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HOUSE BILL 2553

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State of Washington

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2012 Regular Session

By Representatives Moscoso, Lias, Upthegrove, Fitzgibbon, Reykdal, Billig, Sells, Appleton, Ryu, and Roberts

Read first time 01/17/12. Referred to Committee on Transportation.

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)), but may not exclude the nonvoting member~~

1 from attending executive sessions addressing other matters or from  
2 attending commission subcommittees and work groups.

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

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

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

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

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

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

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

25 (5) An individual recommended by the labor organization  
26 representing the public transportation employees within the county  
27 transportation authority. If the public transportation employees are  
28 represented by more than one labor organization, all such labor  
29 organizations shall select the nonvoting member by majority vote. The  
30 nonvoting member shall comply with all governing bylaws and policies of  
31 the authority. The chair or cochairs of the county transportation  
32 authority shall exclude the nonvoting member from attending any  
33 executive session held for the purpose of discussing contract  
34 negotiations with labor organizations(~~(. The chair or cochairs may~~  
35 ~~exclude the nonvoting member from attending any other executive~~  
36 ~~session)), but may not exclude the nonvoting member from attending~~

1 executive sessions addressing other matters or from attending authority  
2 subcommittees and work groups.

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

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

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

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

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

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

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

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

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

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

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

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