
SENATE BILL 5620

State of Washington

55th Legislature

1997 Regular Session

By Senators Haugen and McCaslin

Read first time 02/04/97. Referred to Committee on Government Operations.

1 AN ACT Relating to aquifer protection areas; and adding new
2 sections to chapter 36.36 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** The county legislative authority of a county
5 may create by ordinance a board of commissioners that shall be the
6 governing body of the aquifer protection area. The board of
7 commissioners shall consist of five members. The board shall annually
8 elect one of its members as president and another as secretary.

9 The board shall by resolution adopt rules governing the transaction
10 of its business and shall adopt an official seal. All proceedings
11 shall be by resolution recorded in a book kept for that purpose which
12 shall be a public record.

13 An aquifer protection area shall provide by resolution for the
14 payment of compensation to each of its commissioners at a rate of fifty
15 dollars for each day or portion thereof devoted to the business of the
16 aquifer protection area. However the compensation for each
17 commissioner shall not exceed four thousand eight hundred dollars per
18 year. In addition, the secretary may be paid a reasonable sum for
19 clerical services.

1 Any commissioner may waive all or any portion of his or her
2 compensation payable under this section as to any month or months
3 during the commissioner's term of office, by a written waiver filed
4 with the aquifer protection area at any time after the commissioner's
5 election and prior to the date on which the compensation would
6 otherwise be paid. The waiver shall specify the month or period of
7 months for which it is made.

8 No commissioner shall be employed full time by the aquifer
9 protection area. A commissioner shall be reimbursed for reasonable
10 expenses actually incurred in connection with aquifer protection area
11 business, including subsistence and lodging while away from the
12 commissioner's place of residence and mileage for use of a privately
13 owned vehicle at the mileage rate authorized in RCW 43.03.060.

14 NEW SECTION. **Sec. 2.** A vacancy on the board shall occur and shall
15 be filled as provided in chapter 42.12 RCW. In addition, if a
16 commissioner is absent from three consecutive scheduled meetings unless
17 by permission of the board, the office may be declared vacant.
18 However, such an action shall not be taken unless the commissioner is
19 notified by mail after two consecutive unexcused absences that the
20 position will be declared vacant if the commissioner is absent without
21 being excused from the next regularly scheduled meeting.

22 NEW SECTION. **Sec. 3.** Except as otherwise provided in this
23 section, the term of office of each aquifer protection area
24 commissioner shall be six years, such term to be computed from the
25 first day of January following the election, and commissioners shall
26 serve until their successors are elected and qualified and assume
27 office in accordance with RCW 29.04.170.

28 When the formation of a new aquifer protection area is proposed
29 under RCW 36.36.020, five initial aquifer protection area commissioners
30 shall be elected at the same election at which the proposition is
31 submitted to the voters as to whether such aquifer protection area
32 shall be formed. The election of initial aquifer protection area
33 commissioners is null and void if the ballot proposition to form the
34 aquifer protection area is not approved. Each candidate shall run for
35 one of five separate commissioner positions. A special filing period
36 shall be opened as provided in RCW 29.15.170 and 29.15.180. The person

1 receiving the greatest number of votes for each position shall be
2 elected to that position.

3 In all newly formed and existing aquifer protection areas, the
4 initial aquifer protection area commissioners shall assume office
5 immediately when they are elected and qualified. Staggering of the
6 terms of office for the initial aquifer protection area commissioners
7 shall be accomplished as follows: (1) The person who is elected
8 receiving the greatest number of votes shall be elected to a six-year
9 term of office if the election is held in an odd-numbered year or a
10 five-year term of office if the election is held in an even-numbered
11 year; (2) the person who is elected receiving the next greatest number
12 of votes shall be elected to a four-year term of office if the election
13 is held in an odd-numbered year or a three-year term of office if the
14 election is held in an even-numbered year; and (3) all other persons
15 who are elected shall be elected to a two-year term of office if the
16 election is held in an odd-numbered year or a one-year term of office
17 if the election is held in an even-numbered year. The terms of office
18 shall be calculated from the first day of January after the election.

