
Local Government & Housing Committee

ESSB 5704

Brief Description: Concerning creation of a flood district by three or more counties.

Sponsors: Senate Committee on Government Operations & Elections (originally sponsored by Senators Swecker, Becker, Stevens and Roach).

Brief Summary of Engrossed Substitute Bill

- Exempts flood control districts from certain provisions that require or permit their governing bodies to consist of three members.
- Establishes new composition, appointment, and election provisions for the governing bodies of flood control districts containing three or more counties.

Hearing Date: 2/18/10

Staff: Ethan Moreno (786-7386).

Background:

Flood control districts (flood control districts or districts) may be created and maintained for the protection of life and property, to preserve public health, and to conserve the state's natural resources. Flood control districts may be organized to provide for the necessary control of all or part of the stream system of a stream or tributary, or for the protection of tidal or other bodies of water. Among other general authorized purposes, flood control districts may be organized or maintained for the planning, construction, improvement, and repair of dams, dikes, levees, and other works that are convenient and necessary to control floods and lessen their danger and damages. Flood control districts may include all or part of the territory within a county and may include territory in two or more counties.

With some exceptions, flood control districts are managed by three-member boards of directors (boards). District boards, which are also referred to as "governing bodies," are authorized to manage and conduct the business affairs of the district, including adopting rules and regulations, employing personnel, and generally performing any and all acts necessary to carry out the

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purpose of the district. The initial directors of a newly created district must be appointed by the legislative authority of the county within which the district, or the largest portion of the district, is located. Subsequent directors are elected to six-year terms.

Previously enacted legislation, in part, required flood control district governing bodies with four or more members to be reduced to three members. As directed by the Legislature, the required reductions were to be made by January 1, 1986 by eliminating directors with the shortest remaining terms of office. The remaining directors were required to serve staggered terms according to specified provisions. However, qualifying five-member governing bodies were allowed to be retained if they governed district that is a consolidation of five or more districts. These same five-member governing bodies may choose to reduce their size to three members by eliminating the two directors with the shortest remaining terms of office.

Summary of Bill:

Flood control districts containing three or more counties are exempted from provisions that:

- require governing bodies with four or more members to be reduced to three members; and
- allow qualifying five-member governing bodies to be retained.

New composition, appointment, and election provisions for the governing bodies of flood control districts containing three or more counties are established. The governing body of a district that contains three or more counties must be comprised of:

- one member from each county within the district, as appointed by the legislative authority of each county; and
- two additional members, one each selected by the two counties with the largest populations within the district.

The initial members of the governing body serve until their successors are elected and qualified at the next general election. At the first election, the two members receiving the greatest number of votes will serve six years, and the members receiving the third and fourth greatest number of votes will serve four-year terms. The remaining initially-elected members of the governing body will serve two-year terms.

Eligibility, candidate filing, and vacancy provisions for the governing bodies of flood control districts containing three or more counties are specified. Examples include the following:

- Appointed or elected governing body members, or candidates for these positions, must be registered to vote within the district;
- Representatives of the state, including its agencies and political subdivisions, or their designees, are ineligible for appointment or election to the governing body;
- governing body vacancies must be filled by the legislative authority of the county within which the largest portion of the district is located; and
- Primary elections may not be held for districts containing three or more counties.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.