

CERTIFICATION OF ENROLLMENT  
**ENGROSSED SUBSTITUTE SENATE BILL 5704**

Chapter 131, Laws of 2010

61st Legislature  
2010 Regular Session

FLOOD DISTRICT CREATION--THREE OR MORE COUNTIES

EFFECTIVE DATE: 06/10/10

Passed by the Senate March 8, 2010  
YEAS 47 NAYS 0

BRAD OWEN

\_\_\_\_\_  
**President of the Senate**

Passed by the House February 28, 2010  
YEAS 94 NAYS 0

FRANK CHOPP

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**Speaker of the House of Representatives**

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE SENATE BILL 5704** as passed by the Senate and the House of Representatives on the dates hereon set forth.

THOMAS HOEMANN

\_\_\_\_\_  
**Secretary**

Approved March 19, 2010, 1:51 p.m.

FILED

March 19, 2010

CHRISTINE GREGOIRE

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**Governor of the State of Washington**

**Secretary of State  
State of Washington**

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**ENGROSSED SUBSTITUTE SENATE BILL 5704**

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AS AMENDED BY THE HOUSE

Passed Legislature - 2010 Regular Session

**State of Washington                      61st Legislature                      2010 Regular Session**

**By** Senate Government Operations & Elections (originally sponsored by Senators Swecker, Becker, Stevens, and Roach)

READ FIRST TIME 02/19/09.

1            AN ACT Relating to creation of a flood district by three or more  
2 counties; amending RCW 85.38.090; and adding a new section to chapter  
3 85.38 RCW.

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

5            **Sec. 1.** RCW 85.38.090 and 1991 c 349 s 12 are each amended to read  
6 as follows:

7            (1) Whenever the governing body of a special district has more than  
8 three members, the governing body shall be reduced to three members as  
9 of January 1, 1986, by eliminating the positions of those district  
10 governing body members with the shortest remaining terms of office.  
11 The remaining three governing body members shall have staggered terms  
12 with the one having the shortest remaining term having his or her  
13 position filled at the 1987 special district general election, the one  
14 with the next shortest remaining term having his or her position filled  
15 at the 1989 special district general election, and the one with the  
16 longest remaining term having his or her position filled at the 1992  
17 special district general election. If any of these remaining three  
18 governing body members have identical remaining terms of office, the  
19 newly calculated remaining terms of these persons shall be determined

1 by lot with the county auditor who assists the special district in its  
2 elections managing such lot procedure. The newly established terms  
3 shall be recorded by the county auditor.

4 (2) However, whenever five or more special districts have  
5 consolidated under chapter 85.36 RCW and the consolidated district has  
6 five members in its governing body on July 28, 1985, the consolidated  
7 district may adopt a resolution retaining a five-member governing body.  
8 At any time thereafter, such a district may adopt a resolution and  
9 reduce the size of the governing body to three members with the  
10 reduction occurring as provided in subsection (1) of this section, but  
11 the years of the effective dates shall be extended so that the  
12 reduction occurs at the next January 1st occurring after the date of  
13 the adoption of the resolution. Whenever a special district is so  
14 governed by a five-member governing body, two members shall be elected  
15 at each of two consecutive special district general elections, and one  
16 member shall be elected at the following special district general  
17 election, each to serve a six-year staggered term.

18 (3) Nothing in this section permits the governing body of a flood  
19 control district that is subject to section 2 of this act to reduce the  
20 size of its governing body.

21 NEW SECTION. Sec. 2. A new section is added to chapter 85.38 RCW  
22 to read as follows:

23 The following provisions apply to the governing bodies of flood  
24 control districts that, upon creation, have territory in three or more  
25 counties:

26 (1) The governing body shall include one member from each county  
27 with territory in the district, and two additional members selected as  
28 provided by this section. No more than two governing members may be  
29 from the same county.

30 (2) The initial members of the governing body must be chosen by  
31 each county legislative authority within which the district resides,  
32 with each county choosing one member, and the two counties with the  
33 largest populations within the district choosing one additional member  
34 each. The initial governing body members shall serve until their  
35 successors are elected and qualified at the next special district  
36 general election.

1 (3) At this first election, the members receiving the two greatest  
2 number of votes shall serve six-year terms, the members receiving the  
3 third and fourth greatest number of votes shall serve four-year terms,  
4 and the remaining members shall serve two-year terms of office.

5 (4) The requirements for the filing period, method for filing  
6 declarations of candidacy, and the arrangement of candidate names on  
7 the ballot for all special district general elections conducted after  
8 the initial election in the district shall be the same as the  
9 requirements for the initial election in the district. No primary  
10 elections may be held for the governing body of a flood control  
11 district that, upon creation, has territory in three or more counties.

12 (5) A vacancy occurs upon the death, resignation, or incapacity of  
13 a governing body member, or whenever the governing body member ceases  
14 to be a registered voter of the district.

15 (6)(a) Whenever a vacancy occurs in the governing body, the  
16 legislative authority of the county within which the largest geographic  
17 portion of the district is located shall appoint a registered voter to  
18 serve until a person is elected, at the next special district general  
19 election occurring sixty or more days after the vacancy has occurred,  
20 to serve the remainder of the unexpired term. The person so elected  
21 shall take office immediately when qualified as defined in RCW  
22 29A.04.133.

23 (b) If an election for the position that became vacant would  
24 otherwise have been held at this special district general election,  
25 only one election shall be held and the person elected to fill the  
26 succeeding term for that position shall take office immediately when  
27 qualified as defined in RCW 29A.04.133 and shall serve both the  
28 remainder of the unexpired term and the succeeding term.

29 (7) An elected or appointed member of the governing body, or a  
30 candidate for the governing body, must be a registered voter of the  
31 flood control district who has resided within the district for period  
32 of not less than thirty days before the election. In accordance with  
33 RCW 85.38.127, land ownership is not a requirement for serving on the  
34 governing body of the district.

Passed by the Senate March 8, 2010.

Passed by the House February 28, 2010.

Approved by the Governor March 19, 2010.

Filed in Office of Secretary of State March 19, 2010.