

SENATE BILL REPORT

ESHB 1731

As Reported by Senate Committee On:
Government Operations, Tribal Relations & Elections, March 17, 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: Passed House: 3/02/11, 92-3.

Committee Activity: Government Operations, Tribal Relations & Elections: 3/14/11, 3/17/11 [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; Chase, Nelson and Roach.

Staff: Karen Epps (786-7424)

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.

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. There are no provisions to allow for the election of any new officials specific to an Authority. Additionally, there are no provisions relating to compensation of board members, any additional qualifications (beyond being an elected official) for board members, the ability to serve as a volunteer firefighter, and how to handle vacancies on the board.

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.

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.

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 Bill: Elected official is defined as 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.

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 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.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony: PRO: The face of the fire service are the men and women who ride the fire trucks and the aid cars to our communities responding to 911 calls. These are every day emergencies. With local government budgets being stretched to the limit, the choice is to consolidate services or to reduce staffing. An Authority keeps the boots on the ground and allows for greater efficiency and consolidation of administration. HB 1731 is designed to improve the formation and governance of Authorities. This bill provides an optional fire commissioner process to allow the community to make their own choice on whether they want their governing board to include commissioners. This bill will help with the formation of Authorities.

Persons Testifying: PRO: Bud Sizemore, Washington State Council of Fire Fighters; Ed Widdis, Snohomish County Fire District No. 1.