

HOUSE BILL REPORT

ESHB 1275

*As Passed House
February 13, 1992*

Title: An act relating to local government.

Brief Description: Adjusting provisions relating to local government.

Sponsor(s): By House Committee on Local Government (originally sponsored by Representatives Haugen, Ferguson and Cooper).

Brief History:

Reported by House Committee on:
Local Government, February 4, 1992, DPA;
Passed House, February 13, 1992, 96-0.

**HOUSE COMMITTEE ON
LOCAL GOVERNMENT**

Majority Report: *Do pass as amended.* Signed by 14 members: Representatives Haugen, Chair; Cooper, Vice Chair; Ferguson, Ranking Minority Member; Mitchell, Assistant Ranking Minority Member; Bray; Edmondson; Franklin; Nealey; Nelson; Rayburn; Roland; Wood; Wynne; and Zellinsky.

Staff: Bill Lynch (786-7092).

Background: A number of provisions contained within statutes pertaining to units of local government are obsolete or conflict with other laws. These conflicting provisions create confusion over how the law should be interpreted.

Compensation and Removal of Employees

The mayor of a code city, with a mayor-council form, may remove any employee at his or her pleasure subject to any civil service laws. There is no similar provision governing the removal of employees of a third class city or town. There is no specific authority for the council of a third class city or town to establish the compensation and duties of employees.

Open Public and Special Meetings

The Open Public Meetings Act, chapter 42.30 RCW, requires every governing body of a state or local government to establish a time for holding regular meetings. A special meeting may be called if written notice is provided to each member of the governing body, each local newspaper, and each television or radio station that has on file a request to be notified of special meetings. The notice must be provided at least 24 hours before the meeting and must state the business to be transacted. The notice requirements may be dispensed with if there is an emergency involving injury or damage to persons or property.

The laws governing third class cities and towns only require notice of a special meeting to be delivered to councilmembers three hours before the meeting.

Appointment of Pro Tem Council Members

If a city council member of a third class city or town is absent from three consecutive regular meetings of the council without permission of the council, the office may be declared vacant by the council. There is no authority for the council to appoint a councilmember pro tem to serve in the event of an extended excused absence or disability of a councilmember. The councilmembers of a code city are authorized to make pro tem appointments to the council in the event of an extended excused absence or disability of a councilmember.

Authority of Town to Control and Dispose of Property

A town is authorized to purchase, lease, receive, hold and enjoy real and personal property and control and dispose of the property for the common benefit of the town. Towns do not have the specific authorization that third class cities possess to dispose of property by lease, sublease, or conveyance.

City and Town Ordinances

Each code city is required to provide three copies of each ordinance of general application to the Association of Washington Cities without charge. It has been suggested that a single source of information should be established regarding ordinances of cities and towns within the state.

Veterans' Preferences on Examinations

The laws governing public employment with the state or a local government allow a veterans' preference for examinations. A credit of 10 percent on the competitive exam is granted to a veteran who is not receiving any

veterans retirement payments; a credit of 5 percent on the competitive exam is granted to a veteran who is receiving veterans retirement payments; and a 5 percent credit on the first promotional exam is granted to any veteran who was employed with the state or local government and was recalled to active military service for a period of one year or more during a time of war. These preferences must be used within eight years of release of active service.

The civil service statutes for city police officers and city firefighters conflict with the provisions in the general public employment statutes for the granting of veterans' credits in exams. City police officers and firefighters are allowed a 10 percent credit on entrance examinations.

Public Disclosure Exemptions

The public disclosure laws generally require each state and local government agency to make information available for public inspection and copying. There are a number of statutory exemptions from these requirements, including personal information about employees; investigative information compiled by law enforcement agencies; and personal information in files about patients or clients of public institutions or public health agencies, or public assistance recipients.

There is no specific statutory exemption for information contained in files maintained for patients or clients who have been provided emergency medical services by a publicly operated emergency medical service provider.

Local Government Election Provisions

A number of local election laws use the term "elector" instead of "registered voter."

Summary of Bill: The council of a third class city or town is required to establish the duties and compensation of all employees of the city or town. All employees of a third class city or town serve at the pleasure of the mayor.

The laws pertaining to the calling of special meetings by third class cities and towns are amended to conform with the special meetings provisions in the Open Public Meetings Act.

The councilmembers of a third class city or town, in the event of an extended excused absence or disability of a councilmember, may by majority vote appoint a councilmember pro tem to serve during the absence or disability.

A town is specifically authorized to dispose of property by lease, sublease, or conveyance.

The clerk of every city and town is directed to provide a copy of each of its regulatory ordinances, as well as other kinds of ordinances that may be requested from time to time, to the Municipal Research Council or its designee promptly after adoption. A city or town is not required to send copies of these ordinances to the Municipal Research Council. Code cities are no longer required to send copies of their ordinances to the Association of Washington Cities.

The civil service laws for city police officers and firefighters are modified to allow veterans credit on exams in accordance with the public employment statutes.

Information contained in files maintained for patients or clients who have been provided emergency medical services by a publicly operated emergency medical service provider are exempt from public disclosure and copying.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: This legislation will help address a number of inconsistencies in local government statutes identified by the Municipal Research Council.

Testimony Against: None.

Witnesses: Stan Finkelstein, Association of Washington Cities.