

# SENATE BILL REPORT

## ESB 5453

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As Amended by House, April 12, 2019

**Title:** An act relating to the administration of irrigation districts.

**Brief Description:** Concerning the administration of irrigation districts.

**Sponsors:** Senators Takko and Short.

**Brief History:**

**Committee Activity:** Local Government: 1/31/19 [DP].

**Floor Activity:**

Passed Senate: 3/12/19, 48-0.

Passed House: 4/12/19, 95-0.

**Brief Summary of Engrossed Bill**

- Removes all provisions related to the execution of bonds with respect to irrigation district directors.
- Removes requirements that official oaths be approved by a superior court judge and recorded in the office of the county clerk.
- Allows a board of an irrigation district that has not received any bids after a first call to either readvertise and make a second call or enter into a contract without any further call.
- Requires the Washington Association of County Officials to study and make recommendations to standardize irrigation district election methods by December 1, 2019.

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### SENATE COMMITTEE ON LOCAL GOVERNMENT

**Majority Report:** Do pass.

Signed by Senators Takko, Chair; Salomon, Vice Chair; Short, Ranking Member; Honeyford and Liias.

**Staff:** Bonnie Kim (786-7316)

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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.*

**Background:** Irrigation Districts. An irrigation district is a type of special purpose district with broad statutory authorization to engage in a wide range of activities and provide a myriad of services. Generally, irrigation districts provide for the construction, improvement, maintenance, and operation of irrigation systems. Irrigation districts also may provide drainage, domestic water supply, and electric power facilities. Districts may finance their operations and actions through fees, charges, and assessments, but districts do not have the authority to impose property taxes.

Each director must take and subscribe an official oath for the faithful discharge of the duties of their office, and must execute a \$1,000 bond to the district, conditioned for the faithful discharge of their duties. The oath and bond must be approved by a superior court judge, recorded in the office of the county clerk, and filed with the secretary of the board of directors. The secretary must then also execute a bond of not less than \$1,000. If a district is appointed fiscal agent of the United States to collect money for it, the secretary, directors, and the district treasurer must each execute such additional bonds as the Secretary of the Interior may require. All bonds must be secured at the cost of the district.

The board of directors must contract for work on behalf of the irrigation district. Notice calling for sealed proposals must be published in appropriate newspapers at least once a week for two weeks. The sealed bids must be opened publicly at a time and place appointed in the notice. The board must then award the contract to the lowest responsible bidder, reject all bids and readvertise, or construct the work under its own superintendence.

**Summary of Engrossed Bill:** All provisions related to the execution of bonds with respect to irrigation district directors are removed. In addition, official oaths need no longer be approved by a superior court judge or recorded in the office of the county clerk.

Regarding contracts for irrigation district work, if no bid is received on the first call the board of directors may readvertise and make a second call or may enter into a contract without any further call.

By December 1, 2019, the Washington Association of County Officials must study and make recommendations to standardize irrigation district election methods. At minimum, recommendations must include procedures to:

- identify qualified voters and directors;
- notify qualified voters and directors;
- deliver and return ballots;
- identify and count official returns; and
- declare the winning candidate.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony on Original Bill:** PRO: This bill cleans up an outdated law that requires execution of bonds when commissioners take their positions. The new provision allowing direct contract for works when there are no bids after a first call allows our districts to save resources by not having to repeatedly advertise.

**Persons Testifying:** PRO: Senator Dean Takko, Prime Sponsor; Mike Schwisow, Washington State Water Resources Association.

**Persons Signed In To Testify But Not Testifying:** No one.

**EFFECT OF HOUSE AMENDMENT(S):**

- 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 website or the county's website if the district does not have a website.
- Allows an irrigation district board that has not received any bids after a first call to either: (1) readvertise and make a second call; or (2) solicit electronic or written bids from a minimum of three contractors and award the contract to the lowest responsible bidder. Bids must be open to public inspection and made available by electronic request after an award is made. The district must attempt to distribute opportunities for projects equitably among contractors willing to perform in the geographic area of the work. The district must maintain a list of contractors contacted and the contracts awarded during the previous 24 months.