

HOUSE BILL REPORT

HB 3201

As Reported by House Committee On: Local Government

Title: An act relating to providing for the election of a board of commissioners for regional fire protection service authorities.

Brief Description: Providing for the election of a board of commissioners for regional fire protection service authorities.

Sponsors: Representatives Simpson and Sullivan.

Brief History:

Committee Activity:

Local Government: 2/4/08 [DPS].

Brief Summary of Substitute Bill

- Specifies that the initial governing body of a Regional Fire Protection Authority (Authority) will be a temporary, appointed board chosen in accordance with specified requirements and consisting solely of elected officials holding office in the participating entities.
- Requires that after the Authority has been in existence for a period of three years, the initial appointed board must be replaced by an elected board consisting of five commissioners chosen by the registered voters living within the jurisdiction of the Authority.
- Requires that specified, originally appointed board members remain on the board for one year following the election as nonvoting, ex officio members.
- Requires that the first elected board of commissioners serve staggered terms and, thereafter, the term of office of each subsequently elected commissioner is six years.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

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.

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives Simpson, Chair; Takko, Vice Chair; Warnick, Ranking Minority Member; Schindler, Assistant Ranking Minority Member; Eddy, Nelson and Schmick.

Staff: Thamas Osborn (786-7129).

Background:

Creation of a Regional Fire Protection Service Authority

A Regional Fire Protection Service Authority (Authority) may be created for the purpose of conducting specified fire protection functions at a regional level. An Authority may be created by the merger of two or more adjacent fire protection jurisdictions, including fire protection districts, cities, port districts, and Indian tribes.

Planning Committee

The fire protection jurisdictions proposing the creation of an Authority must establish a planning committee to develop and adopt a service plan. The plan must provide for the design, financing, and development of fire protection services. The planning committee must also recommend statutorily authorized sources of revenue and as well as a financing plan for the funding of selected fire protection service projects.

Voter Approval of Plan

Once adopted by the planning committee, the plan must be forwarded to the participating jurisdictions' governing bodies to initiate the election process. The voters may, by majority vote, approve or reject a single ballot measure that both approves the formation of the Authority and the plan. Taxes and benefit charges may not be imposed by an Authority unless they are specifically identified in a plan receiving voter approval. This voter approval requirement is in addition to any other legal requirements regarding voter approval of property tax levies or the imposition of benefits charges.

Powers and Duties of an Authority

An Authority is governed by an appointed board consisting of persons identified in the plan and who take office in accordance with plan requirements. Board members must all be elected officials holding office within the jurisdictions encompassed by the Authority. The board is responsible for the execution of the voter-approved plan and must adopt bylaws and operational procedures. In addition to exercising powers and performing duties as necessary to carry out the purposes, functions, and projects of the Authority, a board is authorized to:

- levy and impose taxes as authorized;
- enter into intergovernmental agreements;
- enforce fire codes;
- accept grants and contributions to support the purposes of the Authority;
- monitor and audit the progress and execution of the Authority's programs and projects;
- enter into leases, contracts, and pay for services; and
- hire and fire personnel.

Summary of Substitute Bill:

Initial Governance of the Authority Following Formation

Upon the formation of an Authority, the governing body will be a temporary, appointed board determined in accordance with the plan and consisting solely of elected officials holding office in the participating entities.

A maximum of three appointed members may serve on the original board for each individual entity participating in the Authority at the time of its formation.

Provisions for an Appointed Board of Commissioners

After the Authority has been in existence for a period of three years, the initial appointed board must be replaced by an elected board consisting of five commissioners chosen by the registered voters living within the jurisdiction of the Authority. The election of this board must occur at the first scheduled general election taking place after the specified three year period. Elected board members must be registered voters residing within the jurisdictional boundaries of the Authority.

Terms of Office of Elected Commissioners

The terms of office of the first elected board of commissioners are staggered, as follows:

- the two persons elected receiving the greatest number of votes shall be elected to six-year terms of office if the election is held in an odd-numbered year or five-year terms of office if the election is held in an even-numbered year;
- the two persons elected receiving the next greatest number of votes shall be elected to a four-year term of office if the election is held in an odd-numbered year or a three-year term of office if the election is held in an even-numbered year; and
- the other person elected shall be elected to a two-year term of office if the election is held in an odd-numbered year or a one-year term of office if the election is held in an even-numbered year.

The term of office of each subsequently elected commissioner is six years. Each commissioner shall serve until a successor is elected and qualified, and assumes office in accordance with state election laws.

Retention of Appointed Board Members as Nonvoting, Ex Officio Members

Following the election of the five-member board of commissioners, one appointed board member from each of the participating entities shall remain on the board for a period of one year as an ex officio, nonvoting member. These ex officio members shall continue to serve on the board in a consultative capacity to the newly elected members and their term of office shall expire one year after the elected board assumes office. During this one-year transition period, the ex officio board members shall continue to receive the same compensation received during their service on the original appointed board.

Where a participating entity was represented on the original appointed board by more than one member, the ex officio member representing that entity shall be appointed by the public official or governing body that made the original appointments to the board on behalf of that entity.

Compensation of Elected Commissioners

Each member of the board of commissioners shall receive \$90 per day or portion thereof, not to exceed \$8,640 per year, for time spent in actual attendance at official meetings of the board or in performance of other services or duties on behalf of the authority.

In addition, they shall receive necessary expenses incurred in attending meetings of the board or when otherwise engaged in authority business, and are entitled to receive the same insurance available to all firefighters of the authority. The premiums for such insurance, except liability insurance, must be paid by the individual commissioners who elect to receive it.

Creation of Commissioner Districts

The board of commissioners may adopt a resolution by unanimous vote causing a ballot proposition to be submitted to voters of the Authority authorizing the creation of commissioner districts. The board must create commissioner districts if the ballot proposition authorizing the creation of commissioner districts is approved by a simple majority vote of the voters of the authority voting on the proposition. No two commissioners may reside in the same commissioner district. The population of each commissioner district must have approximately equal population.

Substitute Bill Compared to Original Bill:

The substitute bill adds the following provisions to the original bill:

- A maximum of three appointed members may serve on the original board for each individual entity participating in the Authority at the time of its formation.
- Following the election of the five-member board of commissioners, one appointed board member from each of the participating entities shall remain on the board for a period of one year as an ex officio, nonvoting member. These ex officio members shall continue to serve on the board in a consultative capacity to the newly elected members and their term of office shall expire one year after the elected board assumes office. During this one-year transition period, the ex officio board members shall continue to receive the same compensation received during their service on the original appointed board.
- Where a participating entity was represented on the original appointed board by more than one member, the ex officio member representing that entity shall be appointed by the public official or governing body that made the original appointments to the board on behalf of that entity.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) This bill is necessary and should be passed, since it is appropriate that Authorities be governed by an elected board of commissioners. Given that the board has taxing and bonding authority, the voters should have the power to decide who sits on the board. The governance provisions in the bill are almost identical to those applicable to fire districts under current law. Also, the revisions contained in the substitute bill regarding the temporary retention of nonvoting, ex officio board members are a good idea and will contribute to having a smooth transition between the initial appointed board and the subsequently elected commissioners.

(Concerns) It would be preferable if the bill had provisions to ensure that small towns have a greater voice in the governance of Authorities.

(Opposed) None.

Persons Testifying: (In support) Representative Simpson, prime sponsor; and Bud Sizemore, Washington State Council of Fire Fighters.

(Concerns) Carolyn Robertson, City of Auburn.

Persons Signed In To Testify But Not Testifying: None.