

CERTIFICATION OF ENROLLMENT

ENGROSSED SENATE BILL 5453

66th Legislature
2019 Regular Session

Passed by the Senate April 24, 2019
Yeas 48 Nays 0

President of the Senate

Passed by the House April 12, 2019
Yeas 95 Nays 0

Speaker of the House of Representatives

Approved

Governor of the State of Washington

CERTIFICATE

I, Brad Hendrickson, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SENATE BILL 5453** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

ENGROSSED SENATE BILL 5453

AS AMENDED BY THE HOUSE

Passed Legislature - 2019 Regular Session

State of Washington

66th Legislature

2019 Regular Session

By Senators Takko and Short

1 AN ACT Relating to the administration of irrigation districts;
2 amending RCW 87.03.082 and 87.03.435; and creating a new section.

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

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

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

1 ~~approved, recorded, and filed as other official bonds. All such bonds~~
2 ~~shall be secured at the cost of the district.))~~

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

5 (1) Except as provided in subsections (2) and (3) of this section
6 and RCW 87.03.436, whenever in the construction of the district canal
7 or canals, or other works, or the furnishing of materials therefor,
8 the board of directors shall determine to let a contract or contracts
9 for the doing of the work or the furnishing of the materials, a
10 notice calling for sealed proposals shall be published. The notice
11 shall be published in a newspaper in the county in which the office
12 of the board is situated, ~~((and))~~ in any other newspaper which may be
13 designated by the board, and on the irrigation district's web site or
14 on the county's web site where the district is located if the
15 district does not have a web site, and for such length of time, not
16 less than once each week for two weeks, as may be fixed by the board.
17 At the time and place appointed in the notice for the opening of
18 bids, the sealed proposals shall be opened in public, and as soon as
19 convenient thereafter, the board shall let the work or the contract
20 for the purchase of materials, either in portions or as a whole, to
21 the lowest responsible bidder, or the board may reject any or all
22 bids and readvertise, or may contract using the small works roster
23 process in RCW 39.04.155 or if no bid is received on the first call
24 the board may readvertise and make a second call or shall solicit
25 electronic or written quotations from a minimum of three qualified
26 contractors and shall award the contract to the lowest responsible
27 bidder. After an award is made, the quotations shall be open to
28 public inspection and available by electronic request. The district
29 shall attempt to distribute opportunities for projects equitably
30 among contractors willing to perform in the geographic area of the
31 work. The district shall maintain a list of contractors contacted and
32 the contracts awarded during the previous twenty-four months. The
33 district also may proceed to construct the work under its own
34 superintendence. All work shall be done under the direction and to
35 the satisfaction of the engineer of the district, and be approved by
36 the board. The board of directors may require bidders submitting bids
37 for the construction or maintenance for any of the works of the
38 district, or for the furnishing of labor or material, to accompany
39 their bids by a deposit in cash, certified check, cashier's check, or

1 surety bond in an amount equal to five percent of the amount of the
2 bid and a bid shall not be considered unless the deposit is enclosed
3 with it. If the contract is let, then all the bid deposits shall be
4 returned to the unsuccessful bidders. The bid deposit of the
5 successful bidder shall be retained until a contract is entered into
6 for the purchase of the materials or doing of such work, and a bond
7 given to the district in accordance with chapter 39.08 RCW for the
8 performance of the contract. The performance bond shall be
9 conditioned as may be required by law and as may be required by
10 resolution of the board, with good and sufficient sureties
11 satisfactory to the board, payable to the district for its use, for
12 at least twenty-five percent of the contract price. If the successful
13 bidder fails to enter into a contract and furnish the necessary bond
14 within twenty days from the award, exclusive of the day of the award,
15 the bid deposit shall be forfeited to the district and the contract
16 may then be awarded to the second lowest bidder.

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

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

21 (a) In the case of any contract between the district and the
22 United States;

23 (b) In the case of an emergency when the public interest or
24 property of the district would suffer material injury or damage by
25 delay, upon resolution of the board of directors or proclamation of
26 an official designated by the board to act for the board during such
27 emergencies. The resolution or proclamation shall declare the
28 existence of the emergency and recite the facts constituting the
29 emergency; or

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

34 NEW SECTION. **Sec. 3.** (1) The Washington association of county
35 officials must conduct a study of irrigation district election-
36 related practices and procedures and recommend best practices to
37 standardize those procedures across all districts. Best practices are
38 those that are equitable and ensure thorough governance of irrigation
39 districts. In conducting this study, the Washington association of

1 county officials may collaborate with the secretary of state, county
2 assessors, county auditors, and other relevant stakeholders as
3 necessary.

4 (2) The Washington association of county officials must report
5 its findings and recommendations to the governor and the appropriate
6 committees of the legislature by December 1, 2019. At minimum,
7 recommendations for the standardization of election procedures must
8 include procedures to:

- 9 (a) Identify qualified voters and directors;
- 10 (b) Notify qualified voters and directors;
- 11 (c) Deliver and return ballots;
- 12 (d) Identify and count official returns; and
- 13 (e) Declare the winning candidate.

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