
HOUSE BILL 2884

State of Washington

57th Legislature

2002 Regular Session

By Representatives Anderson, Murray, Esser, Pflug, Jarrett,
Ballasiotes, Van Luven and Nixon

Read first time 01/31/2002. Referred to Committee on Transportation.

1 AN ACT Relating to election of board members of a regional transit
2 authority; and amending RCW 81.112.030 and 81.112.040.

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

4 **Sec. 1.** RCW 81.112.030 and 1994 c 44 s 1 are each amended to read
5 as follows:

6 Two or more contiguous counties each having a population of four
7 hundred thousand persons or more may establish a regional transit
8 authority to develop and operate a high capacity transportation system
9 as defined in chapter 81.104 RCW.

10 The authority shall be formed in the following manner:

11 (1) The joint regional policy committee created pursuant to RCW
12 81.104.040 shall adopt a system and financing plan, including the
13 definition of the service area. This action shall be completed by
14 September 1, 1992, contingent upon satisfactory completion of the
15 planning process defined in RCW 81.104.100. The final system plan
16 shall be adopted no later than June 30, 1993. In addition to the
17 requirements of RCW 81.104.100, the plan for the proposed system shall
18 provide explicitly for a minimum portion of new tax revenues to be
19 allocated to local transit agencies for interim express services. Upon

1 adoption the joint regional policy committee shall immediately transmit
2 the plan to the county legislative authorities within the adopted
3 service area.

4 (2) The legislative authorities of the counties within the service
5 area shall decide by resolution whether to participate in the
6 authority. This action shall be completed within forty-five days
7 following receipt of the adopted plan or by August 13, 1993, whichever
8 comes first.

9 (3) Each county that chooses to participate in the authority shall
10 appoint its initial board members as set forth in RCW 81.112.040 and
11 shall submit its list of members to the secretary of the Washington
12 state department of transportation. These actions must be completed
13 within thirty days following each county's decision to participate in
14 the authority.

15 (4) The secretary shall call the first meeting of the authority, to
16 be held within thirty days following receipt of the appointments. At
17 its first meeting, the authority shall elect officers and provide for
18 the adoption of rules and other operating procedures.

19 (5) The authority is formally constituted at its first meeting and
20 the board shall begin taking steps toward implementation of the system
21 and financing plan adopted by the joint regional policy committee. If
22 the joint regional policy committee fails to adopt a plan by June 30,
23 1993, the authority shall proceed to do so based on the work completed
24 by that date by the joint regional policy committee. Upon formation of
25 the authority, the joint regional policy committee shall cease to
26 exist. The authority may make minor modifications to the plan as
27 deemed necessary and shall at a minimum review local transit agencies'
28 plans to ensure feeder service/high capacity transit service
29 integration, ensure fare integration, and ensure avoidance of parallel
30 competitive services. The authority shall also conduct a minimum
31 thirty-day public comment period.

32 (6) If the authority determines that major modifications to the
33 plan are necessary before the initial ballot proposition is submitted
34 to the voters, the authority may make those modifications with a
35 favorable vote of two-thirds of the entire membership. Any such
36 modification shall be subject to the review process set forth in RCW
37 81.104.110. The modified plan shall be transmitted to the legislative
38 authorities of the participating counties. The legislative authorities
39 shall have forty-five days following receipt to act by motion or

1 ordinance to confirm or rescind their continued participation in the
2 authority.

3 (7) If any county opts to not participate in the authority, but two
4 or more contiguous counties do choose to continue to participate, the
5 authority's board shall be revised accordingly. The authority shall,
6 within forty-five days, redefine the system and financing plan to
7 reflect elimination of one or more counties, and submit the redefined
8 plan to the legislative authorities of the remaining counties for their
9 decision as to whether to continue to participate. This action shall
10 be completed within forty-five days following receipt of the redefined
11 plan.

12 (8) The authority shall place on the ballot within two years of the
13 authority's formation, a single ballot proposition to authorize the
14 imposition of taxes to support the implementation of an appropriate
15 phase of the plan within its service area. In addition to the system
16 plan requirements contained in RCW 81.104.100(2)(d), the system plan
17 approved by the authority's board before the submittal of a proposition
18 to the voters shall contain an equity element which:

19 (a) Identifies revenues anticipated to be generated by corridor and
20 by county within the authority's boundaries;

21 (b) Identifies the phasing of construction and operation of high
22 capacity system facilities, services, and benefits in each corridor.
23 Phasing decisions should give priority to jurisdictions which have
24 adopted transit-supportive land use plans; and

25 (c) Identifies the degree to which revenues generated within each
26 county will benefit the residents of that county, and identifies when
27 such benefits will accrue.

28 A simple majority of those voting within the boundaries of the
29 authority is required for approval. If the vote is affirmative, the
30 authority shall begin implementation of the projects identified in the
31 proposition. However, the authority may not submit any authorizing
32 proposition for voter-approved taxes prior to July 1, 1993; nor may the
33 authority issue bonds or form any local improvement district prior to
34 July 1, 1993.

