

### Discussion Guide for April 25, 2022, May 9, and May 23 Committee Meetings

*Marked to show input from Committee & others at the April 25 and May 9 meetings*

A major task for the Annexation Advisory Committee is to recommend the proposed governance structure for the RFA if the annexation is successful

In the three-step process we presented to the City Councils, the first step was the review of the Statement of Value and Principles. The second step is to share a set (4-6 options) of potential governance approaches consistent with the Values and Principles. The discussion on April 25 is the first discussion on this second step.

The third step is to identify a recommended governance option and then share that with the City Councils. The work plan calls for that to will happen in late June.

#### **Part 1: Some food for thought**

From the statement of values and principles:

- **Participatory Governance.** Jurisdictions which are part of the RFA should have a meaningful voice in the operating decisions of the RFA. The RFA Board should seek to make decisions by consensus whenever possible.
- The RFA Board will be committed to the success of the RFA and will be engaged in actively learning and understanding the work of the agency.
- We will strive to operate nimbly, with the ability to make decisions and respond quickly when necessary.
- We seek to understand and address the unique needs of the communities we serve. We strive to address these needs equitably in all operating and financial decisions.

City Comparison:

|   | Olympia         | Tumwater          |
|---|-----------------|-------------------|
| <b>Population (2022 OFM Est.)</b><br>Olympia is approx. 2.2 times larger in population        | 55,000          | 25,360 (2021 OFM) |
| <b>Square Miles</b><br>Tumwater is 88% the size of Olympia                                    | 20.09           | 17.78             |
| <b>Assessed Value (Taxable)</b><br>Olympia's A.V. is approximately 1.9 times that of Tumwater | \$8,991,702,610 | \$4,649,454,436   |

|  | Olympia      | Tumwater    |
|--|--------------|-------------|
|  |              |             |
| <b>Fire Dept. share of operating budget (2022)</b> (does not include a share of central city administrative costs) <i>Olympia's fire dept. budget is 2.3 times larger than Tumwater's.</i> | \$18,812,866 | \$8,178,028 |
| <b>Excess Levy Rate for Fire Capital Bond</b>  | \$0.1182     | N/A         |

## Calendar Notes

City Council elections, and RFA commissioner elections are held every 2 years, in odd years. In our schedule, the RFA will be created in August 2023.

### **Part 2: Basic Rules of Governance, revisited:**

1. All board members must be **elected officials from a member jurisdiction** (RCW 52.20.080) or **elected directly** by the electorate of the RFA.
  - City Council members & Mayor (Tumwater) serve 4-year terms; elections are every 2 years.
  - Permanent appointed/designated positions by Cities would require the selected City elected officials to do double-duty—serve on both City Council and the Board of Commissioners
2. **Initial board seats need to be appointed**, since there won't be an election between the time the RFA is approved by voters and when it starts to meet.
  - The first election for elected officials after the RFA is created will be the August primary – less than a week after the RFA is created.
  - The next election is in 2025. This would be the first point at which Board members could be directly elected.
3. Board structure **may change over time**:
  - a. RFA Plans typically allow the governing board to change the governance structure in the future by majority vote of the board. The Plan can expressly limit this authority—supermajority vote requirement for change or require resubmittal to voters in order to change. But the risk is that if you retain too much control of the RFA governance, the member Cities could be held liable for its actions—which is why RFA plan give the RFA Board the right to determine its future composition.
4. There is no legal limit on number of members—but there is a practical limit. Typically, an odd-number of seats is preferred to reduce the likelihood of tie votes.
5. The Board can include **non-voting members**, appointed to the Board. Any non-voting members need to be elected officials.

6. RFA board members' terms may not exceed 6 years, and election terms must be staggered (RCW 52.26.080(3)(b)).
7. In an RFA with "districted" board positions, the candidates must **reside in the district**.
  - a. The **primary vote is by district** (to identify the top two candidates).
  - b. In **the general election vote, all voters in the RFA vote on all positions**.
8. As noted above, Board members may be a mix of "directly elected" and "appointed." However, if the board is comprised of a majority of members who are **elected**, the *elected positions* are subject to the state constitutional **one person, one vote principle**.
  - a. "One-person, one vote" principle requires a relatively equal population base to be represented by each *elected* position.
  - b. **How is an appointed position defined versus an elected position?**
    - (1) **Appointed:** Any situation where the Commissioners or Councils must select members from amongst the whole group of elected officials in their jurisdiction is considered an "appointed" position.
    - (2) **Elected:** Any "**automatic appointments**" from the Cities or District to the RFA Board—e.g., "the Mayor" or "the Council President" or "Commission President"—or "**all commissioners**" are **deemed to be "elected"** positions, not appointed positions, because there is no discretion involved in the appointment process.

At the point at which a majority of members are elected, the elected members must be elected on a one-person, one-vote basis.

For example, "three elected officials from Olympia and three elected officials from Tumwater" would involve 6 **appointed** positions. No one-person, one-vote issue triggered.

