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## Local Government Committee

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### HB 1028

**Brief Description:** Using state correctional facility populations to determine population thresholds for certain local government purposes.

**Sponsors:** Representatives Schmick, Takko, Fagan, Springer, Kretz, Shea, Blake and McCune.

#### Brief Summary of Bill

- Authorizes any noncharter code city operating under a mayor-council plan or council-manager plan to include the population of any state correctional facility located within its jurisdiction in calculating the population thresholds pertinent to determining the number of city council members it may have.
- Authorizes any city or town to include the population of any state correctional facility located within its jurisdiction in calculating the population thresholds relevant to eligibility for funding from the Small City Pavement and Sidewalk Account.

**Hearing Date:** 1/14/11

**Staff:** Heather Emery (786-7136).

#### **Background:**

##### City Council Membership.

The Optional Municipal Code (Code) specifically provides for two plans of government for noncharter code cities: the mayor-council plan and the council-manager plan. Under both plans, the Code limits the number of council members in a noncharter code city according to the population of that city.

For the purpose of determining population thresholds, the population of a code city is determined by reference to either the most recent state or federal census, or the population statistics compiled by the Office of Financial Management. State law is silent as to whether the inmates of a state

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

correctional facility located within a code city or town may be counted as part of the population threshold determination.

#### **A. The Mayor-Council Plan of Government.**

In a charter code city, the number of council members is controlled by the charter, which may provide for an uneven number of council members not to exceed eleven.

In a noncharter code city, the number of council members varies according to population. In cities with populations of:

- fewer than 2500 inhabitants, there are five council members; and
- greater than 2500 inhabitants, there are seven council members.

In cities with a fluctuating population:

- If the population decreases from 2500 or more inhabitants to fewer than 2500, council membership shall remain at seven.
- If the population increases from fewer than 2500 inhabitant to more than 2500 inhabitants, the existing council may vote to increase council membership from five to seven.
- If the population increases to 5000 or more inhabitants, council membership shall increase from five to seven members.

#### **B. The Council-Manager Plan of Government.**

In a charter code city, the number of council members is controlled by the charter, which may provide for an uneven number of council members not to exceed eleven.

In a noncharter code city, the number of council members varies according to population. In cities with populations of:

- fewer than 2500 inhabitants, there are five council members; and
- greater than 2500 inhabitants, there are seven council members.

In cities with a fluctuating population:

- If the population decreases from 2500 or more inhabitants to fewer than 2500, the council membership shall remain at seven.
- If the population increases from fewer than 2500 inhabitant to more than 2500 inhabitants, the existing council may vote to increase council membership from five to seven.
- If the population increases to 5000 or more inhabitants, council membership shall increase from five to seven members.

#### **The Small City Pavement and Sidewalk Account.**

State law provides for the Small City Pavement and Sidewalk Account (Account) in the state treasury. Cities and towns with a population of fewer than 5000 inhabitants are eligible to receive money from the Account for the maintenance, repair and resurfacing of city and town streets. State law is silent as to whether the inmates of a state correctional facility located within a code city or town may be counted as part of the population threshold determination.

**Summary of Bill:**

A code city or town with a mayor-council form or council-manager form of government *may* include the population of any state correctional facility within its jurisdiction in calculating the population thresholds pertinent to determining the requisite number of city council members.

A city or town *may* include the population of any state correctional facility within its jurisdiction in calculating the population thresholds relevant to determining its eligibility to obtain funding from the Account.

**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.