35 (9) If the vote on a proposition fails, the board may redefine the
36 proposition, make changes to the authority boundaries, and make
37 corresponding changes to the composition of the board. If the
38 composition of the board is changed, the participating counties shall
39 revise the membership of the board accordingly. The board may then

1 submit the revised proposition or a different proposition to the
2 voters. No single proposition may be submitted to the voters more than
3 twice. The authority may place additional propositions on the ballot
4 to impose taxes to support additional phases of plan implementation.

5 If the authority is unable to achieve a positive vote on a
6 proposition within two years from the date of the first election on a
7 proposition, the board may, by resolution, reconstitute the authority
8 as a single-county body. With a two-thirds vote of the entire
9 membership of the voting members, the board may also dissolve the
10 authority.

11 **Sec. 2.** RCW 81.112.040 and 1994 c 109 s 1 are each amended to read
12 as follows:

13 (1)(a) ~~The regional transit authority shall be governed by a board~~
14 ~~((consisting of representatives appointed by the county executive and~~
15 ~~confirmed by the council or other legislative authority of each member~~
16 ~~county. Membership shall be based on population from that portion of~~
17 ~~each county which lies within the service area. Board members shall be~~
18 ~~appointed initially on the basis of one for each one hundred forty five~~
19 ~~thousand population within the county. Such appointments shall be made~~
20 ~~following consultation with city and town jurisdictions within the~~
21 ~~service area. In addition, the secretary of transportation or the~~
22 ~~secretary's designee shall serve as a member of the board and may have~~
23 ~~voting status with approval of a majority of the other members of the~~
24 ~~board. Only board members, not including alternates or designees, may~~
25 ~~cast votes.~~

26 ~~Each member of the board, except the secretary of transportation or~~
27 ~~the secretary's designee, shall be:~~

28 ~~(a) An elected official who serves on the legislative authority of~~
29 ~~a city or as mayor of a city within the boundaries of the authority;~~

30 ~~(b) On the legislative authority of the county, if fifty percent of~~
31 ~~the population of the legislative official's district is within the~~
32 ~~authority boundaries; or~~

33 ~~(c) A county executive from a member county within the authority~~
34 ~~boundaries.~~

35 ~~When making appointments, each county executive shall ensure that~~
36 ~~representation on the board includes an elected city official~~
37 ~~representing the largest city in each county and assures proportional~~
38 ~~representation from other cities, and representation from~~

1 unincorporated areas of each county within the service area. At least
2 one half of all appointees from each county shall serve on the
3 governing authority of a public transportation system.

4 Members appointed from each county shall serve staggered four-year
5 terms. Vacancies shall be filled by appointment for the remainder of
6 the unexpired term of the position being vacated.

7 The governing board shall be reconstituted, with regard to the
8 number of representatives from each county, on a population basis,
9 using the official office of financial management population estimates,
10 five years after its initial formation and, at minimum, in the year
11 following each official federal census. The board membership may be
12 reduced, maintained, or expanded to reflect population changes but
13 under no circumstances may the board membership exceed twenty-five)) of
14 seven elected members, nominated and elected on a nonpartisan basis.

15 (b) Nomination will be by the voters of a prospective member's
16 district in a primary election, but election will be by all voters of
17 the authority at a general election. Before the initial election of
18 board members, and in the year after the federal decennial census, the
19 appropriate county legislative authorities, acting collectively, shall
20 (i) define the boundaries of each member district so that all districts
21 have populations as near equal as practicable, and (ii) determine board
22 member part-time salaries.

23 (c) At the initial election, four members will be elected for terms
24 of four years and three members will be elected for two-year terms.
25 Thereafter, each member will be elected for a term of four years and
26 shall hold office until a successor is elected and qualified.

27 (d) A vacancy in the office of a board member occurs as provided in
28 chapter 42.12 RCW or by nonattendance at meetings of the board for a
29 period of sixty days unless excused by a majority of the board.
30 Vacancies will be filled as provided in chapter 42.12 RCW.

31 (e) The initial nomination and election of board members under this
32 section will take place in 2002 at the times provided for other elected
33 officials, and the terms of the members elected starts January 1, 2003.

34 (f) The state election laws contained in Title 29 RCW apply to
35 elections held under this section.

36 (g) The election officials of the county or counties in which the
37 district is located shall conduct the election in accordance with the
38 election laws of the state. Board districts will be used as follows:

39 (i) Only a registered voter who resides in a district may be a

1 candidate for, or serve as, a board member of the board district; and
2 (ii) only voters of a board district may vote at a primary to nominate
3 candidates.

4 (h) Vacancies will be filled by appointment by the legislative
5 authority of the county in which the board district is primarily
6 located.

7 (2) Major decisions of the authority (~~shall~~) require a favorable
8 vote of two-thirds of the entire membership of the voting members.
9 "Major decisions" include at least the following: System plan adoption
10 and amendment; system phasing decisions; annual budget adoption;
11 authorization of annexations; modification of board composition; and
12 executive director employment.

13 (3) Each member of the board is eligible to be reimbursed for
14 travel expenses in accordance with RCW 43.03.050 and 43.03.060 (~~and to~~
15 ~~receive compensation as provided in RCW 43.03.250~~)).

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