
SUBSTITUTE SENATE BILL 5704

State of Washington

61st Legislature

2009 Regular Session

By Senate Government Operations & Elections (originally sponsored by Senators Swecker, Becker, Stevens, and Roach)

READ FIRST TIME 02/19/09.

1 AN ACT Relating to creation of a flood district by three or more
2 counties; amending RCW 85.38.090; and adding a new section to chapter
3 85.38 RCW.

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

5 **Sec. 1.** RCW 85.38.090 and 1991 c 349 s 12 are each amended to read
6 as follows:

7 (1) Whenever the governing body of a special district has more than
8 three members, the governing body shall be reduced to three members as
9 of January 1, 1986, by eliminating the positions of those district
10 governing body members with the shortest remaining terms of office.
11 The remaining three governing body members shall have staggered terms
12 with the one having the shortest remaining term having his or her
13 position filled at the 1987 special district general election, the one
14 with the next shortest remaining term having his or her position filled
15 at the 1989 special district general election, and the one with the
16 longest remaining term having his or her position filled at the 1992
17 special district general election. If any of these remaining three
18 governing body members have identical remaining terms of office, the
19 newly calculated remaining terms of these persons shall be determined

1 by lot with the county auditor who assists the special district in its
2 elections managing such lot procedure. The newly established terms
3 shall be recorded by the county auditor.

4 (2) However, whenever five or more special districts have
5 consolidated under chapter 85.36 RCW and the consolidated district has
6 five members in its governing body on July 28, 1985, the consolidated
7 district may adopt a resolution retaining a five-member governing body.
8 At any time thereafter, such a district may adopt a resolution and
9 reduce the size of the governing body to three members with the
10 reduction occurring as provided in subsection (1) of this section, but
11 the years of the effective dates shall be extended so that the
12 reduction occurs at the next January 1st occurring after the date of
13 the adoption of the resolution. Whenever a special district is so
14 governed by a five-member governing body, two members shall be elected
15 at each of two consecutive special district general elections, and one
16 member shall be elected at the following special district general
17 election, each to serve a six-year staggered term.

18 (3) Subsections (1) and (2) of this section do not apply to flood
19 districts that contain three or more counties.

20 NEW SECTION. Sec. 2. A new section is added to chapter 85.38 RCW
21 to read as follows:

22 The following applies to flood districts that contain three or more
23 counties:

24 (1) The governing body shall include one member from each county
25 and two additional governing members. No more than two governing
26 members may be from one county.

27 (a) If the special flood district abuts or materially impacts
28 tribal lands held in reserve by the federal government, the tribal
29 leadership may appoint one additional member to serve on the governing
30 board of the flood district.

31 (b) The rights and responsibilities of the tribe must be formalized
32 through a compact formed between the nontribal members of the governing
33 board and the tribal representative.

34 (2) The initial members of the governing body must be chosen by
35 each county legislative authority, with each county choosing one
36 member, and the counties with the two largest populations within the

1 special flood district choosing one member each. These initial
2 governing body members shall serve until their successors are elected
3 and qualified at the next special district general election.

4 (3) At this first election, the members receiving the two greatest
5 number of votes shall serve six-year terms, the members receiving the
6 third and fourth greatest number of votes shall serve four-year terms,
7 and the remaining members shall serve two-year terms of office.

8 (4) The requirements for the filing period and method for filing
9 declarations of candidacy for the governing body of the district and
10 the arrangement of candidate names on the ballot for all special
11 district elections conducted after the initial election in the district
12 shall be the same as the requirements for the initial election in the
13 district. No primary elections may be held for the governing body of
14 a special district.

15 (5)(a) Whenever a vacancy occurs in the governing body, the
16 legislative authority of the county within which the largest portion of
17 the special flood district is located shall appoint a district voter to
18 serve until a person is elected, at the next special district general
19 election occurring sixty or more days after the vacancy has occurred,
20 to serve the remainder of the unexpired term. The person so elected
21 shall take office immediately when qualified as defined in RCW
22 29A.04.133.

23 (b) If an election for the position which became vacant would
24 otherwise have been held at this special district election, only one
25 election shall be held and the person elected to fill the succeeding
26 term for that position shall take office immediately when qualified as
27 defined in RCW 29A.04.133 and shall serve both the remainder of the
28 unexpired term and the succeeding term. A vacancy occurs upon the
29 death, resignation, or incapacity of a governing body member or
30 whenever the governing body member ceases being a qualified voter of
31 the special district.

32 (6) An elected or appointed member of a special district governing
33 body, or a candidate for a special district governing body, must be a
34 qualified voter of the special district: PROVIDED, That the state, its
35 agencies and political subdivisions, or their designees under RCW
36 85.38.010(3) shall not be eligible for election or appointment.

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