
Local Government & Housing Committee

HB 2874

Brief Description: Concerning the formation, operation, and governance of regional fire protection service authorities.

Sponsors: Representative Simpson.

Brief Summary of Bill

- Establishes new provisions, including the authority to establish commissioner positions, for the organization and composition of a regional fire protection service authority governing board.
- Specifies that a regional fire protection service authority plan adopted by a planning committee proposing to create an authority must include governance provisions.

Hearing Date: 1/27/10

Staff: Ethan Moreno (786-7386).

Background:

In 2004 the Legislature established a process for the creation of regional fire protection service authorities (RFAs). An RFA may be created for the purpose of conducting fire protection and emergency service functions at a regional level. An RFA may be created by the merger of two or more adjacent fire protection jurisdictions.

The fire protection jurisdictions proposing to create an RFA must convene a planning committee to develop and adopt a service plan (plan) for the RFA. The plan must provide for the design, financing, and development of fire protection and emergency services. The planning committee must also recommend statutorily authorized sources of revenue and a financing plan for funding selected fire protection and emergency services and projects.

Once adopted by the planning committee, the plan must be forwarded to the participating jurisdictions' governing bodies to initiate an election process. The voters may, by majority vote,

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approve or reject a single ballot measure that both approves the formation of the RFA and the plan. Taxes and benefit charges may not be imposed by an RFA unless they are specifically identified in a plan receiving voter approval. This voter-approval requirement is in addition to any other legal requirements regarding voter approval of property tax levies or the imposition of benefits charges.

An RFA is governed by an appointed board consisting of elected officials identified in the plan. The board is responsible for the execution of the voter-approved plan and must adopt bylaws and operational procedures. In addition to exercising powers and performing duties as necessary to carry out the purposes, functions, and projects of the RFA, a board is authorized to exercise general powers, including:

- levying and imposing taxes as authorized;
- enforcing fire codes;
- monitoring and auditing the progress and execution of the RFA's programs and projects;
- and
- hiring and firing personnel.

Summary of Bill:

Board Organization and Composition.

Provisions for the organization and composition of an RFA governing board are modified. The governing board must consist solely of elected officials of a participating fire protection jurisdiction and, if authorized by the plan, one or more RFA commissioners. "Participating fire protection jurisdiction" is defined to mean a fire protection jurisdiction participating in the formation or operation of an RFA. "Elected official" is defined to mean an elected official of a participating fire protection jurisdiction or an RFA commissioner.

An RFA plan may create one or more RFA commissioner positions to serve on the board. The terms of office for the RFA commissioner positions may be established by the plan, however, no single term may exceed six years and the terms of multiple positions must be staggered. Additionally, RFA commissioners must take an oath of office in accordance with specified requirements. Provisions governing the qualifications, compensation, terms, and responsibilities of the RFA commissioner positions are established by referencing statutory requirements for fire district commissioners.

A plan may create commissioner districts. If commissioner districts are created, the population of each commissioner district must be approximately equal. Commissioner districts must be redrawn in accordance with redistricting provisions for counties, municipal corporations, and special purpose districts.

Only a registered voter who resides in a commissioner district may be a candidate for, or serve as, a commissioner of the district. Additionally, only voters of a commissioner district may vote at a primary to nominate candidates for a commissioner of the district. All voters of the proposed RFA must be eligible to vote at a general election to elect a commissioner of the district. If a plan includes elected officials from participating fire protection jurisdictions, the commissioner districts may be based, in part, on the jurisdictional boundaries of the participating jurisdictions.

Planning Committee Responsibilities.

A regional fire protection service authority plan adopted by a planning committee proposing the creation of an RFA must include provisions for the governance of the RFA.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.