

SENATE BILL REPORT

SB 6645

As Reported by Senate Committee On:
Government Operations & Security, February 4, 2016

Title: An act relating to allowing a city, town, code city, or county to request mediation in the event of a conflict with another city, town, code city, or county.

Brief Description: Allowing a city, town, code city, or county to request mediation in the event of a conflict with another city, town, code city, or county.

Sponsors: Senator Roach.

Brief History:

Committee Activity: Government Operations & Security: 2/04/16 [DPS, DNP, w/oRec].

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & SECURITY

Majority Report: That Substitute Senate Bill No. 6645 be substituted therefor, and the substitute bill do pass.

Signed by Senators Roach, Chair; Benton, Vice Chair; Pearson, Vice Chair; Dansel.

Minority Report: Do not pass.

Signed by Senators McCoy and Takko.

Minority Report: That it be referred without recommendation.

Signed by Senator Habib.

Staff: Alex Kearns (786-7416)

Background: Cities and Towns. Cities and towns in Washington are municipal corporations classified according to their population at the time of organization. There are four classification types: first class city, second class city, town, or code city. First class cities are those cities with a population of 10,000 or more that have adopted a city charter, while second class cities are those cities with a population of 1500 or more that have not adopted a city charter. Towns are smaller municipalities that have a population of less than 1500. Code cities are those cities with a population of 1500 or more that operate under the Optional Municipal Code, which grants broad home rule powers.

Cities, code cities, and towns all have the power to sue and be sued, to contract and be contracted with, and to acquire, possess, and dispose of property. However, the form of

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government a city operates under determines how these powers are distributed and exercised by different legislative and executive officials. The majority of cities and towns in Washington operate under three principal forms of government: mayor-council form, council-manager form, and commission form.

Counties. Counties in Washington also have diverse forms of government, though they can generally be classified as non-charter counties or home rule charter counties. Non-charter counties operate under a commission form of government. Home rule charter counties may establish their own form of government, such as a council-executive form or a commission-administrator form. Counties in Washington also possess corporate powers to sue and be sued, to enter into contracts, and to purchase and hold land and personal property.

Summary of Bill (Recommended Substitute): When a city, town, code city, or county (Municipality) has a conflict with another Municipality, it may request the names of three mediators from the Attorney General's Office. The Attorney General's Office must provide the names of three mediators within 10 days of receiving the request. These mediators may be selected from any accepted list of mediators without issuing a request for proposals. The two conflicting Municipalities must then choose a mediator who will hear the issues from both sides within 30 days. The mediator must render a binding decision based on the best interests of the taxpayers within 90 days. The mediator may be granted a 10 day extension past the 90 day timeframe if both Municipalities agree. The cost for the mediator will be split evenly between the two Municipalities.

EFFECT OF CHANGES MADE BY GOVERNMENT OPERATIONS & SECURITY COMMITTEE (Recommended Substitute): Requires the Attorney General's Office to provide the names of three mediators within 10 business days of receiving a request. Allows the Attorney General's Office to select mediators from any accepted list of mediators without issuing a request for proposals. Requires mediation to take place within 30 days of when a mediator has been selected. Requires the mediator to render a decision within 90 days of the last mediation session, but permits the mediator to have a 10 day extension if the mediator requests one and both parties agree.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Draft Bill: PRO: This is an efficiency bill which provides a tool that can be used to speed up processes and make things work. The court process is long and expensive. This mediation process would help things move more quickly and in a cost effective manner. It could also serve as a leverage point when things aren't going well. For example, King County passed an initiative to build a family justice center. The county is now in a transaction with the City of Seattle to get the facility built. This has been a time consuming and expensive process. Lots of money has been invested trying to

solve problems that have come up along the way. This could be a tool in the tool box to help address those problems before they become even more expensive.

Persons Testifying on Draft Bill: PRO: Kathy Lambert, King County Councilmember.

Persons Signed In To Testify But Not Testifying on Draft Bill: OTHER: Victoria Lincoln, Association of WA Cities.