
SUBSTITUTE HOUSE BILL 1031

State of Washington 52nd Legislature 1991 Regular Session

By House Committee on Local Government (originally sponsored by Representatives Wood, Haugen, Ferguson, Nelson, Horn, Roland, Paris and Nealey).

Read first time February 18, 1991.

1 AN ACT Relating to water and sewer districts; amending RCW
2 56.08.100, 56.08.140, 56.12.015, 57.08.100, 57.08.120, and 57.12.015;
3 reenacting and amending RCW 57.08.010; and adding a new section to
4 chapter 57.08 RCW.

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

6 **Sec. 1.** RCW 56.08.100 and 1981 c 190 s 5 are each amended to read
7 as follows:

8 A sewer district, by a majority vote of its board of commissioners,
9 may enter into contracts to provide health care services and/or group
10 insurance and/or term life insurance and/or social security insurance
11 for the benefit of its employees and may pay all or any part of the
12 cost thereof. Any two or more sewer districts or one or more sewer
13 districts and one or more water districts, by a majority vote of their
14 respective boards of commissioners, may, if deemed expedient, join in
15 the procuring of such health care services and/or group insurance

1 and/or term life insurance, and the board of commissioners of each
2 participating sewer and/or water district may by appropriate resolution
3 authorize their respective district to pay all or any portion of the
4 cost thereof.

5 A sewer district with five thousand or more customers providing
6 health, group, or life insurance to its employees may provide its
7 commissioners with the same coverage.

8 **Sec. 2.** RCW 56.08.140 and 1967 c 178 s 3 are each amended to read
9 as follows:

10 No such lease shall be made unless secured by a bond conditioned on
11 the performance of the terms of the lease, with surety satisfactory to
12 the commissioners, in a penalty of not less than one-sixth of the term
13 of the lease or for one year's rental, whichever is greater; and no
14 such lease shall be made for a term longer than twenty-five years.
15 However, the board of commissioners may require a reasonable security
16 deposit in lieu of a bond on leased real property owned by the water or
17 sewer district.

18 **Sec. 3.** RCW 56.12.015 and 1990 c 259 s 23 are each amended to read
19 as follows:

20 If a three-member board of commissioners of any sewer district of
21 any size determines by resolution (~~(and approves by unanimous vote of~~
22 ~~the board))~~) that it would be in the best interest of the district to
23 increase the number of commissioners from three to five, or if the
24 board of a sewer district of any size is presented with a petition
25 signed by ten percent of the registered voters resident within the
26 district who voted in the last general municipal election calling for
27 an increase in the number of commissioners of the district, the board
28 shall submit a resolution to the county auditor requesting that an

1 election be held. Upon receipt of the resolution, the county auditor
2 shall call a special election to be held within the sewer district in
3 accordance with RCW 29.13.010 and 29.13.020, at which election a
4 proposition in substantially the following language shall be submitted
5 to the voters:

6 Shall the Board of Commissioners of(Name and/or No. of
7 sewer district)..... be increased from three to five members?

8 Yes

9 No

10 If the proposition receives a majority approval at the election the
11 board of commissioners of the sewer district shall be increased to five
12 members. In any sewer district with more than ten thousand customers,
13 if a three-member board of commissioners determines by resolution and
14 approves by unanimous vote of the board that it would be in the best
15 interest of the district to increase the number of commissioners from
16 three to five, the number of commissioners shall be so increased,
17 without an election, unless within ninety days of adoption of that
18 resolution, a petition requesting an election and signed by at least
19 ten percent of the registered voters who voted in the last general
20 municipal election is filed with the board. If such a petition is
21 received, the board shall submit the resolution and the petition to the
22 county auditor, who shall call a special election in the manner
23 described in this section and in accordance with the provisions of RCW
24 29.13.010 and 29.13.020.

25 The two positions created on boards of sewer commissioners by this
26 section shall be filled initially as for a vacancy, except that the
27 appointees shall draw lots, one appointee to serve until the next
28 general sewer district election after the appointment, at which two

1 commissioners shall be elected for six-year terms, and the other
2 appointee to serve until the second general sewer district election
3 after the appointment, at which two commissioners shall be elected for
4 six-year terms.

5 **Sec. 4.** RCW 57.08.010 and 1989 c 389 s 9 and 1989 c 308 s 2 are
6 each reenacted and amended to read as follows:

7 (1) (a) A water district may acquire by purchase or condemnation,
8 or both, all property and property rights and all water and water
9 rights, both within and without the district, necessary for its
10 purposes.

11 (b) A water district may lease real or personal property necessary
12 for its purposes for a term of years for which such leased property may
13 reasonably be needed where in the opinion of the board of water
14 commissioners such property may not be needed permanently or
15 substantial savings to the district can be effected thereby.

16 (c) The right of eminent domain shall be exercised in the same
17 manner and by the same procedure as provided for cities of the third
18 class, insofar as consistent with the provisions of this title, except
19 that all assessment rolls to be prepared and filed by eminent domain
20 commissioners or commissioners appointed by the court shall be prepared
21 and filed by the water district, and the duties devolving upon the city
22 treasurer are hereby imposed upon the county treasurer.

