

HOUSE BILL REPORT

SSB 5437

As Passed House - Amended:

April 6, 2023

Title: An act relating to vacancies of the governing body of special purpose districts.

Brief Description: Concerning vacancies of the governing body of special purpose districts.

Sponsors: Senate Committee on Local Government, Land Use & Tribal Affairs (originally sponsored by Senators MacEwen and Hunt).

Brief History:

Committee Activity:

Local Government: 3/22/23, 3/24/23 [DPA].

Floor Activity:

Passed House: 4/6/23, 98-0.

Brief Summary of Substitute Bill (As Amended by House)

- Establishes a new process for filling vacancies on an elected nonpartisan governing body of certain special purpose districts.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: Do pass as amended. Signed by 7 members: Representatives Duerr, Chair; Alvarado, Vice Chair; Goehner, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Berg, Griffey and Riccelli.

Staff: Elizabeth Allison (786-7129).

Background:

A vacancy on an elected nonpartisan governing body of a special district where property

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ownership is not a qualification to vote, in a town or city other than a first-class or charter code city, must be filled according to the following provisions, unless specific laws for the special district provide otherwise. Where one position is vacant, the remaining members of the governing body shall appoint a qualified person to fill the vacant position.

Where two or more positions are vacant and two or more members of the governing body remain in office, the remaining members must appoint a qualified person to fill one of the vacant positions, and the remaining members and the newly appointed member must appoint another qualified person, repeating this process until all vacancies are filled. If less than two members of the governing body remain in office, the county legislative authority of the county in which all or the largest geographic portion of the city, town, or special district is located must appoint a qualified person or persons to the governing body until the governing body has two members.

If a governing body fails to appoint a qualified person to fill a vacancy within 90 days of the vacancy, the governing body loses its authority to do so and the county legislative authority must appoint a qualified person. If the county legislative authority of the county fails to appoint a qualified person within 180 days of the vacancy, the county legislative authority or the remaining members of the governing body of the city, town, or special district may petition the Governor to appoint a qualified person to fill the vacancy. The Governor may appoint a qualified person to fill the vacancy if, at the time the Governor fills the vacancy, the county legislative authority has not appointed a qualified person to fill the vacancy. Each person who is appointed must serve until a qualified person is elected at the next election at which a member of the governing body normally would be elected.

Summary of Amended Bill:

A new process is established for filling vacancies on an elected nonpartisan governing body of a special purpose district that is not a qualifying special purpose district or where property ownership is not a qualification to vote. After a vacancy in such district occurs, the remaining members of a governing body must nominate at least one candidate at a meeting of the governing body. The governing body must provide notice of the vacancy and the name of the nominated candidate in three public places within the district, including the district's website if available, for at least 15 days. Registered voters residing within the special purpose district may submit nominations to the remaining members of the governing body during this period. After the notice period concludes, the remaining members of the governing body must appoint a qualified person to fill the vacancy from the candidates at a meeting of the governing body.

Where two or more positions are vacant and two or more members of the governing body remain in office, the remaining members must appoint a qualified person to one of the vacant positions under the nomination process. The next vacant positions must be filled by the remaining members and the newly appointed member in the same manner, repeating until all vacant positions are filled.

If less than two members of a governing body remain in office, the county legislative authority of the county in which all or the largest geographic portion of the special purpose district is located must appoint a qualified person or persons to the governing body until the governing body has two members.

If a governing body fails to appoint a qualified person to fill a vacancy within 90 days of the vacancy, the governing body loses its authority to do so and the county legislative authority must appoint a qualified person. If the county legislative authority of the county fails to appoint a qualified person within 180 days of the vacancy, the county legislative authority or the remaining members of the governing body of the special purpose district may petition the Governor to appoint a qualified person to fill the vacancy. The Governor may appoint a qualified person to fill the vacancy if, at the time the Governor fills the vacancy, the county legislative authority has not appointed a qualified person to fill the vacancy. Each person who is appointed must serve until a qualified person is elected at the next election at which a member of the governing body normally would be elected.

Existing provisions for filling a vacancy on an elected nonpartisan governing body continue to apply to cities, towns, and qualifying special purpose districts, which are fire protection districts (FPDs) and regional fire protection service authorities (RFAs) with assessed values under \$5 billion.

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 addresses a situation where one district commission member resigns at a meeting and at the next meeting a new member is in their place. This process does not support open government. The bill requires notice and a nomination. Districts must make an effort to notify the public of a vacancy. This is good open government and allows members of the public to participate. It is important to have an efficient and fair process when appointing members. There is a request for a technical amendment to add RFAs along with FPDs as “qualifying special purpose districts” under the existing appointment process. The responsibilities are the same for RFAs and FPDs. Each entity is simply made up a little differently, and RFAs were inadvertently left out.

(Opposed) None.

(Other) Special purpose districts are more comfortable following the existing process for

appointing vacancies. Water-sewer districts would like to be removed from the special process for appointments created in this bill. An amendment that cleans up the bill for other special purpose districts as well has been requested. The amendment would allow special purpose districts to appoint folks in the manner they have been doing previously.

Persons Testifying: (In support) Senator Drew MacEwen, prime sponsor; and Ryan Spiller, Washington Fire Commissioners.

(Other) Joren Clowers, Washington Association of Sewer and Water Districts.

Persons Signed In To Testify But Not Testifying: None.