
SUBSTITUTE HOUSE BILL 2708

State of Washington

64th Legislature

2016 Regular Session

By House Local Government (originally sponsored by Representatives Appleton, Griffey, McBride, Fitzgibbon, Gregerson, and Tarleton)

READ FIRST TIME 02/05/16.

1 AN ACT Relating to fire protection district formation by the
2 legislative authority of a city or town subject to voter approval;
3 amending RCW 52.14.010 and 52.14.020; adding new sections to chapter
4 52.02 RCW; and adding a new section to chapter 52.14 RCW.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 52.02
7 RCW to read as follows:

8 (1) As an alternative to the petition method of formation for
9 fire protection districts provided in this chapter, the legislative
10 authority of a city or town may by resolution, subject to the
11 approval of the voters, establish a fire protection district with
12 boundaries that are the same as the corporate boundaries of the city
13 or town for the provision of fire prevention services, fire
14 suppression services, and emergency medical services, and for the
15 protection of life and property within the city or town.

16 (a) Any resolution adopted by a city or town under this section
17 to establish a fire protection district must, at a minimum:

18 (i) Contain a financing plan for the fire protection district. As
19 part of the financing plan, the city or town may propose the
20 imposition of revenue sources authorized by this title for fire

1 protection districts, such as property taxes, as provided in chapter
2 52.16 RCW, or benefit charges, as provided in chapter 52.18 RCW; and

3 (ii) Set a date for a public hearing on the resolution.

4 (b) If a city or town proposes the initial imposition of a
5 benefit charge as a revenue source for the fire protection district
6 under (a) of this subsection, the resolution adopted by the city or
7 town must comply with the requirements of RCW 52.18.030.

8 (c) Notice of public hearing on a resolution adopted by a city or
9 town must be published for three consecutive weeks in a newspaper of
10 general circulation in the city or town, and must be posted for at
11 least fifteen days prior to the date of the hearing in three public
12 places within the boundaries of the proposed fire protection
13 district. All notices must contain the time, date, and place of the
14 public hearing.

15 (2)(a) A resolution adopted under this section is not effective
16 unless approved by the voters of the city or town at a general
17 election. The resolution must be approved:

18 (i) By a simple majority of the voters of the city or town; or

19 (ii) If the resolution proposes the initial imposition of a
20 benefit charge, by sixty percent of the voters of the city or town.

21 (b) An election to approve or reject a resolution forming a fire
22 protection district, including the proposed financial plan and any
23 imposition of revenue sources for the fire protection district, must
24 be conducted by the election officials of the county or counties in
25 which the proposed district is located in accordance with the general
26 election laws of the state. The election must be held at the next
27 general election date, according to RCW 29A.04.321 and 29A.04.330,
28 occurring after the date of the public hearing on the resolution
29 adopted by the city or town legislative authority.

30 (c) If a ballot proposition on the resolution is approved by
31 voters, as provided in (a) of this subsection, the county legislative
32 authority shall by resolution declare the fire protection district
33 organized under the name designated in the ballot proposition.

34 (d) Nothing in this chapter is intended to impair or affect the
35 formation or continued existence of municipal airport fire
36 departments or any other powers authorized under RCW 14.08.120(2).

37 NEW SECTION. **Sec. 2.** A new section is added to chapter 52.02
38 RCW to read as follows:

1 (1) Except as provided otherwise in the resolution adopted by the
2 legislative authority of a city or town establishing a fire
3 protection district under section 1 of this act, all powers, duties,
4 and functions of the city or town fire department pertaining to fire
5 protection and emergency services of the city or town are transferred
6 to the fire protection district on its creation date.

7 (2)(a) The city or town fire department must transfer or deliver
8 to the fire protection district:

9 (i) All reports, documents, surveys, books, records, files,
10 papers, or written material in the possession of the city or town
11 fire department pertaining to fire protection and emergency services
12 powers, functions, and duties;

13 (ii) All real property and personal property including cabinets,
14 furniture, office equipment, motor vehicles, and other tangible
15 property employed by the city or town fire department in carrying out
16 the fire protection and emergency services powers, functions, and
17 duties; and

18 (iii) All funds, credits, or other assets held by the city or
19 town fire department in connection with fire protection and emergency
20 services powers, functions, and duties.

21 (b) Any appropriations made to the city or town fire department
22 for carrying out the fire protection and emergency services powers,
23 functions, and duties of the city or town must be transferred and
24 credited to the fire protection district.

25 (c) Whenever any question arises as to the transfer of any
26 personnel, funds, books, documents, records, papers, files,
27 equipment, or other tangible property used or held in the exercise of
28 the powers and the performance of the duties and functions
29 transferred to the fire protection district, the legislative
30 authority of the city or town must make a determination as to the
31 proper allocation.

32 (3) All rules and all pending business before the city or town
33 fire department pertaining to the fire protection and emergency
34 services powers, functions, and duties transferred must be continued
35 and acted upon by the fire protection district, and all existing
36 contracts and obligations remain in full force and must be performed
37 by the fire protection district.

38 (4) The transfer of powers, duties, functions, and personnel of
39 the city or town fire department do not affect the validity of any
40 act performed before creation of the fire protection district.

1 (5) If apportionments of budgeted funds are required because of
2 the transfers, the treasurer for the city or town fire department
3 must certify the apportionments.

4 (6)(a) Subject to (c) of this subsection, all employees of the
5 city or town fire department are transferred to the fire protection
6 district on its creation date. Upon transfer, unless an agreement for
7 different terms of transfer is reached between the collective
8 bargaining representatives of the transferring employees and the fire
9 protection district, an employee is entitled to the employee rights,
10 benefits, and privileges to which he or she would have been entitled
11 as an employee of the city or town fire department, including rights
12 to:

13 (i) Compensation at least equal to the level at the time of
14 transfer;

15 (ii) Retirement, vacation, sick leave, and any other accrued
16 benefit;

17 (iii) Promotion and service time accrual; and

18 (iv) The length or terms of probationary periods, including no
19 requirement for an additional probationary period if one had been
20 completed before the transfer date.

