedule is adopted for city council members in newly incorporated noncode cities. The salaries listed in this schedule apply only until a salary ordinance can be enacted and take effect. The salaries are set as follows:

- Cities of 20,000 or more: \$400 per month;
- Cities of 10,000 to 20,000: \$150 per month;
- Cities of 1,500 to 10,000: \$75 per month;
- Cities of less than 1,500: \$20 per meeting, no more than two meetings per month;

- The mayor receives an additional 25 percent of a member's salary.

City council members can waive a portion or all of their compensation by filing a written waiver with the council. The waiver must be filed before the date on which the compensation would otherwise be paid, and must specify the time period for which it applies.

The conflict in the first class-city statutes pertaining to compensation is eliminated. Compensation in first class-cities is fixed by ordinance.

Candidates for a board of airport commissioners or for a county noxious weed control board no longer have to submit nominating petitions.

Appropriation: none

Revenue: none

Fiscal Note: none requested