

# SENATE BILL REPORT

## SB 5143

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As Passed Senate, March 4, 2011

**Title:** An act relating to the annexation of unincorporated areas served by fire protection districts.

**Brief Description:** Addressing the annexation of unincorporated areas served by fire protection districts.

**Sponsors:** Senators McAuliffe and Shin.

**Brief History:**

**Committee Activity:** Government Operations, Tribal Relations & Elections: 1/25/11, 2/03/11 [DP, w/oRec].

Passed Senate: 3/04/11, 48-1.

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### SENATE COMMITTEE ON GOVERNMENT OPERATIONS, TRIBAL RELATIONS & ELECTIONS

**Majority Report:** Do pass.

Signed by Senators Pridemore, Chair; Prentice, Vice Chair; Swecker, Ranking Minority Member; Benton, Nelson and Roach.

**Minority Report:** That it be referred without recommendation.

Signed by Senator Chase.

**Staff:** Karen Epps (786-7424)

**Background:** Cities are authorized to annex unincorporated areas through several alternative processes, including a resolution/election method, a petition/election method, and a direct petition method. Each method of annexation must follow specified processes set forth in statute. An annexation by a city or town that is proposing to annex territory served by one or more fire protection districts may be accomplished by ordinance after entering into an interlocal agreement with the county and the fire protection district or districts that have jurisdiction over the territory proposed for annexation. The interlocal agreement must describe the boundaries of the territory proposed for annexation. Additionally, the interlocal agreement must include a statement of the goals of the agreement.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

If the fire protection district, annexing city or town, and county reach an agreement on the enumerated goals, the annexation ordinance may proceed and is not subject to referendum. If only the annexing city or town and county reach an agreement on the enumerated goals, the city or town and county may proceed with annexation under the interlocal agreement, but the annexation ordinance is subject to referendum for 45 days after its passage. Under specified circumstances, the boundary review board (Board) must be notified of the annexation and may invoke its jurisdiction for review.

Boards are authorized in statute to guide and control the creation and growth of municipalities in metropolitan areas. While statute provides for the establishment of Boards in counties with at least 210,000 residents, a Board may be created and established in any other county. Board members are appointed by the Governor and local government officials from within the applicable county. Upon receiving a timely and sufficient request for review, and following an invocation of a Board's jurisdiction, a Board must review and approve, disapprove, or modify proposed actions, including actions pertaining to the change in the boundary of any city, town, or special purpose district.

**Summary of Bill:** An annexation through interlocal agreement with the county and the fire protection district or districts that have jurisdiction over the territory proposed for annexation by a city or town is not subject to review by a Board.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: This bill is designed to address an ongoing problem between the city and county and the fire districts in Snohomish County. They have come together many times and reached agreements to annex property to the city of Bothell, but it has been rejected by the Board. This bill exempts the Board from reviewing these types of annexations.

CON: Boards were created in 1967 to ensure an orderly process and provide an open public forum for boundary changes. For citizens of annexation, the Board is often the only avenue of recourse in the city annexation process. As written, this bill circumvents the ability for public review and for citizens to provide input on boundary adjustments that affect governance, taxes, and public services. This bill eliminates notification of an annexation by interlocal agreement. The interlocal agreement method of annexation was passed in 2009. The first interlocal agreement method of annexation has not been accomplished in Washington, so it would be better to see the method occur and be tested before it is further amended.

OTHER: There is concern about making changes to this option of annexation. If the city, county and the fire districts come together through interlocal agreement, the Board is notified

of the annexation but does not review the annexation. It is important that these types of interlocal agreements not be subject to review by the Board.

**Persons Testifying:** PRO: Senator McAuliffe, prime sponsor.

CON: Claudia Hirschey, Washington Association of Boundary Review Boards.

OTHER: Mike Brown, Washington Fire Chiefs.