19 Thereafter, commissioners shall be elected to six-year terms of
20 office. Commissioners shall serve until their successors are elected
21 and qualified and assume office in accordance with RCW 29.04.170.

22 NEW SECTION. **Sec. 4.** All elections held pursuant to this title,
23 whether general or special, shall be conducted by the county auditor of
24 the county in which the aquifer protection area is located. The
25 expense of all such elections shall be paid for out of the funds of the
26 aquifer protection area.

27 NEW SECTION. **Sec. 5.** An aquifer protection area shall constitute
28 a body corporate and shall possess all the usual powers of a
29 corporation for public purposes as well as all other powers that may
30 now or hereafter be specifically conferred by statute, including, but
31 not limited to, the authority to elect its own officers, to hire
32 employees, staff, and services, to enter into contracts, to accept and
33 expend or use gifts, grants, and donations, to issue general obligation
34 bonds for the purpose of paying all or any part of the cost of
35 administration and enforcement of the provisions of this chapter, and
36 to sue and be sued.

1 The board of commissioners of the aquifer protection area shall be
2 the governing body of the aquifer protection area.

3 NEW SECTION. **Sec. 6.** The board of commissioners of each aquifer
4 protection area may purchase liability insurance with such limits as it
5 may deem reasonable for the purpose of protecting its officials and
6 employees against liability for personal or bodily injuries and
7 property damage arising from their acts or omissions while performing
8 or in good faith purporting to perform their official duties.

9 NEW SECTION. **Sec. 7.** The commissioners may submit to the voters
10 of the aquifer protection area at any general or special election, a
11 proposition that the aquifer protection area incur a general
12 indebtedness payable from annual tax levies to be made in excess of the
13 constitutional tax limitation for the construction of any part or all
14 of the improvements described in its general comprehensive plan or
15 plans. Elections shall be held as provided in RCW 39.36.050. The
16 proposition authorizing both the bond issue and imposition of excess
17 bond retirement levies must be adopted by three-fifths of the voters
18 voting thereon, at which election the total number of persons voting on
19 the proposition shall constitute not less than forty percent of the
20 total number of votes cast in the aquifer protection area at the last
21 preceding general election. The bonds shall not be issued to run for
22 a period longer than thirty years from the date of the issue. The
23 bonds shall be issued and sold in accordance with chapter 39.46 RCW.

24 Whenever the proposition to issue general obligation bonds and
25 impose such excess bond retirement levies has been approved, there
26 shall be levied by the officers or governing body charged with the duty
27 of levying taxes, annual levies in excess of the constitutional tax
28 limitation sufficient to meet the annual or semiannual payments of
29 principal and interest on the bonds upon all taxable property within
30 the aquifer protection area.

31 NEW SECTION. **Sec. 8.** (1) The board of commissioners of any
32 aquifer protection area may by resolution, without submitting the
33 matter to the voters of the aquifer protection area, provide for the
34 issuance of refunding general obligation bonds to refund any
35 outstanding general obligation bonds, or any part thereof, at maturity
36 thereof, or before the maturity thereof if they are subject to call for

1 prior redemption or all of the owners thereof consent thereto.
2 Refunding bonds may be combined with an issue of bonds for other
3 aquifer protection area purposes, as long as those other bonds are
4 approved in accordance with applicable law.

5 (2) The total cost to the aquifer protection area over the life of
6 the refunding bonds or refunding portion of an issue of bonds shall not
7 exceed the total cost to the aquifer protection area which the aquifer
8 protection area would have incurred but for such refunding over the
9 remainder of the life of the bonds to be refunded thereby.

10 (3) The refunding bonds may be exchanged for the bonds to be
11 refunded thereby, or may be sold in such manner as the board of
12 commissioners deems to be for the best interest of the aquifer
13 protection area, and the proceeds of such sale used exclusively for the
14 purpose of paying, retiring, and canceling the bonds to be refunded and
15 interest thereon. Such bonds may be of any form, including bearer
16 bonds or registered bonds as provided in RCW 39.46.030.

17 NEW SECTION. **Sec. 9.** Sections 1 through 8 of this act are each
18 added to chapter 36.36 RCW.

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