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SENATE BILL 6147

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State of Washington

64th Legislature

2016 Regular Session

By Senators Roach, Takko, Dansel, and Chase

Prefiled 12/08/15.

1 AN ACT Relating to water-sewer districts; amending RCW 57.08.016  
2 and 70.95A.020; adding a new section to chapter 57.20 RCW; and adding  
3 a new section to chapter 57.08 RCW.

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

5 **Sec. 1.** RCW 57.08.016 and 2011 c 90 s 1 are each amended to read  
6 as follows:

7 (1) ~~((There shall be no private sale of))~~ Real property ~~((where~~  
8 ~~the))~~ with an estimated value ((exceeds the sum)) of five thousand  
9 dollars or more may be sold by public sale only. Estimated value  
10 shall be determined by the board of commissioners ~~((and))~~, based upon  
11 a written appraisal report by a state-licensed or state-certified  
12 real estate appraiser ((and broker advice as it considers  
13 appropriate)), as described and governed by chapter 18.140 RCW, or a  
14 written brokers price opinion, as defined in RCW 18.140.010 and  
15 described in RCW 18.140.020. The appraisal report or brokers price  
16 opinion must have been prepared less than six months prior to the  
17 date of sale. Subject to the provisions of subsection (2) of this  
18 section, no real property of the district shall be sold for less than  
19 ninety percent of the value thereof. ~~((Where the estimated value of~~  
20 ~~the real property exceeds five thousand dollars, value shall be~~  
21 ~~established by a written broker price opinion made not more than six~~

1 ~~months prior to the date of sale by three disinterested real estate~~  
2 ~~brokers licensed under the laws of the state or by one professionally~~  
3 ~~designated real estate appraiser as defined in chapter 18.140 RCW.~~  
4 A) The brokers price opinion (~~(shall be signed by)~~) or the (~~(broker~~  
5 ~~and an)~~) appraisal report must be (~~(signed by the appraiser and)~~)  
6 filed with the secretary of the board of commissioners of the  
7 district, who shall keep it at the office of the district open to  
8 public inspection. (~~(Any)~~) In addition to the requirements of RCW  
9 57.08.015, the notice of intention to sell such real property (~~(of~~  
10 ~~the district)~~) shall recite the estimated value (~~(or, if an appraisal~~  
11 ~~has been made, the appraised value thereof)~~) and refer to the  
12 appraisal report or the brokers price opinion, as applicable.

13 (2) If no purchasers can be obtained for the real property at  
14 ninety percent or more of its estimated (~~(or appraised)~~) value  
15 (~~(after)~~) within one hundred twenty days of (~~(offering the property~~  
16 ~~for sale)~~) publication of the initial notice of intention to sell,  
17 the board of commissioners of the district may adopt a resolution  
18 stating that the district has been unable to sell the property at the  
19 ninety percent (~~(amount)~~) or more of the estimated value. The  
20 district then may sell the property at the highest price it can  
21 obtain at public auction. A notice of intention to sell at public  
22 auction shall be published once a week for two consecutive weeks in a  
23 newspaper of general circulation in the district. The notice shall  
24 describe the real property, state the time and place at which it will  
25 be offered for sale (~~(and)~~) at public auction, state the minimum  
26 opening bid, if any, state the terms and conditions of sale(~~(, and~~  
27 ~~shall call for bids, fix the conditions thereof)~~), and reserve the  
28 right to reject any and all bids for good cause.

29 NEW SECTION. Sec. 2. A new section is added to chapter 57.20  
30 RCW to read as follows:

31 (1) The board of commissioners of a district with revenues of  
32 five million dollars or more in each of the preceding three years  
33 that were audited in accordance with RCW 43.09.260 may by resolution  
34 adopt a policy to issue its own warrants for payment of claims or  
35 other obligations of the district. The board of commissioners, after  
36 auditing all payrolls and bills, may authorize the issuing of one  
37 general certificate to the county treasurer, to be signed by the  
38 president of the board of commissioners, authorizing the county  
39 treasurer to pay all the warrants specified by date, number, name,

1 and amount, and the accounting funds on which the warrants are drawn.  
2 The district may then issue the warrants specified in the general  
3 certificate.

