

CERTIFICATION OF ENROLLMENT

**HOUSE BILL 1578**

61st Legislature  
2009 Regular Session

Passed by the House February 27, 2009  
Yeas 94 Nays 0

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**Speaker of the House of Representatives**

Passed by the Senate April 13, 2009  
Yeas 43 Nays 0

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**President of the Senate**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 1578** as passed by the House of Representatives and the Senate on the dates hereon set forth.

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**Chief Clerk**

FILED

**Secretary of State  
State of Washington**

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HOUSE BILL 1578

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Passed Legislature - 2009 Regular Session

State of Washington                      61st Legislature                      2009 Regular Session

By Representatives Driscoll, Ormsby, Wood, and Williams

Read first time 01/23/09. Referred to Committee on Local Government & Housing.

1            AN ACT Relating to the board of directors of an air pollution  
2 control authority; and amending RCW 70.94.100 and 70.94.120.

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

4            **Sec. 1.** RCW 70.94.100 and 2006 c 227 s 1 are each amended to read  
5 as follows:

6            (1) The governing body of each authority shall be known as the  
7 board of directors.

8            (2)(a) In the case of an authority comprised of one county, with a  
9 population of less than four hundred thousand people, the board shall  
10 be comprised of two appointees of the city selection committee, at  
11 least one of whom shall represent the city having the most population  
12 in the county, and two representatives to be designated by the board of  
13 county commissioners.

14            (b) In the case of an authority comprised of one county, with a  
15 population of equal to or greater than four hundred thousand people,  
16 the board shall be comprised of three appointees of cities, one each  
17 from the two cities with the most population in the county and one  
18 appointee of the city selection committee representing the other

1 cities, and one representative to be designated by the board of county  
2 commissioners.

3 (c) In the case of an authority comprised of two, three, four, or  
4 five counties, the board shall be comprised of one appointee from each  
5 county, who shall represent the city having the most population in such  
6 county, to be designated by the mayor and city council of such city,  
7 and one representative from each county to be designated by the board  
8 of county commissioners of each county making up the authority.

9 (d) In the case of an authority comprised of six or more counties,  
10 the board shall be comprised of one representative from each county to  
11 be designated by the board of county commissioners of each county  
12 making up the authority, and three appointees, one each from the three  
13 largest cities within the local authority's jurisdiction to be  
14 appointed by the mayor and city council of such city.

15 (3) If the board of an authority otherwise would consist of an even  
16 number, the members selected as above provided shall agree upon and  
17 elect an additional member who shall be:

18 (a) In the case of an authority comprised of one county with a  
19 population of equal to or greater than four hundred thousand people, a  
20 citizen residing in the county who demonstrates significant  
21 professional experience in the field of public health, air quality  
22 protection, or meteorology; or

23 (b) In the case of an authority comprised of one county, with a  
24 population less than four hundred thousand people, or of more than one  
25 county, either a member of the governing body of one of the towns,  
26 cities or counties comprising the authority, or a private citizen  
27 residing in the authority.

28 (4) The terms of office of board members shall be four years.

29 (5) If an appointee is unable to complete his or her term as a  
30 board member, the vacancy for that office must be filled by the same  
31 method as the original appointment, except for the appointment by the  
32 city selection committee, which must use the method in RCW 70.94.120(1)  
33 for replacements. The person appointed as a replacement will serve the  
34 remainder of the term for that office.

35 (6) Wherever a member of a board has a potential conflict of  
36 interest in an action before the board, the member shall declare to the  
37 board the nature of the potential conflict prior to participating in  
38 the action review. The board shall, if the potential conflict of

1 interest, in the judgment of a majority of the board, may prevent the  
2 member from a fair and objective review of the case, remove the member  
3 from participation in the action.

4 **Sec. 2.** RCW 70.94.120 and 1995 c 261 s 2 are each amended to read  
5 as follows:

6 (1) The city selection committee of each county which is included  
7 within an authority shall meet within one month after the activation of  
8 such authority for the purpose of making its initial appointments to  
9 the board of such authority and thereafter whenever necessary for the  
10 purpose of making succeeding appointments. All meetings shall be held  
11 upon at least two weeks written notice given by the county auditor to  
12 each member of the city selection committee of each county and he shall  
13 give such notice upon request of any member of such committee. A  
14 similar notice shall be given to the general public by a publication of  
15 such notice in a newspaper of general circulation in such authority.  
16 The county auditor shall act as recording officer, maintain its records  
17 and give appropriate notice of its proceedings and actions.

18 (2) As an alternative to meeting in accordance with subsection (1)  
19 of this section, the county auditor may administer the appointment  
20 process through the mail.

21 (a) At least four months prior to the expiration of the term of  
22 office, the county auditor must mail a request to each member of the  
23 city selection committee seeking nominations to the office. The  
24 members of the selection committee have until the last day of the  
25 fourth month to return the nomination to the auditor or the auditor's  
26 designee.

27 (b) Within five business days of the close of the nomination  
28 period, the county auditor will mail ballots by certified mail to the  
29 members of the city selection committee, specifying (~~(a date by which~~  
30 ~~to complete the ballot, and a)) the date by which to return the~~  
31 ~~completed ballot~~ which is the last day of the third month prior to the  
32 expiration of the term of office. Each mayor who chooses to  
33 participate in the balloting shall (~~(write in))~~ mark the choice for  
34 appointment, sign the ballot, and return the ballot to the county  
35 auditor. Each completed ballot shall be date-stamped upon receipt by  
36 the mayor or staff of the mayor of the city or town. The timely return

1 of completed ballots by a majority of the members of each city  
2 selection committee constitutes a quorum and the common choice by a  
3 majority of the quorum constitutes a valid appointment.

4 (3) (~~Balloting shall be preceded by~~) At least two weeks' written  
5 notice((7)) must be given by the county auditor to each member of the  
6 city selection committee prior to the nomination process. A similar  
7 notice shall be given to the general public by publication in a  
8 newspaper of general circulation in the authority. A single notice is  
9 sufficient for both the nomination process and the balloting process.

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