### **Part 3: DISCUSSION QUESTIONS**

*Committee input from April 25 shown in italics below.*

1. What is important about the RFA Board and its role?

#### *RFA Board*

- *sets budget*
- *hires and fires Chief*
- *approved FTE head count*
- *approves level of service*
- *will be involved in labor negotiations*
- *responsible for financial management*
- *sets administrative structure*
- *must understand the fire service at a pretty granular level, including NFPA standards*
- *should be a visionary and good neighbor to adjacent fire districts and RFAs*
- *will oversee community outreach and education*

2. How about the initial start-up Board; what's most important in the starting time-period? What are the differences between the board's initial role and the role over time?

- *Be a role model for future boards.*
- *Confirm the administrative structure*
- *Confirm the initial labor contract*
- *Set up expectations about how the agency will be transparent going forward.*

3. Over time, what are some of the mutually beneficial (RFA-Cities) efforts you can imagine taking place over time?

- *Police and public works will interact a lot with Fire. This needs to be seamless.*
- *This process sets the tone for inclusion between the Cities and neighbors*
- *Ensure the Fire service remains connect with the community*
- *FMO services on plan review, fire inspection are important*
- *How do we do crisis response-fire, police, or something else? Cities will need to coordinate this with the RFA.*
- *Need for ongoing community conversations about safety*

- a. Can you foresee conflicts? What might they be?

- *Regional board representatives*
- *Competition for taxpayers attention*
- *Development standards—will the RFA support what the City wants in fire inspections?*

#### 4. Initial start-up board

The Initial board of appointed folks will need to serve about 2.5 years. With everyone doing double duty at the RFA and their City Council.

- a. What do you see as the largest workable **initial** board size? Why?
  - *An odd number would be nice to ensure no tie votes but would preclude each city appointing an equal number of representatives.*
  - *To get voter support for this, we will want to demonstrate that the RFA is an equal partnership.*
  - *We don't want the board to be so large that it includes a quorum from either city council.*
  - *5 people, even if one is absent, can still make good decisions.*
  - *2 people from each agency is too small*
  - *Equal number of appointees provides a nice start to the agency culture.*
  - *It is nice to be able to have labor representatives interact with us as elected officials*
  - *Only elected officials can serve on the board*
- b. Do you have some proposals for how this initial board might be structured? What do you see as the benefits of the proposal(s)?
  - *Committee unanimous (5 of 6 present) agreement to recommend a start up board that includes 3 elected officials from Olympia and 3 elected officials from Tumwater*

#### 5. Should the initial board transition to a different configuration? Why or why not?

- a. What are the pros and cons of transitioning from an initial board structure to something with at least some members of the RFA board being directly elected by voters, rather than all appointed by the Cities?

##### Pros:

- Relieve burden on councilmembers
- Board that can really focus on fire issues
- Unions would like a board dedicated to fire
- Could structure board to ensure voters have a say in selecting a majority of board

##### Cons:

- Need some connection to Cities to ensure seamless provision of public safety services
- Could have extreme geographic concentrations

- Planning nexus with cities is strong—land-use, street design, etc.
- Difficult to predict outcome – let a future board restructure after the initial transition board.
- Trust in the Cities is strong—that will benefit the RFA if there is City representation on the RFA Board

Other:

- Unsettling not to have a governance plan that ends after 2 years
  - Too much work to hand the new board the need to also redesign governance
- b. What do you see as the pros and cons of having districted board members versus at-large members? What about having a mix of both?

Pros of Districting:

- Ensure geographic diversity of where board members come from
- Equity concerns

Cons of Districting

- Too small districts can be a problem; a small group can take over the district
- Unintended consequences
- You would only vote on a minority of seats

Pros of At-Large:

- At large representation give more opportunity to vote on your representatives
- c. Do you have some proposals for how the longer-term board might be structured? What do you see as the benefits of the proposal(s)?

SEE ATTACHED DRAFT TABLE

(KR note: we will want to bring forward more than 1 proposal to the City Councils)

**Next steps:**

Based on initial feedback from the Committee members on the questions above, the Consultant team will develop options for consideration at the next meeting. The goal is to develop several potential options for consideration to share with the City Council's for their input.

**Governance Template – based on discussion from May 9**

|                                  | <b>1</b> | <b>2</b> | <b>3</b> | <b>4</b> | <b>5</b> | <b>6</b> | <b>7</b> |
|----------------------------------|----------|----------|----------|----------|----------|----------|----------|
| # of seats                       | 5        | 6        | 7        | 7        | 7        |          |          |
| Appointed by Olympia             | 1        | 3        | 2        | 1        | 1        |          |          |
| Appointed by Tumwater            | 1        | 3        | 2        | 1        | 1        |          |          |
| Directly elected -- at large     |          |          | 3        | 5        |          |          |          |
| Directly elected -- by district  | 3        |          |          |          | 5        |          |          |
| Staggering of terms/initial term |          |          |          |          |          |          |          |
| Voting                           |          |          |          |          |          |          |          |
| Other                            |          |          |          |          |          |          |          |

**Staggering:**

Goal: To ensure Board doesn't turn over all at the same time.

Solution: Specify initial term for each seat -- 2 years, 4 years, 6 years.

**Voting:**

Any nonvoting elected officials?

Each board member has one vote?

Any items that should require a supermajority (RFA plans don't typically include anything here)