21 (b) If a city or town provides for civil service in its fire
22 department, the collective bargaining representatives of the
23 transferring employees and the fire protection district must
24 negotiate regarding the establishment of a civil service system
25 within the fire protection district.

26 (c) Nothing contained in this section may be construed to alter
27 any existing collective bargaining unit or the provisions of any
28 existing collective bargaining agreement until the agreement has
29 expired or until the bargaining unit has been modified as provided by
30 law.

31 NEW SECTION. **Sec. 3.** A new section is added to chapter 52.14
32 RCW to read as follows:

33 The members of the legislative authority of a city or town shall
34 serve ex officio, by virtue of their office, as the fire
35 commissioners of a fire protection district created under section 1
36 of this act.

37 **Sec. 4.** RCW 52.14.010 and 2012 c 174 s 1 are each amended to
38 read as follows:

1 (1) The affairs of the district shall be managed by a board of
2 fire commissioners composed initially of three registered voters
3 residing in the district, except as provided otherwise in RCW
4 52.14.015 ((and)), 52.14.020, and section 2 of this act.

5 (2)(a) Each member of an elected board of fire commissioners
6 shall each receive one hundred four dollars per day or portion
7 thereof, not to exceed nine thousand nine hundred eighty-four dollars
8 per year, for time spent in actual attendance at official meetings of
9 the board or in performance of other services or duties on behalf of
10 the district. Members serving in an ex officio capacity on a board of
11 fire commissioners may not receive compensation, but shall receive
12 necessary expenses in accordance with (b) of this subsection.

13 ~~((In addition, they))~~ (b) Each member of a board of fire
14 commissioners shall receive necessary expenses incurred in attending
15 meetings of the board or when otherwise engaged in district business,
16 and shall be entitled to receive the same insurance available to all
17 firefighters of the district: PROVIDED, That the premiums for such
18 insurance, except liability insurance, shall be paid by the
19 individual commissioners who elect to receive it.

20 (c) Any commissioner may waive all or any portion of his or her
21 compensation payable under this section as to any month or months
22 during his or her term of office, by a written waiver filed with the
23 secretary as provided in this section. The waiver, to be effective,
24 must be filed any time after the commissioner's election and prior to
25 the date on which the compensation would otherwise be paid. The
26 waiver shall specify the month or period of months for which it is
27 made.

28 (3) The board shall fix the compensation to be paid the secretary
29 and all other agents and employees of the district. The board may, by
30 resolution adopted by unanimous vote, authorize any of its members to
31 serve as volunteer firefighters without compensation. A commissioner
32 actually serving as a volunteer firefighter may enjoy the rights and
33 benefits of a volunteer firefighter.

34 (4) The dollar thresholds established in this section must be
35 adjusted for inflation by the office of financial management every
36 five years, beginning July 1, 2008, based upon changes in the
37 consumer price index during that time period. "Consumer price index"
38 means, for any calendar year, that year's annual average consumer
39 price index, for Washington state, for wage earners and clerical
40 workers, all items, compiled by the bureau of labor and statistics,

1 United States department of labor. If the bureau of labor and
2 statistics develops more than one consumer price index for areas
3 within the state, the index covering the greatest number of people,
4 covering areas exclusively within the boundaries of the state, and
5 including all items shall be used for the adjustments for inflation
6 in this section. The office of financial management must calculate
7 the new dollar threshold and transmit it to the office of the code
8 reviser for publication in the Washington State Register at least one
9 month before the new dollar threshold is to take effect.

10 (5) A person holding office as commissioner for two or more
11 special purpose districts or serving ex officio as commissioner as a
12 member of the legislative authority of a city or town shall receive
13 only that per diem compensation authorized for one of his or her
14 (~~commissioner~~) official positions as compensation for attending an
15 official meeting or conducting official services or duties while
16 representing more than one (~~of his or her districts~~) district or
17 representing a municipality and a district. However, such
18 commissioner may receive additional per diem compensation if approved
19 by resolution of (~~all~~) the boards of (~~the~~) an affected
20 commission(~~s~~), city, or town.

21 **Sec. 5.** RCW 52.14.020 and 2012 c 174 s 2 are each amended to
22 read as follows:

23 (1) In a fire protection district (~~maintaining~~) with elected
24 commissioners that maintains a fire department consisting wholly of
25 personnel employed on a full-time, fully-paid basis, there shall be
26 five fire commissioners. A fire protection district with an annual
27 budget of ten million dollars or more may have seven fire
28 commissioners.

29 (2)(a) If two positions are created on boards of fire
30 commissioners by this section, such positions shall be filled
31 initially as for a vacancy, except that the appointees shall draw
32 lots, one appointee to serve until the next general fire district
33 election after the appointment, at which two commissioners shall be
34 elected for six-year terms, and the other appointee to serve until
35 the second general fire district election after the appointment, at
36 which two commissioners shall be elected for six-year terms.

37 (b) If four positions are created on boards of fire commissioners
38 by this section, such positions shall be filled initially as for a
39 vacancy, except that the appointees shall draw lots, three appointees

1 to serve until the next general fire district election after the
2 appointment, at which three commissioners shall be elected for
3 six-year terms and two commissioners shall be elected for four-year
4 terms, and the other appointee to serve until the second general fire
5 district election after the appointment, at which two commissioners
6 shall be elected for six-year terms.

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