

HOUSE BILL REPORT

SHB 1275

As Amended by the Senate

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, March 6, 1991, DPS;
Passed House, March 14, 1991, 94-0;
Amended by Senate.

**HOUSE COMMITTEE ON
LOCAL GOVERNMENT**

Majority Report: *That Substitute House Bill No. 1275 be substituted therefor, and the substitute bill do pass.*
Signed by 15 members: Representatives Haugen, Chair; Cooper, Vice Chair; Ferguson, Ranking Minority Member; Mitchell, Assistant Ranking Minority Member; Bray; Edmondson; Franklin; Horn; Nealey; Nelson; Rayburn; Roland; Wood; Wynne; and Zellinsky.

Staff: Bill Lynch (786-7092).

Background:

Compensation and Removal of Employees

The council of a third class city or town establishes the duties and compensation of all officers of the city or town. The mayor is authorized to remove any of the appointive officers at his or her pleasure. 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 are no similar provisions governing the compensation and removal of employees of a third class city or town.

Open Public Meetings - 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 council members 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

Candidates for port commissioner have their names rotated on the ballot, but this reference is not included in the general election statutes. Candidates for public utility district commissioner do not have their names rotated on the ballot. A number of local election laws use the term "elector" instead of "registered voter."

Summary of Bill: Conflicts between general laws and laws pertaining to specific units of local government are eliminated. Obsolete language is removed from local government statutes. Candidates for public utility district commissioner have their names rotated on the ballots.

EFFECT OF SENATE AMENDMENT(S): Community councils may be formed in the unincorporated areas of a county and are authorized to adopt community comprehensive plans and zoning ordinances for the community, so long as they are consistent with the county comprehensive plan and those county

ordinances designated as having area-wide applicability. A community must have at least 1,000 residents, or 300 residents if it is an island, in order to form a council. The county is required to provide financial and staff support to the community council.

Language is added to clarify that community councils may exist in code cities or when two or more cities or towns consolidate.

When a county uses haul distance as a factor in bid specifications for the procurement of road maintenance materials, it may award the contract to multiple bidders to achieve the lowest cost.

County commissioner districts are used for public hospital commissioner districts when the district's boundaries are coextensive with the county's boundaries and the county is not a home rule charter county. In all other instances, three public hospital district commissioner districts must be formed that are approximately equal in population and boundaries.

When a code city with a mayor-council plan of government increases from five to seven members, the two appointed members are elected to a two-year term at the next municipal general election if the city is divided into wards and the terms of office of a majority of the other councilmanic offices expire at that election.

The three-year restriction on submitting another ballot proposition to incorporate an area because it received 40 percent or less of the votes on the question of incorporation, is changed so that the prohibition applies when the votes in favor of incorporation were 30 percent or less. The three-year prohibition does not apply if the incorporation election was held after September 1, 1990, but before the effective date of this legislation. The third Tuesday in July is designated as a special election date to nominate or elect the initial city elective officers, depending upon whether the initial election to authorize incorporation or the primary is held in April or May.

Tax levies authorized by the voters of a city for funding library improvements, when the election was held prior to 1988, may be levied until the expiration of the limited time period for which it was authorized or until the limited purpose is satisfied.

A chapter is added to regulate adult entertainment businesses. It is a gross misdemeanor for a person to operate an adult entertainment business without a business

license. It is a gross misdemeanor for a performer to appear nude or semi-nude in an adult entertainment business without a performer's license. Applications for business licenses are made to the Department of Licensing. A business license may not be assigned or transferred.

The department must give notice of an application for an adult entertainment business license to the chief executive officer of the city or county. The department cannot issue an initial business license covering any premises that are within a buffer zone of 1,000 feet surrounding any residential zone, church, park, playground, day care center, or elementary or secondary school. A city or county may establish a smaller buffer zone. Existing adult entertainment businesses are exempt from these location restrictions until January 1, 1995.

The Department of Licensing is authorized to investigate and take disciplinary actions for violations to the adult entertainment provisions. These include the suspension or revocation of an license, injunctions, and fines.

Fiscal Note: Not requested.

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

Testimony For: This is a cleanup measure based upon calls to the Municipal Research Council. This will help bring consistency in the laws and avoid confusion.

Testimony Against: None.

Witnesses: Stan Finkelstein, Association of Washington Cities.

VOTE ON FINAL PASSAGE:

Yeas 94; Excused 2; Absent 2

Excused: Representatives Casada, Ferguson

Absent: Representatives Sommers H, Sprenkle