
ENGROSSED SUBSTITUTE HOUSE BILL 2553

State of Washington

62nd Legislature

2012 Regular Session

By House Transportation (originally sponsored by Representatives Moscoso, Liiias, Upthegrove, Fitzgibbon, Reykdal, Billig, Sells, Appleton, Ryu, and Roberts)

READ FIRST TIME 02/07/12.

1 AN ACT Relating to nonvoting labor members of public transportation
2 governing bodies; and amending RCW 35.58.270, 36.57.030, and
3 36.57A.050.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 35.58.270 and 2010 c 278 s 1 are each amended to read
6 as follows:

7 (1) If a metropolitan municipal corporation shall be authorized to
8 perform the function of metropolitan transportation with a commission
9 form of management, a metropolitan transit commission shall be formed
10 prior to the effective date of the assumption of such function. Except
11 as provided in this section, the metropolitan transit commission shall
12 exercise all powers of the metropolitan municipal corporation with
13 respect to metropolitan transportation facilities, including but not
14 limited to the power to construct, acquire, maintain, operate, extend,
15 alter, repair, control and manage a local public transportation system
16 within and without the metropolitan area, to establish new passenger
17 transportation services and to alter, curtail, or abolish any services
18 as the commission may deem desirable and to fix tolls and fares.

1 (2) The comprehensive plan for public transportation service and
2 any amendments thereof shall be adopted by the metropolitan council and
3 the metropolitan transit commission shall provide transportation
4 facilities and service consistent with such plan. The metropolitan
5 transit commission shall authorize expenditures for transportation
6 purposes within the budget adopted by the metropolitan council. Tolls
7 and fares may be fixed or altered by the commission only after approval
8 thereof by the metropolitan council. Bonds of the metropolitan
9 municipal corporation for public transportation purposes shall be
10 issued by the metropolitan council as provided in this chapter.

11 (3) The metropolitan transit commission shall consist of seven
12 members. Six of such members shall be appointed by the metropolitan
13 council and the seventh member shall be the chair of the metropolitan
14 council who shall be ex officio the chair of the metropolitan transit
15 commission. Three of the six appointed members of the commission shall
16 be residents of the central city and three shall be residents of the
17 metropolitan area outside of the central city. The three central city
18 members of the first metropolitan transit commission shall be selected
19 from the existing transit commission of the central city, if there be
20 a transit commission in such city. The terms of first appointees shall
21 be for one, two, three, four, five and six years, respectively.
22 Thereafter, commissioners shall serve for a term of four years.
23 Compensation of transit commissioners shall be determined by the
24 metropolitan council.

25 (4) There is one nonvoting member of the metropolitan transit
26 commission. The nonvoting member is recommended by the labor
27 organization representing the public transportation employees within
28 the local public transportation system. If the public transportation
29 employees are represented by more than one labor organization, all such
30 labor organizations shall select the nonvoting member by majority vote.
31 The nonvoting member is appointed for a term of four years. The
32 nonvoting member shall comply with all governing bylaws and policies of
33 the commission. The chair or cochairs of the commission shall exclude
34 the nonvoting member from attending any executive session held for the
35 purpose of discussing contract negotiations with labor organizations~~((-~~
36 ~~The chair or cochairs may exclude the nonvoting member from attending~~
37 ~~any other executive session))~~, personnel matters, potential litigation,
38 litigation, or issues that present a conflict of interest, but may not

1 exclude the nonvoting member from attending executive sessions
2 addressing other matters or from attending commission subcommittees and
3 work groups.

4 (5) The requirement to create a metropolitan transit commission
5 shall not apply to a county that has assumed the rights, powers,
6 functions, and obligations of the metropolitan municipal corporation
7 under chapter 36.56 RCW.

8 **Sec. 2.** RCW 36.57.030 and 2010 c 278 s 2 are each amended to read
9 as follows:

10 Every county which undertakes the transportation function pursuant
11 to RCW 36.57.020 shall create by resolution of the county legislative
12 body a county transportation authority which shall be composed as
13 follows:

14 (1) The elected officials of the county legislative body, not to
15 exceed three such elected officials;

16 (2) The mayor of the most populous city within the county;

17 (3) The mayor of a city with a population less than five thousand,
18 to be selected by the mayors of all such cities within the county;

19 (4) The mayor of a city with a population greater than five
20 thousand, excluding the most populous city, to be selected by the
21 mayors of all such cities within the county: PROVIDED, HOWEVER, That
22 if there is no city with a population greater than five thousand,
23 excluding the most populous city, then the sixth member who shall be an
24 elected official, shall be selected by the other two mayors selected
25 pursuant to subsections (2) and (3) of this section; and

26 (5) An individual recommended by the labor organization
27 representing the public transportation employees within the county
28 transportation authority. If the public transportation employees are
29 represented by more than one labor organization, all such labor
30 organizations shall select the nonvoting member by majority vote. The
31 nonvoting member shall comply with all governing bylaws and policies of
32 the authority. The chair or cochairs of the county transportation
33 authority shall exclude the nonvoting member from attending any
34 executive session held for the purpose of discussing contract
35 negotiations with labor organizations(~~(. The chair or cochairs may~~
36 ~~exclude the nonvoting member from attending any other executive~~
37 ~~session)), personnel matters, potential litigation, litigation, or~~

1 issues that present a conflict of interest, but may not exclude the
2 nonvoting member from attending executive sessions addressing other
3 matters or from attending authority subcommittees and work groups.

