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## Local Government Committee

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### ESB 5453

**Brief Description:** Concerning the administration of irrigation districts.

**Sponsors:** Senators Takko and Short.

#### Brief Summary of Engrossed Bill

- Removes all provisions related to the execution of bonds with respect to irrigation district directors.
- Removes requirements that official oaths be approved by a superior court judge and recorded in the office of the county clerk.
- Allows a board of an irrigation district that has not received any bids after a first call to either readvertise and make a second call or enter into a contract without any further call.
- Requires the Washington Association of County Officials to study and make recommendations to standardize irrigation district election methods by December 1, 2019.

**Hearing Date:** 3/27/19

**Staff:** Yvonne Walker (786-7841).

#### **Background:**

An irrigation district (district) is a type of special purpose district with broad statutory authorization to engage in a wide range of activities and provide a myriad of services. Generally, districts provide for the construction, improvement, maintenance, and operation of irrigation systems. Districts also may provide drainage, domestic water supply, electric power facilities, fire hydrants, and street lighting. Districts may finance their operations and actions through fees, charges, and assessments, but do not have the authority to impose property taxes.

#### Irrigation District Board.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

A district is governed by a board of directors (board) composed of three to seven members who are elected to staggered three-year terms of office. All directors elected to office must hold title or evidence of title to land within the district.

Each director must take and subscribe an official oath for the faithful discharge of the duties of their office, and must execute a \$1,000 bond to the district, conditioned for the faithful discharge of their duties. The oath and bond must be approved by a superior court judge, recorded in the office of the county clerk, and filed with the secretary of the board. The secretary of the board must then also execute a bond of not less than \$1,000. If a district is appointed fiscal agent of the United States to collect money for it, the secretary, directors, and the district treasurer must each execute such additional bonds as the Secretary of the Interior may require. All bonds must be secured at the cost of the district.

#### Contracts for Construction Work.

If the board of a district purchases work or materials by contract, it must use a publicly conducted, sealed bidding procedure. Notice calling for sealed proposals must be published in appropriate newspapers at least once a week for two weeks. The sealed bids must be opened publicly at a time and place appointed in the notice. The board must then award the contract to the lowest responsible bidder, or may reject all bids and readvertise, or may proceed to construct the work under its own superintendence.

#### **Summary of Bill:**

##### Irrigation District Board.

All provisions related to the execution of bonds with respect to district directors are removed. In addition, official oaths need no longer be approved by a superior court judge or recorded in the office of the county clerk.

##### Contracts for Construction Work.

Regarding contracts for irrigation district work, if no bid is received on the first call the board may readvertise and make a second call or may enter into a contract without any further call.

##### Study of Election Methods.

The Washington Association of County Officials (WACO) must study and make recommendations to standardize district election methods. In conducting the study, the WACO may collaborate with the secretary of state, county assessors, county auditors, and other relevant stakeholders as necessary. At a minimum, recommendations must include procedures to:

- identify qualified voters and directors;
- notify qualified voters and directors;
- deliver and return ballots;
- identify and count official returns; and
- declare the winning candidate.

The WACO must report its findings and recommendations to the appropriate committees of the legislature and the governor by December 1, 2019.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.