4 (2) The board of commissioners of a district with revenues  
5 greater than two hundred fifty thousand dollars and less than five  
6 million dollars in each of the preceding three years that were  
7 audited in accordance with RCW 43.09.260 may upon agreement between  
8 the county treasurer and the district commission, with approval of  
9 the district commission by resolution, adopt a policy to issue its  
10 own warrants for payment of claims or other obligations of the  
11 district. The board of commissioners, after auditing all payrolls and  
12 bills, may authorize the issuing of one general certificate to the  
13 county treasurer, to be signed by the president of the board of  
14 commissioners, authorizing the county treasurer to pay all the  
15 warrants specified by date, number, name, and amount, and the  
16 accounting funds on which the warrants are drawn. The district may  
17 then issue the warrants specified in the general certificate.

18 NEW SECTION. **Sec. 3.** A new section is added to chapter 57.08  
19 RCW to read as follows:

20 (1) Any water-sewer district may elect to contract for asset  
21 management service of its water storage assets in accordance with  
22 this section. If a water-sewer district elects to contract under this  
23 subsection for all, some, or one component of water storage asset  
24 management services for its water storage assets, each water-sewer  
25 district shall publish notice of its requirements to procure asset  
26 management service of its water storage assets. The announcement must  
27 concisely state the scope and nature of the water storage asset  
28 management service for which a contract is required and encourage  
29 firms to submit proposals to meet these requirements. If a water-  
30 sewer district chooses to negotiate a water storage asset management  
31 service contract under this section, no otherwise applicable  
32 statutory procurement requirement applies.

33 (2) The water-sewer district may negotiate a fair and reasonable  
34 water storage asset management service contract with the firm that  
35 submits the best proposal based on criteria that is established by  
36 the water-sewer district.

37 (3) If the water-sewer district is unable to negotiate a  
38 satisfactory water storage asset management service contract with the  
39 firm that submits the best proposal, negotiations with that firm must

1 formally be terminated and the water-sewer district may select  
2 another firm in accordance with this section and continue negotiation  
3 until a water storage asset management service contract is reached or  
4 the selection process is terminated.

5 (4) For the purposes of this section:

6 (a) "Water storage asset management services" means the  
7 financing, designing, improving, operating, maintaining, repairing,  
8 testing, inspecting, cleaning, administering, or managing, or any  
9 combination thereof, of a water storage asset.

10 (b) "Water storage asset" means water storage structures and  
11 associated distribution systems, such as the water tank, tower, well,  
12 meter, or water filter.

13 **Sec. 4.** RCW 70.95A.020 and 1973 c 132 s 3 are each amended to  
14 read as follows:

15 As used in this chapter, unless the context otherwise requires:

16 (1) "Municipality" shall mean any city, town, county, ~~((or))~~ port  
17 district, or water-sewer district in the state;

18 (2) "Facility" or "facilities" shall mean any land, building,  
19 structure, machinery, system, fixture, appurtenance, equipment or any  
20 combination thereof, or any interest therein, and all real and  
21 personal properties deemed necessary in connection therewith whether  
22 or not now in existence, which is used or to be used by any person,  
23 corporation or municipality in furtherance of the purpose of abating,  
24 controlling or preventing pollution;

25 (3) "Pollution" shall mean any form of environmental pollution,  
26 including but not limited to water pollution, air pollution, land  
27 pollution, solid waste disposal, thermal pollution, radiation  
28 contamination, or noise pollution;

29 (4) "Governing body" shall mean the body or bodies in which the  
30 legislative powers of the municipality are vested;

31 (5) "Mortgage" shall mean a mortgage or a mortgage and deed of  
32 trust or other security device; and

33 (6) "Department" shall mean the state department of ecology.

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