



Question: Do changes to a PHD personnel “organizational chart” require board approval?

Answer: The answer ultimately depends on how the PHD created the chart and whether the board has exerted any control over it.

[RCW 70.44.080](#) gives PHD superintendents the power to control a PHD’s administration, which presumably includes its personnel organizational chart unless the board said otherwise.

If the board creates an organizational chart by resolution or order, and/or requires its approval of any future changes to the chart, the superintendent would presumably need board approval to change it as an “order of the commission” under [RCW 70.44.090](#)(1)(a).

Question: [RCW 70.44.050](#) sets the daily pay for a PHD commissioner but says little about the type of commissioner work that is compensable. Is compensable commissioner work limited to board and committee meetings, or can it also include attendance at classes or conferences?

Answer: Beyond attending official district meetings—which we’ve said can also include a commissioner’s reasonably necessary meeting preparation work—the statute mentions only “other official services or duties on behalf of the district” as eligible for commissioner compensation. No court decisions or AG opinions specify these eligible “other services or duties.” But we’ve said in the past that a commissioner’s compensable work should relate to tasks they are required to do, either by state law or board direction.

Accordingly, paying commissioners to attend classes or conferences would more likely withstand challenges if the board required its members to pursue these activities. Paying commissioners for entirely voluntarily or optional attendance at these events may draw greater scrutiny.

Board bylaws or policies can and should specify the types of “other” PHD work required of commissioners and its eligibility for compensation in accordance with state law.





Question: Our PHD acquired several miscellaneous property items left inside a building we purchased. Can we raffle these items off to our employees if they serve no business use?

Answer: Yes—the District can likely raffle off these items to its employees. The described items sound like surplus property to the District. [RCW 70.44.320](#) regulates PHD handling of surplus “personal” (i.e. non-real estate) property. It states:

The board of commissioners of any public hospital district may sell or otherwise dispose of surplus personal property of the district which the board has determined by resolution is no longer required for public hospital district purposes in such manner and upon such terms and conditions as the board in its discretion finds to be in the best interest of the district.

To allow this raffle, the PHD’s board must first pass a resolution: 1) declaring the items surplus and not needed for District business; and 2) allowing their “disposal” through this employee raffle in the District’s best interests.

For more information about surplus property disposal in general, including a section for PHDs with sample resolutions, see our webpage [Surplus Property for Special Purpose Districts](#).

Question: Are PHDs required to issue two separate meeting notices and keep two separate sets of meeting minutes if a special PHD board meeting carries over to another day?

Answer: [RCW 42.30.080](#)(2) requires only one special meeting notice even if a special meeting continues for more than one day. If a board can’t conclude its meeting in a single day, it can “adjourn” it by motion to a stated future time and place, continuing this pattern until concluding the meeting entirely. See [RCW 42.30.090](#). Board final action (collective decisions or votes) at each daily portion of the special meeting remains limited to the items





specified in the original special meeting notice until the overall meeting concludes. See [RCW 42.30.080](#)(3).

Regarding minutes, [RCW 42.30.035](#)(1) requires the “prompt recording” of all meeting minutes but provides no other specifics. If a meeting continues over more than a day, the Open Public Meetings Act (OPMA) contemplates the minute-taker taking minutes at each meeting portion until it concludes. Although the OPMA doesn’t expressly require it, labeling meeting minutes by date and/or time is a good practice for clarity and precise recording of the overall meeting events.

The OPMA aside, [RCW 70.44.050](#) requires PHD boards to adopt rules for transacting their business, so if a board has any such rules they should also be consulted for guidance in properly handling a multi-day meeting.

