

CHAPTER 207.

[S. B. 349.]

PUBLIC UTILITY DISTRICTS.

AN ACT relating to public utility districts; and amending sections 54.04.060, 54.04.070, 54.04.080 and 54.12.080, R.C.W., and adding a new section thereto.

Be it enacted by the Legislature of the State of Washington:

SECTION 1. Section 54.04.060, R.C.W., as derived from section 5, chapter 245, Laws of 1941, is amended to read as follows:

Amendment.

The supervisor of elections or other proper officer of the county shall give notice of all elections held under this title, for the time and in the manner and form provided for city, town, school district, and port district elections. When the supervisor or other officer deems an emergency exists, and is requested so to do by a resolution of the district commission, he may call a special election at any time in the district, and he may combine or divide precincts for the purpose of holding special elections, and special elections shall be conducted and notice thereof given in the manner provided by law.

Public utility district elections; notices.

Emergency.

Special election.

The supervisor or other officer shall provide polling places, appoint the election officers, provide their compensation, provide ballot boxes, and ballots or voting machines, poll books and tally sheets, and deliver them to the election officers at the polling places, publish and post notices of the elections in the manner provided by law, and apportion to the district its share of the expense of the election.

Other duties of supervisor.

The manner of conducting and voting at the elections, opening and closing of polls, keeping of poll lists, canvassing the votes, declaring the result, and certifying the returns, shall be the same as for the election of state and county officers, except as otherwise provided herein.

Elections; how conducted.

Certification of offices to be filled and propositions to be submitted.

The district commission shall certify to the supervisor a list of offices to be filled at a district election and the commission, if it desires to submit to the voters of the district a proposition, shall require the secretary of the commission to certify it at the time and in the manner and form provided for certifying propositions by the governing board of cities, towns, and port districts.

[Am. Rem. Supp. 1941, § 11609.]

Amendment.

SEC. 2. Section 54.04.070, R.C.W., as derived from section 8, chapter 1, Laws of 1931, is amended to read as follows:

Work and materials; when contract necessary.

All materials purchased and work ordered by a district commission, the estimated cost of which is in excess of five thousand dollars, shall be by contract, except that a district commission may have its own personnel perform work utilizing material of a worth not exceeding fifteen thousand dollars in value without a contract. Before awarding such a contract, the commission shall publish a notice at least thirty days before the letting of the contract, inviting sealed proposals for the work; plans and specifications of which shall at the time of the publication be on file at the office of the district subject to public inspection. The commission may at the same time and as part of the same notice, invite tenders for the work or materials upon plans and specifications to be submitted by the bidders.

Exception.

Notice to bidders.

Plans and specifications.

Bidders' own plans.

Purchase of equipment or materials held by governmental agency.

Whenever equipment or materials required by a district are held by a governmental agency and are available for sale but such agency is unwilling to submit a proposal, the commission may ascertain the price of such items and file a statement of such price supported by the sworn affidavit of one member of the commission and may consider such price as a bid without a deposit or bond: *Provided*, That where an emergency arises endangering the public safety, the commission may purchase materials or

Emergency situation.

order work performed in any amount necessary without calling for bids after having taken precautions to secure the lowest price practicable under the circumstances.

[R.C.W. 54.04.070 was derived from R.R.S. § 11612 part (first two sentences of 2nd para. of § 11612.) 2nd para. of R.C.W. 54.04.070 is new.]

[See also note to sec. 3, *infra*.]

SEC. 3. Section 54.04.080, R.C.W., as derived from section 8, chapter 1, Laws of 1931, is amended to read as follows: Amendment.

