

ESB 5453 - H COMM AMD
By Committee on Local Government

ADOPTED AS AMENDED 04/12/2019

1 Strike everything after the enacting clause and insert the
2 following:

3 **"Sec. 1.** RCW 87.03.082 and 2013 c 23 s 488 are each amended to
4 read as follows:

5 Each director shall take and subscribe an official oath for the
6 faithful discharge of the duties of his or her office (~~(, and shall~~
7 ~~execute a bond to the district in the sum of one thousand dollars,~~
8 ~~conditioned for the faithful discharge of his or her duties, which~~
9 ~~shall be approved by the judge of the superior court of the county~~
10 ~~where the district was organized,~~) and the oath ((and bond)) shall
11 be recorded ((in the office of the county clerk of that county)) and
12 filed with the secretary of the board of directors. The secretary
13 shall take and subscribe a written oath of office ((and execute a
14 ~~bond in the sum of not less than one thousand dollars to be fixed by~~
15 ~~the directors)), which shall be approved and filed as in the case of
16 ((the bond of)) a director. ((If a district is appointed fiscal agent
17 of the United States to collect money for it, the secretary and
18 directors and the district treasurer shall each execute such
19 additional bonds as the secretary of the interior may require,
20 conditioned for the faithful discharge of their duties which shall be
21 approved, recorded, and filed as other official bonds. All such bonds
22 shall be secured at the cost of the district.))~~

23 **Sec. 2.** RCW 87.03.435 and 1997 c 354 s 3 are each amended to
24 read as follows:

25 (1) Except as provided in subsections (2) and (3) of this section
26 and RCW 87.03.436, whenever in the construction of the district canal
27 or canals, or other works, or the furnishing of materials therefor,
28 the board of directors shall determine to let a contract or contracts
29 for the doing of the work or the furnishing of the materials, a
30 notice calling for sealed proposals shall be published. The notice
31 shall be published in a newspaper in the county in which the office

1 of the board is situated, (~~and~~) in any other newspaper which may be
2 designated by the board, and on the irrigation district's web site or
3 on the county's web site where the district is located if the
4 district does not have a web site, and for such length of time, not
5 less than once each week for two weeks, as may be fixed by the board.
6 At the time and place appointed in the notice for the opening of
7 bids, the sealed proposals shall be opened in public, and as soon as
8 convenient thereafter, the board shall let the work or the contract
9 for the purchase of materials, either in portions or as a whole, to
10 the lowest responsible bidder, or the board may reject any or all
11 bids and readvertise, or may contract using the small works roster
12 process in RCW 39.04.155 or may proceed to construct the work under
13 its own superintendence. All work shall be done under the direction
14 and to the satisfaction of the engineer of the district, and be
15 approved by the board. The board of directors may require bidders
16 submitting bids for the construction or maintenance for any of the
17 works of the district, or for the furnishing of labor or material, to
18 accompany their bids by a deposit in cash, certified check, cashier's
19 check, or surety bond in an amount equal to five percent of the
20 amount of the bid and a bid shall not be considered unless the
21 deposit is enclosed with it. If the contract is let, then all the bid
22 deposits shall be returned to the unsuccessful bidders. The bid
23 deposit of the successful bidder shall be retained until a contract
24 is entered into for the purchase of the materials or doing of such
25 work, and a bond given to the district in accordance with chapter
26 39.08 RCW for the performance of the contract. The performance bond
27 shall be conditioned as may be required by law and as may be required
28 by resolution of the board, with good and sufficient sureties
29 satisfactory to the board, payable to the district for its use, for
30 at least twenty-five percent of the contract price. If the successful
31 bidder fails to enter into a contract and furnish the necessary bond
32 within twenty days from the award, exclusive of the day of the award,
33 the bid deposit shall be forfeited to the district and the contract
34 may then be awarded to the second lowest bidder.

35 (2) The provisions of this section in regard to public bidding
36 shall not apply in cases where the board is authorized to exchange
37 bonds of the district in payment for labor and material.

38 (3) The provisions of this section do not apply:

39 (a) In the case of any contract between the district and the
40 United States;

1 (b) In the case of an emergency when the public interest or
2 property of the district would suffer material injury or damage by
3 delay, upon resolution of the board of directors or proclamation of
4 an official designated by the board to act for the board during such
5 emergencies. The resolution or proclamation shall declare the
6 existence of the emergency and recite the facts constituting the
7 emergency; or

8 (c) To purchases which are clearly and legitimately limited to a
9 single source of supply or to purchases involving special facilities,
10 services, or market conditions, in which instances the purchase price
11 may be best established by direct negotiation.

12 NEW SECTION. **Sec. 3.** (1) The Washington association of county
13 officials must conduct a study of irrigation district election-
14 related practices and procedures and recommend best practices to
15 standardize those procedures across all districts. Best practices are
16 those that are equitable and ensure thorough governance of irrigation
17 districts. In conducting this study, the Washington association of
18 county officials may collaborate with the secretary of state, county
19 assessors, county auditors, and other relevant stakeholders as
20 necessary.

21 (2) The Washington association of county officials must report
22 its findings and recommendations to the governor and the appropriate
23 committees of the legislature by December 1, 2019. At minimum,
24 recommendations for the standardization of election procedures must
25 include procedures to:

- 26 (a) Identify qualified voters and directors;
- 27 (b) Notify qualified voters and directors;
- 28 (c) Deliver and return ballots;
- 29 (d) Identify and count official returns; and
- 30 (e) Declare the winning candidate."

31 Correct the title.

EFFECT: Authorizes an irrigation district board: (1) To contract
using the small works roster process for work or for the purchase of
materials; and (2) When calling for bid proposals for contract work

or for materials, to advertise on the irrigation district's web site or the county's web site if the district does not have a web site.

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