

CERTIFICATION OF ENROLLMENT  
**ENGROSSED SUBSTITUTE SENATE BILL 5238**

Chapter 63, Laws of 2001

57th Legislature  
2001 Regular Session

WATER-SEWER--COMMISSIONERS

EFFECTIVE DATE: 7/22/01

Passed by the Senate March 9, 2001  
YEAS 49 NAYS 0

ROSA FRANKLIN  
**President of the Senate**

Passed by the House April 5, 2001  
YEAS 91 NAYS 0

FRANK CHOPP  
**Speaker of the  
House of Representatives**

CLYDE BALLARD  
**Speaker of the  
House of Representatives**

Approved April 18, 2001

GARY LOCKE  
**Governor of the State of Washington**

CERTIFICATE

I, Tony M. Cook, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE SENATE BILL 5238** as passed by the Senate and the House of Representatives on the dates hereon set forth.

TONY M. COOK  
**Secretary**

FILED

April 18, 2001 - 1:38 p.m.

**Secretary of State  
State of Washington**

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**ENGROSSED SUBSTITUTE SENATE BILL 5238**

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Passed Legislature - 2001 Regular Session

**State of Washington**

**57th Legislature**

**2001 Regular Session**

**By** Senate Committee on Human Services & Corrections (originally sponsored by Senators Patterson, Johnson, McCaslin, Haugen and Fairley)

READ FIRST TIME 2/05/01.

1        AN ACT Relating to the board of commissioners of a water-sewer  
2 district; amending RCW 57.12.010, 57.12.015, and 57.12.039; adding a  
3 new section to chapter 57.12 RCW; and repealing RCW 57.08.110.

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

5        **Sec. 1.** RCW 57.12.010 and 1998 c 121 s 5 are each amended to read  
6 as follows:

7        The governing body of a district shall be a board of commissioners  
8 consisting of three members, or five or seven members as provided in  
9 RCW 57.12.015(~~(, or more, as provided in the event of merger or~~  
10 ~~consolidation)~~). The board shall annually elect one of its members as  
11 president and another as secretary.

12        The board shall by resolution adopt rules governing the transaction  
13 of its business and shall adopt an official seal. All proceedings  
14 shall be by resolution recorded in a book kept for that purpose which  
15 shall be a public record.

16        A district shall provide by resolution for the payment of  
17 compensation to each of its commissioners at a rate of seventy dollars  
18 for each day or portion thereof devoted to the business of the  
19 district. However the compensation for each commissioner shall not

1 exceed six thousand seven hundred twenty dollars per year. In  
2 addition, the secretary may be paid a reasonable sum for clerical  
3 services.

4 Any commissioner may waive all or any portion of his or her  
5 compensation payable under this section as to any month or months  
6 during the commissioner's term of office, by a written waiver filed  
7 with the district at any time after the commissioner's election and  
8 prior to the date on which the compensation would otherwise be paid.  
9 The waiver shall specify the month or period of months for which it is  
10 made.

11 No commissioner shall be employed full time by the district. A  
12 commissioner shall be reimbursed for reasonable expenses actually  
13 incurred in connection with district business, including subsistence  
14 and lodging while away from the commissioner's place of residence and  
15 mileage for use of a privately-owned vehicle at the mileage rate  
16 authorized in RCW 43.03.060.

17 **Sec. 2.** RCW 57.12.015 and 1996 c 230 s 402 are each amended to  
18 read as follows:

19 (1) In the event a three-member board of commissioners of any  
20 district with any number of customers determines by resolution that it  
21 would be in the best interest of the district to increase the number of  
22 commissioners from three to five, or if the board of a district with  
23 any number of customers is presented with a petition signed by ten  
24 percent of the registered voters resident within the district who voted  
25 in the last general municipal election calling for an increase in the  
26 number of commissioners of the district, the board shall submit a  
27 resolution to the county auditor requesting that an election be held.  
28 Upon receipt of the resolution, the county auditor shall call a special  
29 election to be held within the district, at which election a  
30 proposition in substantially the following language shall be submitted  
31 to the voters:

32 Shall the Board of Commissioners of           (name and/or number of  
33 district)           be increased from three to five members?

34 Yes . . . . .

35 No . . . . .

1 If the proposition receives a majority approval at the election the  
2 board of commissioners of the district shall be increased to five  
3 members.

4 (2) In any district with more than ten thousand customers, if a  
5 three-member board of commissioners determines by resolution that it  
6 would be in the best interest of the district to increase the number of  
7 commissioners from three to five, the number of commissioners shall be  
8 so increased without an election, unless within ninety days of adoption  
9 of that resolution a petition requesting an election and signed by at  
10 least ten percent of the registered voters who voted in the last  
11 municipal general election is filed with the board. If such a petition  
12 is received, the board shall submit the resolution and the petition to  
13 the county auditor, who shall call a special election in the manner  
14 described in this section.

15 (3)(a) In any district with more than twenty-five thousand  
16 customers, if a five-member board of commissioners determines by  
17 resolution that it would be in the best interest of the district to  
18 increase the number of commissioners from five to seven, the number of  
19 commissioners may be so increased without an election, unless within  
20 ninety days of adoption of that resolution a petition requesting an  
21 election and signed by at least ten percent of the registered voters  
22 who voted in the last municipal general election is filed with the  
23 board. If such a petition is received, the board shall submit the  
24 resolution and the petition to the county auditor, who shall call a  
25 special election in the manner described in this section.

