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HOUSE BILL 2708

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State of Washington

64th Legislature

2016 Regular Session

By Representatives Appleton, Griffey, McBride, Fitzgibbon, Gregerson,  
and Tarleton

Read first time 01/19/16. Referred to Committee on Local Government.

1 AN ACT Relating to fire protection district formation by the  
2 legislative authority of a city or town subject to voter approval;  
3 amending RCW 52.14.010 and 52.14.020; adding new sections to chapter  
4 52.02 RCW; and adding a new section to chapter 52.14 RCW.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 52.02  
7 RCW to read as follows:

8 (1) As an alternative to the petition method of formation for  
9 fire protection districts provided in this chapter, the legislative  
10 authority of a city or town may by resolution, subject to the  
11 approval of the voters, establish a fire protection district with  
12 boundaries that are the same as the corporate boundaries of the city  
13 or town for the provision of fire prevention services, fire  
14 suppression services, and emergency medical services, and for the  
15 protection of life and property within the city or town.

16 (a) Any resolution adopted by a city or town under this section  
17 to establish a fire protection district must, at a minimum:

18 (i) Contain a financing plan for the fire protection district. As  
19 part of the financing plan, the city or town may propose the  
20 imposition of revenue sources authorized by this title for fire

1 protection districts, such as property taxes, as provided in chapter  
2 52.16 RCW, or benefit charges, as provided in chapter 52.18 RCW; and

3 (ii) Set a date for a public hearing on the resolution.

4 (b) If a city or town proposes the initial imposition of a  
5 benefit charge as a revenue source for the fire protection district  
6 under (a) of this subsection, the resolution adopted by the city or  
7 town must comply with the requirements of RCW 52.18.030.

8 (c) Notice of public hearing on a resolution adopted by a city or  
9 town must be published for three consecutive weeks in a newspaper of  
10 general circulation in the city or town, and must be posted for at  
11 least fifteen days prior to the date of the hearing in three public  
12 places within the boundaries of the proposed fire protection  
13 district. All notices must contain the time, date, and place of the  
14 public hearing.

15 (2)(a) A resolution adopted under this section is not effective  
16 unless approved by the voters of the city or town at a general  
17 election. The resolution must be approved:

18 (i) By a simple majority of the voters of the city or town; or

19 (ii) If the resolution proposes the initial imposition of a  
20 benefit charge, by sixty percent of the voters of the city or town.

21 (b) An election to approve or reject a resolution forming a fire  
22 protection district, including the proposed financial plan and any  
23 imposition of revenue sources for the fire protection district, must  
24 be conducted by the election officials of the county or counties in  
25 which the proposed district is located in accordance with the general  
26 election laws of the state. The election must be held at the next  
27 general election date, according to RCW 29A.04.321 and 29A.04.330,  
28 occurring after the date of the public hearing on the resolution  
29 adopted by the city or town legislative authority.

30 (c) If a ballot proposition on the resolution is approved by  
31 voters, as provided in (a) of this subsection, the county legislative  
32 authority shall by resolution declare the fire protection district  
33 organized under the name designated in the ballot proposition.

34 NEW SECTION. **Sec. 2.** A new section is added to chapter 52.02  
35 RCW to read as follows:

36 (1) Except as provided otherwise in the resolution adopted by the  
37 legislative authority of a city or town establishing a fire  
38 protection district under section 1 of this act, all powers, duties,  
39 and functions of the city or town fire department pertaining to fire

1 protection and emergency services of the city or town are transferred  
2 to the fire protection district on its creation date.

3 (2)(a) The city or town fire department must transfer or deliver  
4 to the fire protection district:

5 (i) All reports, documents, surveys, books, records, files,  
6 papers, or written material in the possession of the city or town  
7 fire department pertaining to fire protection and emergency services  
8 powers, functions, and duties;

9 (ii) All real property and personal property including cabinets,  
10 furniture, office equipment, motor vehicles, and other tangible  
11 property employed by the city or town fire department in carrying out  
12 the fire protection and emergency services powers, functions, and  
13 duties; and

14 (iii) All funds, credits, or other assets held by the city or  
15 town fire department in connection with fire protection and emergency  
16 services powers, functions, and duties.

