
SENATE BILL 5374

State of Washington

61st Legislature

2009 Regular Session

By Senator Fairley

Read first time 01/21/09. Referred to Committee on Government Operations & Elections.

1 AN ACT Relating to the board of directors of an air pollution
2 control authority; and amending RCW 70.94.100 and 70.94.120.

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

4 **Sec. 1.** RCW 70.94.100 and 2006 c 227 s 1 are each amended to read
5 as follows:

6 (1) The governing body of each authority shall be known as the
7 board of directors.

8 (2)(a) In the case of an authority comprised of one county, with a
9 population of less than four hundred thousand people, the board shall
10 be comprised of two appointees of the city selection committee, at
11 least one of whom shall represent the city having the most population
12 in the county, and two representatives to be designated by the board of
13 county commissioners.

14 (b) In the case of an authority comprised of one county, with a
15 population of equal to or greater than four hundred thousand people,
16 the board shall be comprised of three appointees of cities, one each
17 from the two cities with the most population in the county and one
18 appointee of the city selection committee representing the other

1 cities, and one representative to be designated by the board of county
2 commissioners.

3 (c) In the case of an authority comprised of two, three, four, or
4 five counties, the board shall be comprised of one appointee from each
5 county, who shall represent the city having the most population in such
6 county, to be designated by the mayor and city council of such city,
7 and one representative from each county to be designated by the board
8 of county commissioners of each county making up the authority.

9 (d) In the case of an authority comprised of six or more counties,
10 the board shall be comprised of one representative from each county to
11 be designated by the board of county commissioners of each county
12 making up the authority, and three appointees, one each from the three
13 largest cities within the local authority's jurisdiction to be
14 appointed by the mayor and city council of such city.

15 (3) If the board of an authority otherwise would consist of an even
16 number, the members selected as above provided shall agree upon and
17 elect an additional member who shall be:

18 (a) In the case of an authority comprised of one county with a
19 population of equal to or greater than four hundred thousand people, a
20 citizen residing in the county who demonstrates significant
21 professional experience in the field of public health, air quality
22 protection, or meteorology; or

23 (b) In the case of an authority comprised of one county, with a
24 population less than four hundred thousand people, or of more than one
25 county, either a member of the governing body of one of the towns,
26 cities or counties comprising the authority, or a private citizen
27 residing in the authority.

28 (4) The terms of office of board members shall be four years.

29 (5) If an appointee is unable to complete his or her term as a
30 board member, the vacancy for that office must be filled by the same
31 method as the original appointment, except for the appointment by the
32 city selection committee, which must use the method in RCW 70.94.120(1)
33 for replacements. The person appointed as a replacement will serve the
34 remainder of the term for that office.

35 (6) Wherever a member of a board has a potential conflict of
36 interest in an action before the board, the member shall declare to the
37 board the nature of the potential conflict prior to participating in
38 the action review. The board shall, if the potential conflict of

1 interest, in the judgment of a majority of the board, may prevent the
2 member from a fair and objective review of the case, remove the member
3 from participation in the action.

4 **Sec. 2.** RCW 70.94.120 and 1995 c 261 s 2 are each amended to read
5 as follows:

6 (1) The city selection committee of each county which is included
7 within an authority shall meet within one month after the activation of
8 such authority for the purpose of making its initial appointments to
9 the board of such authority and thereafter whenever necessary for the
10 purpose of making succeeding appointments. All meetings shall be held
11 upon at least two weeks written notice given by the county auditor to
12 each member of the city selection committee of each county and he shall
13 give such notice upon request of any member of such committee. A
14 similar notice shall be given to the general public by a publication of
15 such notice in a newspaper of general circulation in such authority.
16 The county auditor shall act as recording officer, maintain its records
17 and give appropriate notice of its proceedings and actions.

18 (2) As an alternative to meeting in accordance with subsection (1)
19 of this section, the county auditor may administer the appointment
20 process through the mail.

21 (a) At least four months prior to the expiration of the term of
22 office, the county auditor must mail a request to each member of the
23 city selection committee seeking nominations to the office. The
24 members of the selection committee have until the last day of the
25 fourth month to return the nomination to the auditor or the auditor's
26 designee.

27 (b) Within five business days of the close of the nomination
28 period, the county auditor will mail ballots by certified mail to the
29 members of the city selection committee, specifying (~~a date by which~~
30 ~~to complete the ballot, and a~~) the date by which to return the
31 completed ballot which is the last day of the third month prior to the
32 expiration of the term of office. Each mayor who chooses to
33 participate in the balloting shall (~~write in~~) mark the choice for
34 appointment, sign the ballot, and return the ballot to the county
35 auditor. Each completed ballot shall be date-stamped upon receipt by
36 the mayor or staff of the mayor of the city or town. The timely return

1 of completed ballots by a majority of the members of each city
2 selection committee constitutes a quorum and the common choice by a
3 majority of the quorum constitutes a valid appointment.

4 (3) (~~Balloting shall be preceded by~~) At least two weeks' written
5 notice((7)) must be given by the county auditor to each member of the
6 city selection committee prior to the nomination process. A similar
7 notice shall be given to the general public by publication in a
8 newspaper of general circulation in the authority. A single notice is
9 sufficient for both the nomination process and the balloting process.

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