

# HOUSE BILL REPORT

## EHB 1028

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**As Passed House:**  
February 22, 2011

**Title:** An act relating to using state correctional facility populations to determine population thresholds for certain local government purposes.

**Brief Description:** Using state correctional facility populations to determine population thresholds for certain local government purposes.

**Sponsors:** Representatives Schmick, Takko, Fagan, Springer, Kretz, Shea, Blake and McCune.

**Brief History:**

**Committee Activity:**

Local Government: 1/14/11 [DP].

**Floor Activity:**

Passed House: 2/22/11, 87-5.

**Brief Summary of Engrossed Bill**

- Authorizes any noncharter code city operating under a mayor-council plan or council-manager plan to include or exclude the population of any state correctional facility located within its jurisdiction in calculating the population thresholds pertinent to determining the number of city council members it may have.
- Authorizes any city or town to include or exclude the population of any state correctional facility located within its jurisdiction in calculating the population thresholds relevant to eligibility for funding from the Small City Pavement and Sidewalk Account.

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### HOUSE COMMITTEE ON LOCAL GOVERNMENT

**Majority Report:** Do pass. Signed by 8 members: Representatives Takko, Chair; Tharinger, Vice Chair; Angel, Ranking Minority Member; Asay, Assistant Ranking Minority Member; Fitzgibbon, Rodne, Smith and Springer.

**Minority Report:** Without recommendation. Signed by 1 member: Representative Upthegrove.

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*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.*

**Staff:** Heather Emery (786-7136).

**Background:**

City Council Membership.

The Optional Municipal Code (Code) specifically provides for two plans of government for noncharter code cities: the mayor-council plan and the council-manager plan. Under both plans, the Code limits the number of council members in a noncharter code city according to the population of that city.

For the purpose of determining population thresholds, the population of a code city is determined by reference to either the most recent state or federal census, or the population statistics compiled by the Office of Financial Management. State law is silent as to whether the inmates of a state correctional facility located within a code city or town may be counted as part of the population threshold determination.

In a charter code city operating under the mayor-council or council-manager form of government, the number of council members is controlled by the charter, which may provide for an uneven number of council members not to exceed 11.

In a noncharter code city operating under either form of government, the number of council members varies according to population. A city with a population of fewer than 2,500 inhabitants is required to have five council members, and a city with a population of greater than 2,500 inhabitants is required to have seven council members. For a city with a fluctuating population, the following rules apply:

- If the population decreases from 2,500 or more inhabitants to fewer than 2,500, council membership remains at seven.
- If the population increases from fewer than 2,500 inhabitants to more than 2,500 inhabitants, the existing council may vote to increase council membership from five to seven.
- If the population increases to 5,000 or more inhabitants, council membership is required to increase from five to seven members.

Small City Pavement and Sidewalk Account.

State law provides for the Small City Pavement and Sidewalk Account (Account) in the state treasury. Cities and towns with a population of fewer than 5,000 inhabitants are eligible to receive money from the Account for the maintenance, repair, and resurfacing of city and town streets. State law is silent as to whether the inmates of a state correctional facility located within a code city or town may be counted as part of the population threshold determination.

**Summary of Engrossed Bill:**

A code city or town with a mayor-council form or council-manager form of government may include or exclude the population of any state correctional facility within its jurisdiction in

calculating the population thresholds pertinent to determining the requisite number of city council members.

A city or town may include or exclude the population of any state correctional facility within its jurisdiction in calculating the population thresholds relevant to determining its eligibility to obtain funding from the Account.

**Appropriation:** None.

**Fiscal Note:** Not requested.

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

**Staff Summary of Public Testimony:**

(In support) This bill affects only two cities in the state: Connell (home to Coyote Ridge Corrections Center) and Airway Heights (home to Airway Heights Corrections Center). Connell's non-inmate population is between 2,600 and 2,700 inhabitants. In 2008-2009, Coyote Ridge underwent a 2,048 bed expansion. Airway Heights has a total population of about 5,600, 2,900 of whom are inmates. Recruiting seven council candidates and bearing the financial and administrative burden of having a seven-member council is problematic. Small city grant programs are important funding sources for sidewalks and arterials.

(Opposed) None.

**Persons Testifying:** Representative Schmick, prime sponsor; Steve Taylor, City of Connell; and Patrick Rushing, City of Airway Heights.

**Persons Signed In To Testify But Not Testifying:** None.