4 The members of the authority shall be selected within sixty days
5 after the date of the resolution creating such authority.

6 Any member of the authority who is a mayor or an elected official
7 selected pursuant to subsection (4) of this section and whose office is
8 not a full time position shall receive one hundred dollars for each day
9 attending official meetings of the authority.

10 **Sec. 3.** RCW 36.57A.050 and 2010 c 278 s 3 are each amended to read
11 as follows:

12 (1) Within sixty days of the establishment of the boundaries of the
13 public transportation benefit area the members of the county
14 legislative authority and the elected representative of each city
15 within the area shall provide for the selection of the governing body
16 of such area, the public transportation benefit area authority, which
17 shall consist of elected officials selected by and serving at the
18 pleasure of the governing bodies of component cities within the area
19 and the county legislative authority of each county within the area.
20 If at the time a public transportation benefit area authority assumes
21 the public transportation functions previously provided under the
22 Interlocal Cooperation Act (chapter 39.34 RCW) there are citizen
23 positions on the governing board of the transit system, those positions
24 may be retained as positions on the governing board of the public
25 transportation benefit area authority.

26 (2) Within such sixty-day period, any city may by resolution of its
27 legislative body withdraw from participation in the public
28 transportation benefit area. The county legislative authority and each
29 city remaining in the public transportation benefit area may disapprove
30 and prevent the establishment of any governing body of a public
31 transportation benefit area if the composition thereof does not meet
32 its approval.

33 (3) In no case shall the governing body of a single county public
34 transportation benefit area be greater than nine voting members and in
35 the case of a multicounty area, fifteen voting members. Those cities
36 within the transportation benefit area and excluded from direct
37 membership on the authority are hereby authorized to designate a member

1 of the authority who shall be entitled to represent the interests of
2 such city which is excluded from direct membership on the authority.
3 The legislative body of such city shall notify the authority as to the
4 determination of its authorized representative on the authority.

5 (4) There is one nonvoting member of the public transportation
6 benefit area authority. The nonvoting member is recommended by the
7 labor organization representing the public transportation employees
8 within the local public transportation system. If the public
9 transportation employees are represented by more than one labor
10 organization, all such labor organizations shall select the nonvoting
11 member by majority vote. The nonvoting member shall comply with all
12 governing bylaws and policies of the authority. The chair or cochair
13 of the authority shall exclude the nonvoting member from attending any
14 executive session held for the purpose of discussing contract
15 negotiations with labor organizations~~((The chair or cochair may~~
16 ~~exclude the nonvoting member from attending any other executive~~
17 ~~session))~~, personnel matters, potential litigation, litigation, or
18 issues that present a conflict of interest, but may not exclude the
19 nonvoting member from attending executive sessions addressing other
20 matters or from attending authority subcommittees and work groups. The
21 requirement that a nonvoting member be appointed to the governing body
22 of a public transportation benefit area authority does not apply to an
23 authority that has no employees represented by a labor union.

24 (5) Each member of the authority is eligible to be reimbursed for
25 travel expenses in accordance with RCW 43.03.050 and 43.03.060 and to
26 receive compensation, as set by the authority, in an amount not to
27 exceed forty-four dollars for each day during which the member attends
28 official meetings of the authority or performs prescribed duties
29 approved by the chair of the authority. Except that the authority may,
30 by resolution, increase the payment of per diem compensation to each
31 member from forty-four dollars up to ninety dollars per day or portion
32 of a day for actual attendance at board meetings or for performance of
33 other official services or duties on behalf of the authority. In no
34 event may a member be compensated in any year for more than seventy-
35 five days, except the chair who may be paid compensation for not more
36 than one hundred days: PROVIDED, That compensation shall not be paid
37 to an elected official or employee of federal, state, or local

1 government who is receiving regular full-time compensation from such
2 government for attending meetings and performing prescribed duties of
3 the authority.

4 (6) The dollar thresholds established in this section must be
5 adjusted for inflation by the office of financial management every five
6 years, beginning July 1, 2008, based upon changes in the consumer price
7 index during that time period. "Consumer price index" means, for any
8 calendar year, that year's annual average consumer price index, for
9 Washington state, for wage earners and clerical workers, all items,
10 compiled by the bureau of labor and statistics, United States
11 department of labor. If the bureau of labor and statistics develops
12 more than one consumer price index for areas within the state, the
13 index covering the greatest number of people, covering areas
14 exclusively within the boundaries of the state, and including all items
15 shall be used for the adjustments for inflation in this section. The
16 office of financial management must calculate the new dollar threshold
17 and transmit it to the office of the code reviser for publication in
18 the Washington State Register at least one month before the new dollar
19 threshold is to take effect.

20 (7) A person holding office as commissioner for two or more special
21 purpose districts shall receive only that per diem compensation
22 authorized for one of his or her commissioner positions as compensation
23 for attending an official meeting or conducting official services or
24 duties while representing more than one of his or her districts.
25 However, such commissioner may receive additional per diem compensation
26 if approved by resolution of all boards of the affected commissions.

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