

ESB 5453 - H COMM AMD  
By Committee on Local Government

ADOPTED AND ENGROSSED 4/12/19

1 Strike everything after the enacting clause and insert the  
2 following:

3 **"Sec. 1.** RCW 87.03.082 and 2013 c 23 s 488 are each amended to  
4 read as follows:

5 Each director shall take and subscribe an official oath for the  
6 faithful discharge of the duties of his or her office (~~(, and shall~~  
7 ~~execute a bond to the district in the sum of one thousand dollars,~~  
8 ~~conditioned for the faithful discharge of his or her duties, which~~  
9 ~~shall be approved by the judge of the superior court of the county~~  
10 ~~where the district was organized,~~) and the oath ((and bond)) shall  
11 be recorded ((in the office of the county clerk of that county)) and  
12 filed with the secretary of the board of directors. The secretary  
13 shall take and subscribe a written oath of office ((and execute a  
14 ~~bond in the sum of not less than one thousand dollars to be fixed by~~  
15 ~~the directors)), which shall be approved and filed as in the case of  
16 ((the bond of)) a director. ((If a district is appointed fiscal agent  
17 of the United States to collect money for it, the secretary and  
18 directors and the district treasurer shall each execute such  
19 additional bonds as the secretary of the interior may require,  
20 conditioned for the faithful discharge of their duties which shall be  
21 approved, recorded, and filed as other official bonds. All such bonds  
22 shall be secured at the cost of the district.))~~

23 **Sec. 2.** RCW 87.03.435 and 1997 c 354 s 3 are each amended to  
24 read as follows:

25 (1) Except as provided in subsections (2) and (3) of this section  
26 and RCW 87.03.436, whenever in the construction of the district canal  
27 or canals, or other works, or the furnishing of materials therefor,  
28 the board of directors shall determine to let a contract or contracts  
29 for the doing of the work or the furnishing of the materials, a  
30 notice calling for sealed proposals shall be published. The notice  
31 shall be published in a newspaper in the county in which the office

1 of the board is situated, (~~and~~) in any other newspaper which may be  
2 designated by the board, and on the irrigation district's web site or  
3 on the county's web site where the district is located if the  
4 district does not have a web site, and for such length of time, not  
5 less than once each week for two weeks, as may be fixed by the board.  
6 At the time and place appointed in the notice for the opening of  
7 bids, the sealed proposals shall be opened in public, and as soon as  
8 convenient thereafter, the board shall let the work or the contract  
9 for the purchase of materials, either in portions or as a whole, to  
10 the lowest responsible bidder, or the board may reject any or all  
11 bids and readvertise, or may contract using the small works roster  
12 process in RCW 39.04.155 or if no bid is received on the first call  
13 the board may readvertise and make a second call or shall solicit  
14 electronic or written quotations from a minimum of three qualified  
15 contractors and shall award the contract to the lowest responsible  
16 bidder. After an award is made, the quotations shall be open to  
17 public inspection and available by electronic request. The district  
18 shall attempt to distribute opportunities for projects equitably  
19 among contractors willing to perform in the geographic area of the  
20 work. The district shall maintain a list of contractors contacted and  
21 the contracts awarded during the previous twenty-four months. The  
22 district also may proceed to construct the work under its own  
23 superintendence. All work shall be done under the direction and to  
24 the satisfaction of the engineer of the district, and be approved by  
25 the board. The board of directors may require bidders submitting bids  
26 for the construction or maintenance for any of the works of the  
27 district, or for the furnishing of labor or material, to accompany  
28 their bids by a deposit in cash, certified check, cashier's check, or  
29 surety bond in an amount equal to five percent of the amount of the  
30 bid and a bid shall not be considered unless the deposit is enclosed  
31 with it. If the contract is let, then all the bid deposits shall be  
32 returned to the unsuccessful bidders. The bid deposit of the  
33 successful bidder shall be retained until a contract is entered into  
34 for the purchase of the materials or doing of such work, and a bond  
35 given to the district in accordance with chapter 39.08 RCW for the  
36 performance of the contract. The performance bond shall be  
37 conditioned as may be required by law and as may be required by  
38 resolution of the board, with good and sufficient sureties  
39 satisfactory to the board, payable to the district for its use, for  
40 at least twenty-five percent of the contract price. If the successful

1 bidder fails to enter into a contract and furnish the necessary bond  
2 within twenty days from the award, exclusive of the day of the award,  
3 the bid deposit shall be forfeited to the district and the contract  
4 may then be awarded to the second lowest bidder.

5 (2) The provisions of this section in regard to public bidding  
6 shall not apply in cases where the board is authorized to exchange  
7 bonds of the district in payment for labor and material.

8 (3) The provisions of this section do not apply:

9 (a) In the case of any contract between the district and the  
10 United States;

11 (b) In the case of an emergency when the public interest or  
12 property of the district would suffer material injury or damage by  
13 delay, upon resolution of the board of directors or proclamation of  
14 an official designated by the board to act for the board during such  
15 emergencies. The resolution or proclamation shall declare the  
16 existence of the emergency and recite the facts constituting the  
17 emergency; or

18 (c) To purchases which are clearly and legitimately limited to a  
19 single source of supply or to purchases involving special facilities,  
20 services, or market conditions, in which instances the purchase price  
21 may be best established by direct negotiation.

22 NEW SECTION. **Sec. 3.** (1) The Washington association of county  
23 officials must conduct a study of irrigation district election-  
24 related practices and procedures and recommend best practices to  
25 standardize those procedures across all districts. Best practices are  
26 those that are equitable and ensure thorough governance of irrigation  
27 districts. In conducting this study, the Washington association of  
28 county officials may collaborate with the secretary of state, county  
29 assessors, county auditors, and other relevant stakeholders as  
30 necessary.

31 (2) The Washington association of county officials must report  
32 its findings and recommendations to the governor and the appropriate  
33 committees of the legislature by December 1, 2019. At minimum,  
34 recommendations for the standardization of election procedures must  
35 include procedures to:

36 (a) Identify qualified voters and directors;

37 (b) Notify qualified voters and directors;

38 (c) Deliver and return ballots;

39 (d) Identify and count official returns; and

1 (e) Declare the winning candidate."

2 Correct the title.

--- **END** ---