17 (b) Any appropriations made to the city or town fire department  
18 for carrying out the fire protection and emergency services powers,  
19 functions, and duties of the city or town must be transferred and  
20 credited to the fire protection district.

21 (c) Whenever any question arises as to the transfer of any  
22 personnel, funds, books, documents, records, papers, files,  
23 equipment, or other tangible property used or held in the exercise of  
24 the powers and the performance of the duties and functions  
25 transferred to the fire protection district, the legislative  
26 authority of the city or town must make a determination as to the  
27 proper allocation.

28 (3) All rules and all pending business before the city or town  
29 fire department pertaining to the fire protection and emergency  
30 services powers, functions, and duties transferred must be continued  
31 and acted upon by the fire protection district, and all existing  
32 contracts and obligations remain in full force and must be performed  
33 by the fire protection district.

34 (4) The transfer of powers, duties, functions, and personnel of  
35 the city or town fire department do not affect the validity of any  
36 act performed before creation of the fire protection district.

37 (5) If apportionments of budgeted funds are required because of  
38 the transfers, the treasurer for the city or town fire department  
39 must certify the apportionments.

1 (6)(a) Subject to (c) of this subsection, all employees of the  
2 city or town fire department are transferred to the fire protection  
3 district on its creation date. Upon transfer, unless an agreement for  
4 different terms of transfer is reached between the collective  
5 bargaining representatives of the transferring employees and the fire  
6 protection district, an employee is entitled to the employee rights,  
7 benefits, and privileges to which he or she would have been entitled  
8 as an employee of the city or town fire department, including rights  
9 to:

10 (i) Compensation at least equal to the level at the time of  
11 transfer;

12 (ii) Retirement, vacation, sick leave, and any other accrued  
13 benefit;

14 (iii) Promotion and service time accrual; and

15 (iv) The length or terms of probationary periods, including no  
16 requirement for an additional probationary period if one had been  
17 completed before the transfer date.

18 (b) If a city or town provides for civil service in its fire  
19 department, the collective bargaining representatives of the  
20 transferring employees and the fire protection district must  
21 negotiate regarding the establishment of a civil service system  
22 within the fire protection district.

23 (c) Nothing contained in this section may be construed to alter  
24 any existing collective bargaining unit or the provisions of any  
25 existing collective bargaining agreement until the agreement has  
26 expired or until the bargaining unit has been modified as provided by  
27 law.

28 NEW SECTION. **Sec. 3.** A new section is added to chapter 52.14  
29 RCW to read as follows:

30 The members of the legislative authority of a city or town shall  
31 serve ex officio, by virtue of their office, as the fire  
32 commissioners of a fire protection district created under section 1  
33 of this act.

34 **Sec. 4.** RCW 52.14.010 and 2012 c 174 s 1 are each amended to  
35 read as follows:

36 (1) The affairs of the district shall be managed by a board of  
37 fire commissioners composed initially of three registered voters

1 residing in the district, except as provided otherwise in RCW  
2 52.14.015 (~~and~~), 52.14.020, and section 2 of this act.

3 (2)(a) Each member of an elected board of fire commissioners  
4 shall each receive one hundred four dollars per day or portion  
5 thereof, not to exceed nine thousand nine hundred eighty-four dollars  
6 per year, for time spent in actual attendance at official meetings of  
7 the board or in performance of other services or duties on behalf of  
8 the district. Members serving in an ex officio capacity on a board of  
9 fire commissioners may not receive compensation, but shall receive  
10 necessary expenses in accordance with (b) of this subsection.

