

HOUSE BILL REPORT

HB 1017

*As Reported By House Committee on:
Local Government*

Title: An act relating to provision of a process to alter local governments.

Brief Description: Establishing a citizens' review process for altering local governments.

Sponsor(s): Representatives Ferguson, Haugen, Horn, Roland, Cole, Wood, Zellinsky, D. Sommers, Nealey, Nelson, Mitchell, Fraser and May.

Brief History:

Reported by House Committee on:
Local Government, March 4, 1991, DP.

**HOUSE COMMITTEE ON
LOCAL GOVERNMENT**

Majority Report: *Do pass.* Signed by 15 members: Representatives Haugen, Chair; Cooper, Vice Chair; Ferguson, Ranking Minority Member; Mitchell, Assistant Ranking Minority Member; Bray; Edmondson; Franklin; Horn; Nealey; Nelson; Rayburn; Roland; Wood; Wynne; and Zellinsky.

Staff: Steve Lundin (786-7127).

Background: The Local Governance Study Commission was established in 1985 to study local government in the state and make recommendations to the Legislature for changes in laws that were felt to be necessary. This commission had 21 members, and three ex-officio, nonvoting, members. The 21 members included four Senators, four Representatives, four city-elected officials, four county-elected officials, and five persons representing special districts. The ex-officio, nonvoting, members were the director of the Department of Community Affairs, who chaired the meetings, and the executive directors of the Associations of Washington Cities and the Washington State Association of Counties.

Constitutional provisions provide procedures by which: (1) a charter can be approved by the voters of a city of a certain minimum population to alter the governing body and officials of the city government, i.e., a first-class city charter;

(2) a charter can be approved by the voters of any county to alter the governing body and officials of the county government, i.e., a regular county charter; and (3) a charter can be adopted to alter powers and governing bodies of any local government or governments within the county, i.e., a combined "city-county" charter.

Statutes provide procedures by which cities, towns, and approximately 65 different types of special districts can be created. Thirty-nine counties exist in the state. Two hundred sixty-eight cities and towns exist in the state, and hundreds of different special districts exist in the state.

Statutes provide procedures on how most of these local governments can annex territory, how some of these local governments can have territory withdrawn or de-annexed, and how some of the same type of local governments can merge or consolidate. Virtually all these local governments have boundaries that overlap with all or part of the boundaries of other types of local governments.

Summary of Bill: This legislation implements a portion of the constitutional amendment recommended by the Local Governance Study Commission by establishing a process for a temporary citizens' review committee to be elected within a county to review local governments and possibly present proposals for altering local governments to the voters for their approval or rejection. The process is referred to as the citizens' review process. An advisory group of local government officials assists such a citizens' review committee in its deliberations. A citizens' review committee can submit a proposal to the voters in the affected area for their approval or rejection concerning the formation, retention, boundaries, and powers of local governments. However, a school district cannot be affected by such a proposal, and such a proposal cannot address the generation or distribution of electrical energy, nor maritime shipping activities. Provision is made for the development of proposals affecting an area greater than a single county, or less than a single county.

The citizens' review process can be initiated in any county upon either: (1) the adoption of a resolution by the county legislative authority of the county calling for the election of such a temporary citizens' review committee; or (2) the filing of a petition calling for the election of such a temporary board of citizens, that has been signed by county voters equal in number to at least 10 percent of the number of voters in the county voting at the last general election. Two candidates for each position on the temporary citizens' review committee are elected at a primary election, and one

person is elected to each position at the following general election.

A ballot proposition authorizing the initiation of this process must be submitted to the voters of each county that has had a population of 100,000 or more for the last preceding 10 years, at the primary election held in 2000 and each 10 years thereafter if the process had not been invoked in the county during the preceding 10 year period. At the same election, a special election is held to nominate two candidates for each position, but these nominations are null and void if the ballot proposition authorizing the initiation of the process is not approved. If authorized, an election is held at the forthcoming general election to elect members of the temporary citizens' review committee from these nominated candidates.

A temporary citizens' review committee is composed of from 15 to 25 voters of the county who are elected directly to such positions, and an advisory group is composed of from five to 15 local elected officials to act in an advisory capacity. The actual number of such persons is determined in the petition, or resolution, initiating the effort. Only directly elected members of such a committee may vote on any matter.

A temporary citizens' review committee can recommend to the voters of the county, or a less than county-wide area, any ballot proposition that can be answered in the affirmative or negative, including proposing a charter or amending an existing charter. Such a ballot proposition may provide for any change in local governments located within the county, including: (1) the formation, retention, boundaries, and powers of local governments; and (2) altering the distribution of tax moneys among local governments in such an area. However, a school district cannot be affected by such a proposal, and such a proposal cannot address the generation of distribution of electrical energy, nor maritime shipping activities. A ballot proposition is approved by simple majority vote of the voters voting on the proposal. However, a proposition to dissolve a local government that is approved by the voters of the entire affected area is not effective if the voters of that local government, who vote on the proposition, vote against the proposition by a 60 percent or larger margin.

The county legislative authority of a county may adopt a resolution disbanding the temporary citizens' review committee if the committee has been in existence for 365 or more days without providing for the submission of a proposal to the voters. A temporary citizens' review committee shall not remain in existence for longer than 730 days.

The temporary citizens' review committees of two or more adjacent counties may join together and create a multi-county committee to consider possible changes for the multi-county area. Such a multi-county committee functions in the same manner as a single county committee, except that any proposal must be approved by each participating county committee.

Provision is made for the Department of Community Development to assist such efforts by preparing a variety of model charters, making grants from moneys appropriated for such purposes, and undertaking demonstration projects with local governments.

This act does not become effective unless the constitutional amendment (HJR 4202) authorizing the local government service agreement process is approved by the voters.

Fiscal Note: Available.

Effective Date: At the next general election, if the constitutional amendment (HJR 4202) authorizing this process is approved by the voters.

Testimony For: This implements part of the constitutional amendment proposed by the Local Governance Study Commission. This allows the citizens to craft their local governments to suit local conditions. Basically, our local governments have not changed in decades, or even a century.

Testimony Against: None.

Witnesses: (All testified in favor.) Chuck Clarke, Director, Department of Community Development; Gary Lowe, Washington State Association of Counties; Stan Finkelstein, Association of Washington Cities; and Joe Daniels, Washington State Association of Water/Wastewater Districts.