The notice shall state generally the work to be done, and shall call for proposals for doing it, to be sealed and filed with the commission on or before the time named therein. Each bid shall be accompanied by a certified or cashier's check, payable to the order of the commission, for a sum not less than five per cent of the amount of the bid, or accompanied by a bid bond in an amount not less than five per cent of the bid with a corporate surety licensed to do business in the state, conditioned that the bidder will pay the district as liquidated damages the amount specified in the bond unless he enters into a contract in accordance with his bid and furnishes the performance bond herein mentioned within ten days from the date on which he is notified that he is the successful bidder. At the time and place named, the bids shall be publicly opened and read, and the commission shall canvass the bids, and may let the contract to the lowest responsible bidder upon the plans and specifications on file, or to the best bidder submitting his own plans and specifications: *Provided*, That no contract shall be let in excess of the estimated cost of the materials or work. The commission may reject all bids and readvertise, and in such case all checks shall be returned to the bidders. If the contract is let, all checks shall be returned to the bidders, except that of the successful bidder, which shall be retained until a contract

Notice to bidders; contents.

Check or bid bond to accompany bid.

Opening of bids.

Letting contract.

Limitation.

Bids may be rejected.

Return of checks.

Bond of successful bidder.

is entered into and a bond to perform the work furnished, with sureties satisfactory to the commission, in an amount to be fixed by the commission, not less than twenty-five per cent of the contract price, in accordance with the bid. If the bidder fails to enter into the contract and furnish the bond within ten days from the date at which he is notified that he is the successful bidder, his check and the amount thereof shall be forfeited to the district.

Forfeiture of check.

[R.C.W. 54.04.080 was derived from R.R.S. § 11612 part (3rd sentence of 2nd para. of § 11612 to end of said para. incl.)]

[With the exception of portions of R.R.S. § 11612, which appear in sections 2 and 4 of this chapter, the remainder of R.R.S. § 11612 is codified elsewhere in R.C.W.]

Amendment.

SEC. 4. Section 54.12.080, R.C.W., as derived from section 6, chapter 245, Laws of 1941, is amended to read as follows:

Commissioners' compensation.

District commissioners shall serve without compensation, except that a district may provide by resolution for the payment of compensation to each of its commissioners at a rate not exceeding ten dollars for each day or major part thereof devoted to the business of the district, and days upon which he attends meetings of the commission of his own district or meetings attended by one or more commissioners of two or more districts called to consider business common to them. Each commissioner shall

Expenses.

be reimbursed for reasonable expenses actually incurred in connection with such business and meetings, including his subsistence and lodging while away from his place of residence and mileage for the use of a personal automobile: *Provided*, That he shall be allowed mileage at a rate not exceeding the maximum rate now or hereafter provided by law for county officers.

Mileage.

[R.C.W. 54.12.080 was derived from 1st sentence of R.R.S. § 11612 and all of Rem. Supp. 1941, § 11616-5.]

New section.

SEC. 5. There is hereby added a new section to section 54.03.08 [chapter 54.08], R.C.W., to read as follows:

Whenever a proposition for the formation of a public utility district is to be submitted to voters in any county, the board of county commissioners may by resolution call a special election, and at the request of petitioners for the formation of such district contained in the petition shall do so and shall provide for holding the same at the earliest practicable time. If the boundaries of the proposed district embrace an area less than the entire county, such election shall be confined to the area so included. The notice of such election shall state the boundaries of the proposed district and the object of such election; in other respects, such election shall be held and called in the same manner as provided by law for the holding and calling of general elections: *Provided*, That notice thereof shall be given for not less than ten days nor more than thirty days prior to such special election. In submitting the said proposition to the voters for their approval or rejection, such proposition shall be expressed on the ballots in substantially the following terms:

Formation of district.

Special election.

District less than county wide.

Notice.

How conducted.

Ballot form.

- Public Utility District No.Yes
- Public Utility District No.No

The term "general election" as used herein means biennial general elections at which state and county officers are elected.

"General election."

[Sec. 5 is apparently intended as an addition to chapter 54.08 R.C.W. "formation."]

- Passed the Senate March 1, 1951.
- Passed the House March 5, 1951.
- Approved by the Governor March 17, 1951.