26 (b) In the event a five-member board of commissioners of any  
27 district with more than twenty-five thousand customers determines by  
28 resolution that it would be in the best interest of the district to  
29 increase the number of commissioners from five to seven, the board may  
30 submit a resolution to the county auditor requesting that an election  
31 be held. Upon receipt of the resolution, the county auditor shall call  
32 a special election to be held within the district, at which election a  
33 proposition in substantially the following language shall be submitted  
34 to the voters:

35 Shall the Board of Commissioners of (name and/or number of  
36 district) be increased from five to seven members?

37 Yes . . . . .

38 No . . . . .

1 If the proposition receives a majority approval at the election the  
2 board of commissioners of the district shall be increased to seven  
3 members.

4 (4) The two additional positions created on boards of commissioners  
5 by this section shall be filled initially as for a vacancy, except that  
6 the appointees shall draw lots, one appointee to serve until the next  
7 district general election after the appointment, at which two  
8 commissioners shall be elected for six-year terms, and the other  
9 appointee to serve until the second district general election after the  
10 appointment, at which two commissioners shall be elected for six-year  
11 terms.

12 NEW SECTION. Sec. 3. A new section is added to chapter 57.12 RCW  
13 to read as follows:

14 (1) Except as provided in RCW 52.14.020, in the event a five-member  
15 or seven-member board of commissioners of any district determines by  
16 resolution that it would be in the best interest of the district to  
17 decrease the number of commissioners from five to three, or from seven  
18 to five, or in the event the board is presented with a petition signed  
19 by ten percent of the registered voters resident within the district  
20 who voted in the last general municipal election calling for such a  
21 decrease in the number of commissioners of the district, the board  
22 shall submit a resolution to the county auditor. Upon receipt of the  
23 resolution, the county auditor shall call a special election to be held  
24 within the district at which election the following proposition shall  
25 be submitted to the voters substantially as follows:

26 Shall the board of commissioners of (name and/or number of  
27 district) be decreased from (five/seven) members to (three/five)  
28 members?

29 Yes . . .

30 No . . .

31 If the district has commissioner districts, the commissioners of  
32 the district must pass a resolution, before the submission of the  
33 proposition to the voters, to either redistrict from five commissioner  
34 districts to three commissioner districts, or from seven commissioner  
35 districts to five commissioner districts, or eliminate the commissioner  
36 districts. The resolution takes effect upon approval of the  
37 proposition by the voters.

1 If the proposition receives a majority approval at the election,  
2 the board of commissioners of the district shall be decreased to three  
3 or five members.

4 (2) The number of members on the board of the district shall be  
5 reduced by one whenever a commissioner resigns from office or a vacancy  
6 otherwise occurs on the board, until the number of remaining members is  
7 reduced to the number of members that is chosen for the board  
8 eventually to have. The reduction of membership on the board shall not  
9 be considered to be a vacancy that is to be filled until the number of  
10 remaining members is less than the number of members on the board that  
11 is chosen for the board eventually to have.

12 (3) At the next three district general elections after the  
13 reduction is approved, the number of commissioners for the district  
14 that are elected shall be as follows, notwithstanding the number of  
15 commissioners whose terms expire:

16 (a) In the first election after the reduction, only one position  
17 shall be filled.

18 (b) In the second election, one position shall be filled.

19 Thereafter, the commissioners shall be elected in the same manner  
20 as prescribed for such districts of the state.

21 **Sec. 4.** RCW 57.12.039 and 1996 c 230 s 404 are each amended to  
22 read as follows:

23 (1) Notwithstanding RCW 57.12.020 and 57.12.030, the board of  
24 commissioners may provide by majority vote that subsequent  
25 commissioners be elected from commissioner districts within the  
26 district. If the board exercises this option, it shall divide the  
27 district into three, ~~((or))~~ five, or seven if the number of  
28 commissioners has been increased under RCW 57.12.015, commissioner  
29 districts of approximately equal population following current precinct  
30 and district boundaries.

31 (2) Commissioner districts shall be used as follows: (a) Only a  
32 registered voter who resides in a commissioner district may be a  
33 candidate for, or serve as, a commissioner of the commissioner  
34 district; and (b) only voters of a commissioner district may vote at a  
35 primary to nominate candidates for a commissioner of the commissioner  
36 district. Voters of the entire district may vote at a general election  
37 to elect a person as a commissioner of the commissioner district.

1 Commissioner districts shall be redrawn as provided in chapter 29.70  
2 RCW.

3 (3) In districts in which commissioners are nominated from  
4 commissioner districts, at the inception of a five-member or a seven-  
5 member board of commissioners, the new commissioner districts shall be  
6 numbered one through five or one through seven and the ~~((three))~~  
7 incumbent commissioners shall represent up to five commissioner  
8 districts ~~((one through three))~~ depending on the amount of  
9 commissioners. If, as a result of redrawing the district boundaries  
10 two or three of the incumbent commissioners reside in one of the new  
11 commissioner districts, the commissioners who reside in the same  
12 commissioner district shall determine by lot which of the first three  
13 or five numbered commissioner districts they shall represent for the  
14 remainder of their respective terms. A primary shall be held to  
15 nominate candidates from the remaining districts ~~((four and five))~~  
16 where necessary and commissioners shall be elected at large at the  
17 general election. The persons elected as commissioners from the  
18 remaining commissioner districts ~~((four and five))~~ shall take office  
19 immediately after qualification as defined under RCW 29.01.135.

20 NEW SECTION. **Sec. 5.** RCW 57.08.110 (Association of  
21 commissioners--Purposes--Powers--Expenses) and 1999 c 153 s 13, 1996 c  
22 230 s 318, 1995 c 301 s 76, 1973 1st ex.s. c 195 s 68, 1970 ex.s. c 47  
23 s 5, & 1961 c 242 s 1 are each repealed.

Passed the Senate March 9, 2001.

Passed the House April 5, 2001.

Approved by the Governor April 18, 2001.

Filed in Office of Secretary of State April 18, 2001.