

SENATE BILL REPORT

ESSB 5050

AS PASSED SENATE, MARCH 16, 1993

Brief Description: Revising reimbursement provisions for local government officials.

SPONSORS: Senate Committee on Government Operations (originally sponsored by Senator Haugen)

SENATE COMMITTEE ON GOVERNMENT OPERATIONS

Majority Report: That Substitute Senate Bill No. 5050 be substituted therefor, and the substitute bill do pass.

Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Owen, and Winsley.

Minority Report: Do not pass.

Signed by Senators Oke and von Reichbauer.

Staff: Barbara Howard (786-7410)

Hearing Dates: January 20, 1993; February 12, 1993

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.

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 and governing body members of some special districts 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.

Members of the board of directors of a special stadium corporation in the Spokane area are not authorized to receive any form of compensation. There are no limits on the amounts or types of compensation which board members of an operating agency (in this case, the Washington Public Power Supply System) may receive.

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 residences. 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.

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 and members of governing bodies in districts such as diking and drainage, flood control and irrigation districts may 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.

The maximum monthly compensation of public utility district commissioners is increased as follows: for the largest districts, from \$500 to \$1,085; for mid-size districts, from \$350 to \$760; and for the smaller districts, from \$200 to \$435.

Per diem for all of the districts is increased from \$50 to \$66. The annual maximum for public utility district commissioners is \$9,900. For all others where a maximum is provided, it is \$6,350. Air pollution control district boards and the boards of air pollution control advisory boards receive the \$66 per diem, and the annual maximum is increased from \$1,000 to \$1,350. Per diem for reclamation district boards is increased from \$5 to \$10.

Board members of the special recreational corporation may adopt a resolution establishing reimbursement for expenses, may receive compensation of up to \$66 per day for attending meetings not to exceed \$3,000 per year, and may purchase liability insurance, as well as retaining counsel in any action brought against them. A board resolution may also be adopted to provide compensation and insurance for employees.

Executive board members of an operating agency may receive a salary of \$1,085 per month and may be reimbursed for reasonable expenses. All board members may provide by resolution for their own compensation of \$66 per meeting, up to \$9,900 per year.

Appropriation: none

Revenue: none

Fiscal Note: none requested

TESTIMONY FOR:

This standardization of compensation will be helpful. For public utility district commissioners, the current compensation and per diem is not commensurate with the responsibility and technical knowledge required. We would like to request an increase.

TESTIMONY AGAINST: None

TESTIFIED: Bob Olsen, Mason County PUD #3; Matt Dillon, Snohomish County PUD #1 (pro with amendments); Stan Finkelstein, AWC (pro)