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ENGROSSED SUBSTITUTE HOUSE BILL 2986

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State of Washington

61st Legislature

2010 Regular Session

By House Local Government & Housing (originally sponsored by Representatives Simpson, Upthegrove, Campbell, Carlyle, Lias, Driscoll, Williams, Ormsby, Sullivan, Nelson, Sells, Appleton, Chase, Seaquist, Ericks, Goodman, Morrell, Green, Dickerson, Hudgins, Van De Wege, White, Maxwell, Miloscia, Conway, Moeller, Jacks, Hurst, Kenney, and Hasegawa)

READ FIRST TIME 02/01/10.

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

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

5 **Sec. 1.** RCW 35.58.270 and 2009 c 549 s 2106 are each amended to  
6 read 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 majority of the public transportation  
28 employees within the local public transportation system. The nonvoting  
29 member is appointed for a term of four years. The chair or cochair of  
30 the commission shall exclude the nonvoting member from attending any  
31 executive session held for the purpose of discussing negotiations with  
32 labor organizations. The chair or cochair may exclude the nonvoting  
33 member from attending any other executive session.

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

1       **Sec. 2.** RCW 36.57.030 and 1974 ex.s. c 167 s 3 are each amended to  
2 read as follows:

3       Every county which undertakes the transportation function pursuant  
4 to RCW 36.57.020 shall create by resolution of the county legislative  
5 body a county transportation authority which shall be composed as  
6 follows:

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

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

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

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

19       (5) An individual recommended by the labor organization  
20 representing the majority of the public transportation employees within  
21 the county transportation authority. The individual serves as a  
22 nonvoting member of the county transportation authority. The chair or  
23 cochairs of the county transportation authority shall exclude the  
24 nonvoting member from attending any executive session held for the  
25 purpose of discussing negotiations with labor organizations. The chair  
26 or cochairs may exclude the nonvoting member from attending any other  
27 executive session.

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

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

34       **Sec. 3.** RCW 36.57A.050 and 2009 c 549 s 4097 are each amended to  
35 read as follows:

36       Within sixty days of the establishment of the boundaries of the  
37 public transportation benefit area the members of the county

1 legislative authority and the elected representative of each city  
2 within the area shall provide for the selection of the governing body  
3 of such area, the public transportation benefit area authority, which  
4 shall consist of elected officials selected by and serving at the  
5 pleasure of the governing bodies of component cities within the area  
6 and the county legislative authority of each county within the area.  
7 If at the time a public transportation benefit area authority assumes  
8 the public transportation functions previously provided under the  
9 Interlocal Cooperation Act (chapter 39.34 RCW) there are citizen  
10 positions on the governing board of the transit system, those positions  
11 may be retained as positions on the governing board of the public  
12 transportation benefit area authority.

13 Within such sixty-day period, any city may by resolution of its  
14 legislative body withdraw from participation in the public  
15 transportation benefit area. The county legislative authority and each  
16 city remaining in the public transportation benefit area may disapprove  
17 and prevent the establishment of any governing body of a public  
18 transportation benefit area if the composition thereof does not meet  
19 its approval.

20 In no case shall the governing body of a single county public  
21 transportation benefit area be greater than nine voting members and in  
22 the case of a multicounty area, fifteen voting members. Those cities  
23 within the transportation benefit area and excluded from direct  
24 membership on the authority are hereby authorized to designate a member  
25 of the authority who shall be entitled to represent the interests of  
26 such city which is excluded from direct membership on the authority.  
27 The legislative body of such city shall notify the authority as to the  
28 determination of its authorized representative on the authority.

29 There is one nonvoting member of the public transportation benefit  
30 area authority. The nonvoting member is recommended by the labor  
31 organization representing the majority of the public transportation  
32 employees within the local public transportation system. The chair or  
33 cochairs of the authority shall exclude the nonvoting member from  
34 attending any executive session held for the purpose of discussing  
35 negotiations with labor organizations. The chair or cochairs may  
36 exclude the nonvoting member from attending any other executive  
37 session. The requirement that a nonvoting member be appointed to the

1 governing body of a public transportation benefit area authority does  
2 not apply to an authority that has no employees represented by a labor  
3 union.

4 Each member of the authority is eligible to be reimbursed for  
5 travel expenses in accordance with RCW 43.03.050 and 43.03.060 and to  
6 receive compensation, as set by the authority, in an amount not to  
7 exceed forty-four dollars for each day during which the member attends  
8 official meetings of the authority or performs prescribed duties  
9 approved by the chair of the authority. Except that the authority may,  
10 by resolution, increase the payment of per diem compensation to each  
11 member from forty-four dollars up to ninety dollars per day or portion  
12 of a day for actual attendance at board meetings or for performance of  
13 other official services or duties on behalf of the authority. In no  
14 event may a member be compensated in any year for more than seventy-  
15 five days, except the chair who may be paid compensation for not more  
16 than one hundred days: PROVIDED, That compensation shall not be paid  
17 to an elected official or employee of federal, state, or local  
18 government who is receiving regular full-time compensation from such  
19 government for attending meetings and performing prescribed duties of  
20 the authority.

21 The dollar thresholds established in this section must be adjusted  
22 for inflation by the office of financial management every five years,  
23 beginning July 1, 2008, based upon changes in the consumer price index  
24 during that time period. "Consumer price index" means, for any  
25 calendar year, that year's annual average consumer price index, for  
26 Washington state, for wage earners and clerical workers, all items,  
27 compiled by the bureau of labor and statistics, United States  
28 department of labor. If the bureau of labor and statistics develops  
29 more than one consumer price index for areas within the state, the  
30 index covering the greatest number of people, covering areas  
31 exclusively within the boundaries of the state, and including all items  
32 shall be used for the adjustments for inflation in this section. The  
33 office of financial management must calculate the new dollar threshold  
34 and transmit it to the office of the code reviser for publication in  
35 the Washington State Register at least one month before the new dollar  
36 threshold is to take effect.

37 A person holding office as commissioner for two or more special  
38 purpose districts shall receive only that per diem compensation

1 authorized for one of his or her commissioner positions as compensation  
2 for attending an official meeting or conducting official services or  
3 duties while representing more than one of his or her districts.  
4 However, such commissioner may receive additional per diem compensation  
5 if approved by resolution of all boards of the affected commissions.

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