23 (d) A water district may construct, condemn and purchase, purchase,
24 add to, maintain, and supply waterworks to furnish the district and
25 inhabitants thereof, and any city or town therein and any other
26 persons, both within and without the district, with an ample supply of
27 water for all uses and purposes public and private with full authority
28 to regulate and control the use, content, distribution, and price
29 thereof in such a manner as is not in conflict with general law and may

1 construct, acquire, or own buildings and other necessary district
2 facilities.

3 (e) A water district contiguous to Canada may contract with a
4 Canadian corporation for the purchase of water and for the
5 construction, purchase, maintenance, and supply of waterworks to
6 furnish the district and inhabitants thereof and residents of Canada
7 with an ample supply of water under terms approved by the board of
8 commissioners. Such waterworks may include facilities which result in
9 combined water supply and electric generation, provided that the
10 electricity generated thereby is a byproduct of the water supply
11 system.

12 (f) Such electricity may be used by the water district or sold to
13 any entity authorized by law to distribute electricity. Such
14 electricity is a byproduct when the electrical generation is
15 subordinate to the primary purpose of water supply.

16 (g) For such purposes, a water district may take, condemn and
17 purchase, purchase, acquire, and retain water from any public or
18 navigable lake, river, or watercourse, or any underflowing water and,
19 by means of aqueducts or pipe line conduct the same throughout such
20 water district and any city or town therein and carry it along and upon
21 public highways, roads, and streets, within and without such district.

22 (h) For the purpose of constructing or laying aqueducts or pipe
23 lines, dams, or waterworks or other necessary structures in storing and
24 retaining water or for any other lawful purpose such water district may
25 occupy the beds and shores up to the high water mark of any such lake,
26 river, or other watercourse, and may acquire by purchase or
27 condemnation such property or property rights or privileges as may be
28 necessary to protect its water supply from pollution.

29 (i) For the purposes of waterworks which include facilities for
30 the generation of electricity as a byproduct, nothing in this section

1 may be construed to authorize a water district to condemn electric
2 generating, transmission, or distribution rights or facilities of
3 entities authorized by law to distribute electricity, or to acquire
4 such rights or facilities without the consent of the owner.

5 (2) A water district may purchase and take water from any municipal
6 corporation.

7 (3) A water district may fix rates and charges for water supplied
8 and may charge property owners seeking to connect to the district's
9 water supply system, as a condition to granting the right to so
10 connect, in addition to the cost of such connection, such reasonable
11 connection charge as the board of commissioners shall determine to be
12 proper in order that such property owners shall bear their equitable
13 share of the cost of such system.

14 (a) For purposes of calculating a connection charge, the board of
15 commissioners shall determine the pro rata share of the cost of
16 existing facilities and facilities planned for construction within the
17 next ten years and contained in an adopted comprehensive plan and other
18 costs borne by the district which are directly attributable to the
19 improvements required by property owners seeking to connect to the
20 system. The cost of existing facilities shall not include those
21 portions of the system which have been donated or which have been paid
22 for by grants.

23 (b) The connection charge may include interest charges applied from
24 the date of construction of the water system until the connection, or
25 for a period not to exceed ten years, whichever is shorter, at a rate
26 commensurate with the rate of interest applicable to the district at
27 the time of construction or major rehabilitation of the water system,
28 or at the time of installation of the water lines to which the property
29 owner is seeking to connect.

1 (4) (a) A district may permit payment of the cost of connection and
2 the reasonable connection charge to be paid with interest in
3 installments over a period not exceeding fifteen years. The county
4 treasurer may charge and collect a fee of three dollars for each year
5 for the treasurer's services. Such fees shall be a charge to be
6 included as part of each annual installment, and shall be credited to
7 the county current expense fund by the county treasurer.

8 (b) Revenues from connection charges excluding permit fees are to
9 be considered payments in aid of construction as defined by department
10 of revenue rule.

11 **Sec. 5.** RCW 57.08.100 and 1981 c 190 s 6 are each amended to read
12 as follows:

13 A water district, by a majority vote of its board of commissioners,
14 may enter into contracts to provide health care services and/or group
15 insurance and/or term life insurance and/or social security insurance
16 for the benefit of its employees and may pay all or any part of the
17 cost thereof. Any two or more water districts or any one or more water
18 districts and one or more sewer districts, by a majority vote of their
19 respective boards of commissioners, may, if deemed expedient, join in
20 the procuring of such health care services and/or group insurance
21 and/or term life insurance, and the board of commissioners of each
22 participating sewer and/or water district may by appropriate resolution
23 authorize their respective district to pay all or any portion of the
24 cost thereof.

25 A water district with five thousand or more customers providing
26 health, group, or life insurance to its employees may provide its
27 commissioners with the same coverage.

