

# HOUSE BILL REPORT

## HB 1066

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### As Passed Legislature

**Title:** An act relating to special elections for changing the form of government of a noncharter code city.

**Brief Description:** Regarding special elections for changing the form of government of a noncharter code city.

**Sponsors:** Representatives Rolfes, Appleton and Moeller.

#### **Brief History:**

##### **Committee Activity:**

Local Government & Housing: 1/15/09 [DP].

##### **Floor Activity**

Passed House: 1/28/09, 95-2.

Passed Senate: 2/11/09, 41-6.

Passed Legislature.

#### **Brief Summary of Bill**

- Authorizes an optional municipal code city to hold a special election for the purpose of changing its form of government.

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## HOUSE COMMITTEE ON LOCAL GOVERNMENT & HOUSING

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**Majority Report:** Do pass. Signed by 9 members: Representatives Simpson, Chair; Nelson, Vice Chair; Angel, Ranking Minority Member; Miloscia, Short, Springer, Upthegrove, White and Williams.

**Staff:** Thamas Osborn (786-7129)

#### **Background:**

Created in 1967, the Optional Municipal Code (Title 35A RCW) provides an alternative to the basic statutory classification system of municipal government. It was designed to provide cities and towns with the option of adopting a system of governance that allows broad statutory home rule authority in matters of local concern. Any unincorporated area having a

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population of at least 1,500 may incorporate as an optional code city (code city), and any city or town may reorganize as a code city.

Washington cities and towns are organized under one of three principal forms of government:

- the *mayor-council* form, which consists of an elected mayor, who serves as the city's chief administrative officer, and a council which serves as the municipality's legislative body;
- the *council-manager* form, which consists of an elected city council which is responsible for legislation and policy making, and a professional city manager, appointed by the council, who is responsible for administration; and
- the *commission form*, which authorizes the election of three commissioners who function collectively as the city legislative body and individually as department heads.

Any city may change its form of government by adopting another form authorized by statute. Generally, the procedure may be initiated either by a resolution adopted by the city council or by a petition process, and either process must be followed by an election on the issue of whether or not to adopt the proposed governmental change. The election for a proposed change of city government must take place at the next general election.

#### **Summary of Bill:**

Following a proposal for a change in a city's form of government, initiated either through a voter petition or by the decision of a city council, a code city may decide the issue through a special election held prior to the next general election pursuant to the resolution of the council.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill contains an emergency clause and takes effect immediately.

#### **Staff Summary of Public Testimony:**

(In support) Current law requiring that a change in the form of municipal government be decided only at a general election is far too inflexible and can be the source of problems for cities and towns. Cities and towns should be allowed the discretion to conduct special elections in order to decide a change of governance proposal. The original language of the statute allowed special elections for this purpose, but was erroneously amended several years ago to eliminate this option. This was a mistake since it creates an obstacle to voters asserting their right to change their form of municipal government. The bill does nothing more than restore the original language of the statute.

Currently, the City of Bainbridge Island is seeking to change its form of governance from a mayor-council form to a council-manager form, while at the same time a mayoral race must be decided next November at the general election. Under existing law, both matters must be decided at the November election since it would be unlawful to hold a special election before then to decide the change of governance issue. Accordingly, if the bill is not passed and a special election is not authorized by law, it is possible that following the general election Bainbridge Island will have a new elected mayor while at the same time adopting a form of government that does not include a mayor. Passage of the bill will preclude the possibility of this untenable result and thus benefit the City of Bainbridge Island and, potentially, 291 other cities in this state who could face the same situation.

(Opposed) None.

**Persons Testifying:** (In support) Dennis Vogt; Andrew Maron; and Deborah Vancil, Kimberlee Brackett, and Bill Knobloch, Bainbridge Island City Council.

**Persons Signed In To Testify But Not Testifying:** None.