

ESSB 5704 - H COMM AMD

By Committee on Local Government & Housing

ADOPTED 02/28/2010

1 Strike everything after the enacting clause and insert the  
2 following:

3 "Sec. 1. RCW 85.38.090 and 1991 c 349 s 12 are each amended to  
4 read as follows:

5 (1) Whenever the governing body of a special district has more than  
6 three members, the governing body shall be reduced to three members as  
7 of January 1, 1986, by eliminating the positions of those district  
8 governing body members with the shortest remaining terms of office.  
9 The remaining three governing body members shall have staggered terms  
10 with the one having the shortest remaining term having his or her  
11 position filled at the 1987 special district general election, the one  
12 with the next shortest remaining term having his or her position filled  
13 at the 1989 special district general election, and the one with the  
14 longest remaining term having his or her position filled at the 1992  
15 special district general election. If any of these remaining three  
16 governing body members have identical remaining terms of office, the  
17 newly calculated remaining terms of these persons shall be determined  
18 by lot with the county auditor who assists the special district in its  
19 elections managing such lot procedure. The newly established terms  
20 shall be recorded by the county auditor.

21 (2) However, whenever five or more special districts have  
22 consolidated under chapter 85.36 RCW and the consolidated district has  
23 five members in its governing body on July 28, 1985, the consolidated  
24 district may adopt a resolution retaining a five-member governing body.  
25 At any time thereafter, such a district may adopt a resolution and  
26 reduce the size of the governing body to three members with the  
27 reduction occurring as provided in subsection (1) of this section, but  
28 the years of the effective dates shall be extended so that the  
29 reduction occurs at the next January 1st occurring after the date of  
30 the adoption of the resolution. Whenever a special district is so

1 governed by a five-member governing body, two members shall be elected  
2 at each of two consecutive special district general elections, and one  
3 member shall be elected at the following special district general  
4 election, each to serve a six-year staggered term.

5 (3) Nothing in this section permits the governing body of a flood  
6 control district that is subject to section 2 of this act to reduce the  
7 size of its governing body.

8 NEW SECTION. Sec. 2. A new section is added to chapter 85.38 RCW  
9 to read as follows:

10 The following provisions apply to the governing bodies of flood  
11 control districts that, upon creation, have territory in three or more  
12 counties:

13 (1) The governing body shall include one member from each county  
14 with territory in the district, and two additional members selected as  
15 provided by this section. No more than two governing members may be  
16 from the same county.

17 (2) The initial members of the governing body must be chosen by  
18 each county legislative authority within which the district resides,  
19 with each county choosing one member, and the two counties with the  
20 largest populations within the district choosing one additional member  
21 each. The initial governing body members shall serve until their  
22 successors are elected and qualified at the next special district  
23 general election.

24 (3) At this first election, the members receiving the two greatest  
25 number of votes shall serve six-year terms, the members receiving the  
26 third and fourth greatest number of votes shall serve four-year terms,  
27 and the remaining members shall serve two-year terms of office.

28 (4) The requirements for the filing period, method for filing  
29 declarations of candidacy, and the arrangement of candidate names on  
30 the ballot for all special district general elections conducted after  
31 the initial election in the district shall be the same as the  
32 requirements for the initial election in the district. No primary  
33 elections may be held for the governing body of a flood control  
34 district that, upon creation, has territory in three or more counties.

35 (5) A vacancy occurs upon the death, resignation, or incapacity of  
36 a governing body member, or whenever the governing body member ceases  
37 to be a registered voter of the district.

1 (6)(a) Whenever a vacancy occurs in the governing body, the  
2 legislative authority of the county within which the largest geographic  
3 portion of the district is located shall appoint a registered voter to  
4 serve until a person is elected, at the next special district general  
5 election occurring sixty or more days after the vacancy has occurred,  
6 to serve the remainder of the unexpired term. The person so elected  
7 shall take office immediately when qualified as defined in RCW  
8 29A.04.133.

9 (b) If an election for the position that became vacant would  
10 otherwise have been held at this special district general election,  
11 only one election shall be held and the person elected to fill the  
12 succeeding term for that position shall take office immediately when  
13 qualified as defined in RCW 29A.04.133 and shall serve both the  
14 remainder of the unexpired term and the succeeding term.

15 (7) An elected or appointed member of the governing body, or a  
16 candidate for the governing body, must be a registered voter of the  
17 flood control district who has resided within the district for period  
18 of not less than thirty days before the election. In accordance with  
19 RCW 85.38.127, land ownership is not a requirement for serving on the  
20 governing body of the district."

EFFECT: (1) Makes numerous technical changes, including: Changing references from "flood districts" to "flood control districts"; and specifying that delineated provisions apply to the governing bodies of flood control districts that, upon creation, have territory in three or more counties.

(2) Specifies that an elected or appointed member of a flood control district governing body, or a candidate for the governing body, must be a registered voter of the district who has resided within the district for period of not less than 30 days before the election.

(3) Specifies that, in accordance with existing requirements, land ownership is not a requirement for serving on the governing body of the district.

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