1 **Sec. 6.** RCW 57.08.120 and 1967 ex.s. c 135 s 1 are each amended to
2 read as follows:

3 A water district may lease out real property which it owns or in
4 which it has an interest and which is not immediately necessary for its
5 purposes upon such terms as the board of water commissioners deems
6 proper: PROVIDED, That no such lease shall be made until the water
7 district has first caused notice thereof to be published twice in a
8 newspaper in general circulation in the water district, the first
9 publication to be at least fifteen days and the second at least seven
10 days prior to the making of such lease, which notice shall describe the
11 property proposed to be leased out, to whom, for what purpose, and the
12 rental to be charged therefor. A hearing shall be held pursuant to the
13 terms of the said notice, at which time any and all persons who may be
14 interested shall have the right to appear and to be heard.

15 No such lease shall be for a period longer than twenty-five years,
16 and each lease of real property shall be secured by a bond conditioned
17 to perform the terms of such lease with surety satisfactory to the
18 commissioners, in a penalty not less than the rental for one-sixth of
19 the term: PROVIDED, That the penalty shall not be less than the rental
20 for one year where the term is one year or more. In a lease, the term
21 of which exceeds five years, and when at the option of the
22 commissioners, it is so stipulated in the lease, the commission shall
23 accept, with surety satisfactory to it, a bond conditioned to perform
24 the terms of the lease for some part of the term, in no event less than
25 five years (unless the remainder of the unexpired term is less than
26 five years, in which case for the full remainder) and in every such
27 case the commissioners shall require of the lessee, another or other
28 like bond to be delivered within two years, and not less than one year
29 prior to the expiration of the period covered by the existing bond,
30 covering an additional part of the term in accordance with the

1 foregoing provisions in respect to the original bond, and so on until
2 the end of the term so that there will always be in force a bond
3 securing the performance of the lease, and the penalty in each bond
4 shall be not less than the rental for one-half the period covered
5 thereby, but no bond shall be construed to secure the furnishing of any
6 other bond. However, the board of commissioners may require a
7 reasonable security deposit in lieu of a bond on leased real property
8 owned by a water district.

9 The commissioners may accept as surety on any bond required by this
10 section, either an approved surety company or one or more persons
11 satisfactory to the commissioners, or in lieu of such bond may accept
12 a deposit as security of such property or collateral or the giving of
13 such other form of security as may be satisfactory to the
14 commissioners.

15 NEW SECTION. Sec. 7. A new section is added to chapter 57.08 RCW
16 to read as follows:

17 A water district may adopt a water conservation plan and emergency
18 water use restrictions. The district may enforce a water conservation
19 plan and emergency water use restrictions by imposing a fine as
20 provided by resolution for failure to comply with any such plan or
21 restrictions. The commissioners may provide by resolution that if a
22 fine for failure to comply with the water conservation plan or
23 emergency water use restrictions is delinquent for a specified period
24 of time, the district shall certify the delinquency to the treasurer of
25 the county in which the real property is located and serve notice of
26 the delinquency on the party failing to comply, and the fine is then a
27 lien against the property of the party failing to comply with the water
28 conservation plan or emergency water use restrictions. The district

1 may enforce the collection of the fines in the same manner as rates and
2 charges as provided in RCW 57.08.080 and 57.08.090.

3 **Sec. 8.** RCW 57.12.015 and 1990 c 259 s 29 are each amended to read
4 as follows:

5 In the event a three-member board of commissioners of any water
6 district of any size determines by resolution (~~and approves by~~
7 ~~unanimous vote of the board~~) that it would be in the best interest of
8 the district to increase the number of commissioners from three to
9 five, or in the event the board of a water district of any size is
10 presented with a petition signed by ten percent of the registered
11 voters resident within the district who voted in the last general
12 municipal election calling for an increase in the number of
13 commissioners of the district, the board shall submit a resolution to
14 the county auditor requesting that an election be held. Upon receipt
15 of the resolution, the county auditor shall call a special election to
16 be held within the water district in accordance with RCW 29.13.010 and
17 29.13.020, at which election a proposition in substantially the
18 following language shall be submitted to the voters:

19 Shall the Board of Commissioners of
20 (Name and/or No. of water district) be increased from three to five
21 members?

22 Yes

23 No

24 If the proposition receives a majority approval at the election the
25 board of commissioners of the water district shall be increased to five
26 members. In any water district with more than ten thousand customers,
27 if a three-member board of commissioners determines by resolution and

1 approves by unanimous vote of the board that it would be in the best
2 interest of the district to increase the number of commissioners from
3 three to five, the number of commissioners shall be so increased,
4 without an election, unless within ninety days of adoption of that
5 resolution a petition requesting an election and signed by at least ten
6 percent of the registered voters who voted in the last general
7 municipal election is filed with the board. If such a petition is
8 received, the board shall submit the resolution and the petition to the
9 county auditor, who shall call a special election in the manner
10 described in this section and in accordance with the provisions of RCW
11 29.13.010 and 29.13.020.

12 The two positions created on boards of water commissioners by this
13 section shall be filled initially as for a vacancy, except that the
14 appointees shall draw lots, one appointee to serve until the next
15 general water district election after the appointment, at which two
16 commissioners shall be elected for six-year terms, and the other
17 appointee to serve until the second general water district election
18 after the appointment, at which two commissioners shall be elected for
19 six-year terms.