

# SENATE BILL REPORT

## EHB 1028

---

---

As Reported by Senate Committee On:  
Government Operations, Tribal Relations & Elections, March 14, 2011

**Title:** An act relating to using state correctional facility populations to determine population thresholds for certain local government purposes.

**Brief Description:** Using state correctional facility populations to determine population thresholds for certain local government purposes.

**Sponsors:** Representatives Schmick, Takko, Fagan, Springer, Kretz, Shea, Blake and McCune.

**Brief History:** Passed House: 2/22/11, 87-5.

**Committee Activity:** Government Operations, Tribal Relations & Elections: 3/08/11, 3/14/11 [DP].

---

### SENATE COMMITTEE ON GOVERNMENT OPERATIONS, TRIBAL RELATIONS & ELECTIONS

**Majority Report:** Do pass.

Signed by Senators Pridemore, Chair; Prentice, Vice Chair; Swecker, Ranking Minority Member; Benton, Chase, Nelson and Roach.

**Staff:** Sharon Swanson (786-7447)

**Background:** City Council Membership. The Optional Municipal Code (Code) specifically provides for two plans of government for noncharter code cities: the mayor-council plan and the council-manager plan. Under both plans, the Code limits the number of council members in a noncharter code city according to the population of that city.

For the purpose of determining population thresholds, the population of a code city is determined by reference to either the most recent state or federal census, or the population statistics compiled by the Office of Financial Management. State law is silent as to whether the inmates of a state correctional facility located within a code city or town may be counted as part of the population threshold determination.

In a charter code city operating under the mayor-council or council-manager form of government, the number of council members is controlled by the charter, which may provide for an uneven number of council members not to exceed 11.

---

*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.*

In a noncharter code city operating under either form of government, the number of council members varies according to population. A city with a population of fewer than 2500 inhabitants is required to have five council members, and a city with a population of greater than 2500 inhabitants is required to have seven council members. For a city with a fluctuating population, the following rules apply:

- If the population decreases from 2500 or more inhabitants to fewer than 2500, council membership remains at seven.
- If the population increases from fewer than 2500 inhabitants to more than 2500 inhabitants, the existing council may vote to increase council membership from five to seven.
- If the population increases to 5000 or more inhabitants, council membership is required to increase from five to seven members.

Small City Pavement and Sidewalk Account (Account). State law provides for the Small City Pavement and Sidewalk Account (Account) in the state treasury. Cities and towns with a population of fewer than 5000 inhabitants are eligible to receive money from the Account for the maintenance, repair, and resurfacing of city and town streets. State law is silent as to whether the inmates of a state correctional facility located within a code city or town may be counted as part of the population threshold determination.

**Summary of Bill:** A code city or town with a mayor-council form or council-manager form of government may include or exclude the population of any state correctional facility within its jurisdiction in calculating the population thresholds pertinent to determining the requisite number of city council members.

A city or town may include or exclude the population of any state correctional facility within its jurisdiction in calculating the population thresholds relevant to determining its eligibility to obtain funding from the Account.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** None.

**Persons Testifying:** No one.