

HOUSE BILL REPORT

ESHB 1731

As Passed House:

March 2, 2011

Title: An act relating to the formation, operation, and governance of regional fire protection service authorities.

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

Sponsors: House Committee on Local Government (originally sponsored by Representatives Takko, Kagi and Reykdal).

Brief History:

Committee Activity:

Local Government: 2/11/11, 2/15/11 [DPS].

Floor Activity:

Passed House: 3/2/11, 92-3.

Brief Summary of Engrossed Substitute Bill

- Provides for the creation of a new classification of elected official, the Regional Fire Protection Service Authority commissioner (commissioner), and of commissioner districts.
- Authorizes a Regional Fire Protection Service Authority (Authority) service plan to provide for one or more commissioners to serve on the Authority's governing board, and establishes that only elected officials of participating fire protection jurisdictions and elected commissioners of an Authority are eligible to serve on the Authority's governing board.
- Establishes terms of service for a commissioner, including compensation.
- Limits the property tax levy authority of a fire protection district, city, town, or port district that is annexed into an Authority by any levy imposed by the Authority.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 8 members: Representatives Takko, Chair; Tharinger, Vice Chair; Angel, Ranking Minority Member; Asay, Assistant Ranking Minority Member; Fitzgibbon, Rodne, Springer and Upthegrove.

Minority Report: Without recommendation. Signed by 1 member: Representative Smith.

Staff: Heather Emery (786-7136).

Background:

A Regional Fire Protection Service Authority (Authority) may be created for the purpose of conducting specified fire protection functions at a regional level. An Authority may be created by the merger of two or more adjacent fire protection jurisdictions, including fire protection districts, cities, port districts, and Indian tribes. The creation of an Authority requires voter approval.

Powers and Duties of an Authority.

An Authority is governed by a board charged with executing the Authority's service plan, which provides for the design, financing, and development of fire protection services. Board membership is determined by the service plan and is limited to elected officials. As it currently exists, chapter 52.26 RCW, which governs authorities, does not provide for the election of any new officials specific to an Authority. It is also silent as to the following matters relating to elected officials serving on the board:

- compensation;
- qualifications (beyond elected status);
- ability to serve as a volunteer firefighter;
- polling places for elections; and
- vacancies.

The board is empowered to:

- levy and impose taxes as authorized;
- enter into intergovernmental agreements;
- acquire, hold, or dispose of real property;
- exercise the powers of eminent domain;
- enforce fire codes;
- accept grants and contributions to support the purposes of the Authority;
- monitor and audit the progress and execution of the Authority's programs and projects;
- enter into leases, contracts, and pay for services;
- hire and fire personnel; and
- exercise other powers and duties as are reasonably necessary to carry out its purposes.

All powers, duties, and functions of a participating fire protection jurisdiction may be transferred by resolution to the Authority.

Limitations on Property Tax Levies.

A "participating fire protection jurisdiction" is a fire protection district, city, town, Indian tribe, or port district that is represented on the governing board of an Authority. State law authorizes each of these jurisdictions, other than a tribe, to levy property taxes. However, the levies of a participating fire protection jurisdiction are limited so that statutorily designated amounts, less the amount of a levy imposed by the Authority, are not exceeded.

Summary of Engrossed Substitute Bill:

The following definition of "elected official" is established: "an elected official of a participating fire protection jurisdiction or a regional fire protection district commissioner created under RCW 52.26.080." An Authority's service plan may create one or more regional fire protection service authority commissioner (commissioner) positions.

The governing board of an Authority is determined by the Authority's service plan. However, only elected officials of a participating fire protection jurisdiction and elected commissioners of the Authority are eligible to serve on the Authority's governing board.

Rather than being set forth in an Authority's service plan, provisions governing a commissioner's compensation, qualifications, ability to serve as a volunteer firefighter, polling places for elections, and commissioner vacancies are as provided in chapter 52.14 RCW, pertaining to commissioners of fire protection districts (districts):

- Compensation: A commissioner may be compensated \$90 per day, not to exceed \$8,640 per year (amount adjustable for inflation), plus necessary expenses incurred in attending meetings of the board or when otherwise engaged in district business.
- Qualifications: Any voter residing in the district is eligible for the position.
- Ability to serve as a volunteer firefighter: A commissioner is eligible to serve in that capacity if the board unanimously adopts a resolution to that effect.
- Polling places for elections: Polling places may be located outside the boundaries of the district, as determined by the auditor of the county in which the district is located.
- Vacancies: If a commissioner is absent from three consecutive meetings without being excused by the board, the position is deemed vacant.

Additionally, an Authority's service plan may create commissioner districts, which must be approximately equal in population. If districts are created, only a voter who resides in a district is eligible to serve as a commissioner for the district, and only voters of that district may vote at a primary to nominate a commissioner of the district. However, all voters of the proposed Authority may vote at a general election to elect a commissioner of the district.

For purposes of calculating permissible property tax levy rates, a fire protection district, city, town, or port district that is annexed into an Authority is a "participating fire protection jurisdiction," and its property tax levy authority is therefore subject to the same limitations as a fire protection jurisdiction that is represented on the governing board of an Authority.

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.

Staff Summary of Public Testimony:

(In support) This bill creates an option for local government; it is not mandatory. Local governments need discretion.

(With concerns) Diluting participation by elected officials of participating fire protection jurisdictions on Authority boards is concerning. Not all Authority voters should be entitled to vote in a general election for an Authority commissioner from a particular district.

(Opposed) None.

Persons Testifying: (In support) Representative Takko, prime sponsor; and Bud Sizemore, Washington State Council of Fire Fighters.

(With concerns) D.J. Wilson, City of Edmonds.

Persons Signed In To Testify But Not Testifying: None.