
SECOND SUBSTITUTE HOUSE BILL 1860

State of Washington

65th Legislature

2018 Regular Session

By House Transportation (originally sponsored by Representatives Fey, Jinkins, and Sawyer)

READ FIRST TIME 02/02/18.

1 AN ACT Relating to population-based representation on the
2 governing body of public transportation benefit areas; amending RCW
3 36.57A.050 and 36.57A.055; and providing an effective date.

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

5 **Sec. 1.** RCW 36.57A.050 and 2010 c 278 s 3 are each amended to
6 read as follows:

7 Within sixty days of the establishment of the boundaries of the
8 public transportation benefit area the members of the county
9 legislative authority and the elected representative of each city
10 within the area shall provide for the selection of the governing body
11 of such area, the public transportation benefit area authority, which
12 shall consist of elected officials selected by and serving at the
13 pleasure of the governing bodies of component cities within the area
14 and the county legislative authority of each county within the area.
15 The members of the governing body of the public transportation
16 benefit area, if the population of the county in which the public
17 transportation benefit area is located is more than four hundred
18 thousand and the county does not also contain a city with a
19 population of seventy-five thousand or more operating a transit
20 system pursuant to chapter 35.95 RCW, must be selected to assure
21 proportional representation, based on population, of each of the

1 component cities located within the public transportation benefit
2 area and the unincorporated areas of the county located within the
3 public transportation benefit area, to the extent possible within the
4 restrictions placed on the size of the governing body of a public
5 transportation benefit area. If necessary to assure such proportional
6 representation, multiple cities may be represented by a single
7 elected official from one of the cities. A majority of the governing
8 board may not be selected to represent a single component city. If at
9 the time a public transportation benefit area authority assumes the
10 public transportation functions previously provided under the
11 interlocal cooperation act (chapter 39.34 RCW) there are citizen
12 positions on the governing board of the transit system, those
13 positions may be retained as positions on the governing board of the
14 public transportation benefit area authority.

15 Within such sixty-day period, any city may by resolution of its
16 legislative body withdraw from participation in the public
17 transportation benefit area. The county legislative authority and
18 each city remaining in the public transportation benefit area may
19 disapprove and prevent the establishment of any governing body of a
20 public transportation benefit area if the composition thereof does
21 not meet its approval.

22 In no case shall the governing body of a single county public
23 transportation benefit area be greater than nine voting members and
24 in the case of a multicounty area, fifteen voting members. Those
25 cities within the public transportation benefit area and excluded
26 from direct membership on the authority are hereby authorized to
27 designate a member of the authority who shall be entitled to
28 represent the interests of such city which is excluded from direct
29 membership on the authority. The legislative body of such city shall
30 notify the authority as to the determination of its authorized
31 representative on the authority.

32 There is one nonvoting member of the public transportation
33 benefit area authority. The nonvoting member is recommended by the
34 labor organization representing the public transportation employees
35 within the local public transportation system. If the public
36 transportation employees are represented by more than one labor
37 organization, all such labor organizations shall select the nonvoting
38 member by majority vote. The nonvoting member shall comply with all
39 governing bylaws and policies of the authority. The chair or cochairs
40 of the authority shall exclude the nonvoting member from attending

1 any executive session held for the purpose of discussing negotiations
2 with labor organizations. The chair or cochairs may exclude the
3 nonvoting member from attending any other executive session. The
4 requirement that a nonvoting member be appointed to the governing
5 body of a public transportation benefit area authority does not apply
6 to an authority that has no employees represented by a labor union.

7 Each member of the authority is eligible to be reimbursed for
8 travel expenses in accordance with RCW 43.03.050 and 43.03.060 and to
9 receive compensation, as set by the authority, in an amount not to
10 exceed forty-four dollars for each day during which the member
11 attends official meetings of the authority or performs prescribed
12 duties approved by the chair of the authority. Except that the
13 authority may, by resolution, increase the payment of per diem
14 compensation to each member from forty-four dollars up to ninety
15 dollars per day or portion of a day for actual attendance at board
16 meetings or for performance of other official services or duties on
17 behalf of the authority. In no event may a member be compensated in
18 any year for more than seventy-five days, except the chair who may be
19 paid compensation for not more than one hundred days: PROVIDED, That
20 compensation shall not be paid to an elected official or employee of
21 federal, state, or local government who is receiving regular full-
22 time compensation from such government for attending meetings and
23 performing prescribed duties of the authority.

24 The dollar thresholds established in this section must be
25 adjusted for inflation by the office of financial management every
26 five years, beginning July 1, 2008, based upon changes in the
27 consumer price index during that time period. "Consumer price index"
28 means, for any calendar year, that year's annual average consumer
29 price index, for Washington state, for wage earners and clerical
30 workers, all items, compiled by the bureau of labor and statistics,
31 United States department of labor. If the bureau of labor and
32 statistics develops more than one consumer price index for areas
33 within the state, the index covering the greatest number of people,
34 covering areas exclusively within the boundaries of the state, and
35 including all items shall be used for the adjustments for inflation
36 in this section. The office of financial management must calculate
37 the new dollar threshold and transmit it to the office of the code
38 reviser for publication in the Washington State Register at least one
39 month before the new dollar threshold is to take effect.

1 A person holding office as commissioner for two or more special
2 purpose districts shall receive only that per diem compensation
3 authorized for one of his or her commissioner positions as
4 compensation for attending an official meeting or conducting official
5 services or duties while representing more than one of his or her
6 districts. However, such commissioner may receive additional per diem
7 compensation if approved by resolution of all boards of the affected
8 commissions.

9 **Sec. 2.** RCW 36.57A.055 and 1991 c 318 s 16 are each amended to
10 read as follows:

11 After a public transportation benefit area has been in existence
12 for four years, members of the county legislative authority and the
13 elected representative of each city within the boundaries of the
14 public transportation benefit area shall review the composition of
15 the governing body of the benefit area and change the composition of
16 the governing body if the change is deemed appropriate. When
17 determining if a change to the composition of the governing body is
18 appropriate, the proportional representation requirements of RCW
19 36.57A.050 must be taken into consideration if the population of the
20 county in which the public transportation benefit area is located is
21 more than four hundred thousand and the county does not also contain
22 a city with a population of seventy-five thousand or more operating a
23 transit system pursuant to chapter 35.95 RCW, and the composition of
24 the governing body must be changed if necessary to meet this
25 requirement. The review shall be at a meeting of the designated
26 representatives of the component county and cities, and the majority
27 of those present shall constitute a quorum at such meeting. Twenty
28 days notice of the meeting shall be given by the chief administrative
29 officer of the public transportation benefit area authority. After
30 the initial review, a review shall be held every four years.

31 If an area having a population greater than fifteen percent, or
32 areas with a combined population of greater than twenty-five percent
33 of the population of the existing public transportation benefit area
34 as constituted at the last review meeting, annex to the public
35 transportation benefit area, or if an area is added under RCW
36 36.57A.140(2), the representatives of the component county and cities
37 shall meet within ninety days to review and change the composition of
38 the governing body, if the change is deemed appropriate. This meeting
39 is in addition to the regular four-year review meeting and shall be

1 conducted pursuant to the same notice requirement and quorum
2 provisions of the regular review.

3 NEW SECTION. **Sec. 3.** This act takes effect July 1, 2018.

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