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## Local Government & Housing Committee

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### SSB 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 Substitute Bill

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

**Hearing Date:** 3/19/09

**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 of January 1, 1986. As directed by the Legislature, the required reductions were to be made 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 govern a district that is the result of 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;
- allow qualifying five-member governing bodies to be retained.

New composition, appointment, and elections provisions for flood control districts containing three or more counties are established. The governing body of a district that contains three or more counties must include one member from each county, and two additional governing members. No more than two governing members may be from one county.

If the flood control districts abuts or materially impacts tribal lands held in reserve by the federal government, the tribal leadership may appoint one additional member to serve on the governing body. The rights and responsibilities of the tribe must be formalized through a compact between the nontribal members of the governing board and the tribal representative.

The initial members of the governing body must be chosen by each county legislative authority, with each county choosing one member, and the two most populous counties of the district choosing one additional member each. The initial governing body members selected by county legislative authorities must serve until their successors are elected and qualified at the next special district general election, a term defined to mean an election held on the first Monday after the first Tuesday in February of each even-numbered year.

Provisions governing initial election terms, candidate filing, vacancies, and qualifications for serving as an elected or appointed member of a flood control district's governing body are specified.

**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.