

SENATE BILL REPORT

SB 5437

As Reported by Senate Committee On:
Local Government, Land Use & Tribal Affairs, February 7, 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: Senators MacEwen and Hunt.

Brief History:

Committee Activity: Local Government, Land Use & Tribal Affairs: 2/02/23, 2/07/23 [DPS].

Brief Summary of First Substitute Bill

- Requires that, after a vacancy occurs, the remaining members of the governing body of certain special purpose districts must nominate at least one candidate at a meeting of the governing body.
- Requires the governing body to post notice of the vacancy and the names of the nominated candidates in three public places, including the district's website, for a minimum of 15 days.
- Allows registered voters who reside in the special purpose district to submit nominations to the remaining members of the governing body.

SENATE COMMITTEE ON LOCAL GOVERNMENT, LAND USE & TRIBAL AFFAIRS

Majority Report: That Substitute Senate Bill No. 5437 be substituted therefor, and the substitute bill do pass.

Signed by Senators Lovelett, Chair; Salomon, Vice Chair; Torres, Ranking Member; Kauffman and Short.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Staff: Karen Epps (786-7424)

Background: When a vacancy on an elected nonpartisan governing body of a special purpose district where property ownership is not a qualification to vote, or a town or a city other than a first-class city or a charter code city occurs, the remaining members of the governing body appoint someone to fill the vacancy.

If the appointment is not made within 90 days of the vacancy, the authority to make the appointment reverts to the county legislative authority of the county in which all or the largest geographic portion of the local government is located. If the county legislative authority fails to make the appointment within 180 days of the vacancy, the county or remaining members of the local governmental governing body may request the Governor to make the appointment.

Where 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 government is located appoints either one or two persons to bring the governing body up to two persons.

Special purpose districts that use this process to fill vacancies include:

- Airport District Commissioners;
- Park and Recreation District Commissioners;
- Fire Protection District Commissioners;
- Port District Commissioners;
- Public Utility District Commissioners;
- Water-Sewer District Commissioners;
- Cemetery District Commissioners; and
- Public Hospital District Commissioners.

Summary of Bill (First Substitute): After a vacancy occurs on a special purpose where property ownership is not a qualification to vote or that is not a qualifying special purpose district, the remaining members of the governing body must nominate at least one candidate at a meeting of the governing body.

The governing body must post notice of the vacancy and the name of the nominated candidate or candidates in three public places in the special purpose district, including on the district's website if the district has a website, for a minimum of 15 days. During the notice period, registered voters who reside in the special purpose district may submit nominations to the remaining members of the governing body.

After the notice period, the remaining members of the governing body must appoint a qualified person or persons from the nominations to the governing body at a meeting of the governing body.

A qualifying special purpose district includes fire protection districts and water-sewer

districts with assessed value under \$5 billion.

EFFECT OF CHANGES MADE BY LOCAL GOVERNMENT, LAND USE & TRIBAL AFFAIRS COMMITTEE (First Substitute):

- Provides that qualifying special purpose districts continue to use the existing vacancy process. Qualifying special purpose districts include fire protection districts and water-sewer districts with assessed value under \$5 billion.
- Changes the number of candidates a governing body of other special purpose districts nominate from 2 candidates to at least 1 candidate.
- Makes clarifying changes putting the nomination and notice provision in chronological order.

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: *The committee recommended a different version of the bill than what was heard.* PRO: This bill addresses situations when a vacancy occurs on special purpose district governing bodies and no one in the public knew the vacancy was occurring or has the opportunity to express interest or be involved in the appointment process. The bill provides that special purpose districts post notice of the vacancy, sets a timeframe so there is ample time for notice, and allows the public to put forth nominations.

OTHER: Good governance includes transparency and an accessible process to fill vacancies, but for many districts, finding two candidates is likely to delay the process. Providing one candidate with a 15-day notice period would be better for the special purpose districts, especially for the smaller districts.

Persons Testifying: PRO: Senator Drew MacEwen, Prime Sponsor.

OTHER: Joren Clowers, Washington Association of Sewer & Water Districts.

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