11 (~~In addition, they~~) (b) Each member of a board of fire  
12 commissioners shall receive necessary expenses incurred in attending  
13 meetings of the board or when otherwise engaged in district business,  
14 and shall be entitled to receive the same insurance available to all  
15 firefighters of the district: PROVIDED, That the premiums for such  
16 insurance, except liability insurance, shall be paid by the  
17 individual commissioners who elect to receive it.

18 (c) Any commissioner may waive all or any portion of his or her  
19 compensation payable under this section as to any month or months  
20 during his or her term of office, by a written waiver filed with the  
21 secretary as provided in this section. The waiver, to be effective,  
22 must be filed any time after the commissioner's election and prior to  
23 the date on which the compensation would otherwise be paid. The  
24 waiver shall specify the month or period of months for which it is  
25 made.

26 (3) The board shall fix the compensation to be paid the secretary  
27 and all other agents and employees of the district. The board may, by  
28 resolution adopted by unanimous vote, authorize any of its members to  
29 serve as volunteer firefighters without compensation. A commissioner  
30 actually serving as a volunteer firefighter may enjoy the rights and  
31 benefits of a volunteer firefighter.

32 (4) The dollar thresholds established in this section must be  
33 adjusted for inflation by the office of financial management every  
34 five years, beginning July 1, 2008, based upon changes in the  
35 consumer price index during that time period. "Consumer price index"  
36 means, for any calendar year, that year's annual average consumer  
37 price index, for Washington state, for wage earners and clerical  
38 workers, all items, compiled by the bureau of labor and statistics,  
39 United States department of labor. If the bureau of labor and  
40 statistics develops more than one consumer price index for areas

1 within the state, the index covering the greatest number of people,  
2 covering areas exclusively within the boundaries of the state, and  
3 including all items shall be used for the adjustments for inflation  
4 in this section. The office of financial management must calculate  
5 the new dollar threshold and transmit it to the office of the code  
6 reviser for publication in the Washington State Register at least one  
7 month before the new dollar threshold is to take effect.

8 (5) A person holding office as commissioner for two or more  
9 special purpose districts or serving ex officio as commissioner as a  
10 member of the legislative authority of a city or town shall receive  
11 only that per diem compensation authorized for one of his or her  
12 (~~commissioner~~) official positions as compensation for attending an  
13 official meeting or conducting official services or duties while  
14 representing more than one (~~of his or her districts~~) district or  
15 representing a municipality and a district. However, such  
16 commissioner may receive additional per diem compensation if approved  
17 by resolution of (~~all~~) the boards of (~~the~~) an affected  
18 commission(~~s~~), city, or town.

19 **Sec. 5.** RCW 52.14.020 and 2012 c 174 s 2 are each amended to  
20 read as follows:

21 (1) In a fire protection district (~~maintaining~~) with elected  
22 commissioners that maintains a fire department consisting wholly of  
23 personnel employed on a full-time, fully-paid basis, there shall be  
24 five fire commissioners. A fire protection district with an annual  
25 budget of ten million dollars or more may have seven fire  
26 commissioners.

27 (2)(a) If two positions are created on boards of fire  
28 commissioners by this section, such positions shall be filled  
29 initially as for a vacancy, except that the appointees shall draw  
30 lots, one appointee to serve until the next general fire district  
31 election after the appointment, at which two commissioners shall be  
32 elected for six-year terms, and the other appointee to serve until  
33 the second general fire district election after the appointment, at  
34 which two commissioners shall be elected for six-year terms.

35 (b) If four positions are created on boards of fire commissioners  
36 by this section, such positions shall be filled initially as for a  
37 vacancy, except that the appointees shall draw lots, three appointees  
38 to serve until the next general fire district election after the  
39 appointment, at which three commissioners shall be elected for

1 six-year terms and two commissioners shall be elected for four-year  
2 terms, and the other appointee to serve until the second general fire  
3 district election after the appointment, at which two commissioners  
4 shall be elected for six-year terms.

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