

Statutory References: The following statutes are pertinent to the topic and need to be understood so that one can consider the advantages and disadvantages of “districting”:

- RCW 52.26.080
- RCW 52.14.013
- RCW 29A.76 Redistricting
- RCW 44.05
- RCW 52.06.085

The following are basic principles or requirements that are inherent in the statutes applicable to writing a plan that is consistent with RCW 52.26 and other applicable laws.

1. Only elected persons may serve as RFA commissioners. See RCW 52.26.080(2). Although the board is determined by the plan, this law requires that board members be “elected officials of participating fire protection jurisdictions” or “elected commissioners of the authority.” The details of that second sort of elected board member are set out in RCW 52.26.080(3).
2. That statutory subsection—RCW 52.26.080(3) – provides for the qualifications, compensation, terms and other matters by simply referring to other statutes in the fire district title (Title 52 RCW). RCW 52.14.010 makes it clear that the only real qualification to be a fire commissioner is that the person be a resident elector, i.e. a registered voter who resides within the fire district, or here, the RFA.
3. The RFA statute, at RCW 52.26.080(4) allows creation of commissioner districts within the RFA’s jurisdictional boundaries. The fire district statute, at RCW 52.14.013 allows the same process, and RCW 52.06.085 mentions districting in the context of mergers of fire districts.
4. So what does “districting” mean in these contexts? It means dividing the entity—whether an RFA or a fire district—into sub-regions or districts of “*approximately equal*” population. But how does it work, or what is the purpose of districting? The created commissioner districts require:
 - Only registered voters residing within the district may file for the position of commissioner of that district;
 - Only registered voters residing within the district may vote in the primary election, where persons are nominated to represent that district;
 - **ALL registered voters residing within the RFA or fire district must, however, be allowed to vote for each commissioner who is eligible in the general election.**

5. The upshot of this comparison is that, regardless of whether the commissioners are elected “at large” or within districts of the RFA, ultimately all of the registered voters of the RFA get to vote on the (in this case, five) commissioners of the RFA.
6. There does not seem to be room in this interpretation of the plain meaning of the statutes for a governance model that only allows some of the RFA voters to elect one or more of their commissioners. It smacks of “taxation without representation”, which was a rallying cry in the formation of our nation.
7. If districting turns out to be an acceptable compromise, arguably the RFA could be divided into five districts, with three roughly equal districts, by population, within the City of Camas and two roughly equal districts, by population, within the City of Washougal. The Plan could simply state that “Since approximately 60% of the population of the RFA are Camas residents and 40% are residents of Washougal, the cities agreed that three Camas residents should serve on the governance board, along with two Washougal residents.”
8. If the 2022 population of Camas was 27,371, then those three districts would have a population of about 9,123 each. If the 2022 population of Washougal was 16,926, then those two districts would have a population of about 8,463 each. One could argue that those are approximately equally populated districts (within about 8% of each other). However, if you did that, you would still have to follow RCW 52.26.080 (4)(b) so that all voters in the RFA get to vote on all elected RFA commissioners except any that are appointed by Washougal from their slate of elected council members.
9. If the Plan is approved by the voters of the RFA by a simple majority, then the Plan is final and binding as long as no court challenge is filed within thirty days after certification of the election results. “Failure to challenge within that time forever bars further challenge of the authority’s valid formation.” RCW 52.26.070. A legal challenge on the basis that the districts are in fact not “approximately equal” might never be lodged, as it is not that strong a legal argument once the voters have approved the plan, so we should not advise the clients against the above “three and two” proposal with districting allowed. The plan could still allow Washougal to appoint some council member or members to one or both of their commissioner positions.
10. The foregoing three and two arrangement is a lot easier to explain to the voters than some sort of hybrid plan with each city appointing an equal number of commissioners. Besides, Camas does not really want to have council members on the governing board.