

SENATE BILL REPORT

SB 5113

AS OF FEBRUARY 9, 1993

Brief Description: Revising the township organization of counties.

SPONSORS: Senators Haugen, von Reichbauer, Roach, Erwin and Drew

SENATE COMMITTEE ON GOVERNMENT OPERATIONS

Staff: Rod McAulay (786-7754)

Hearing Dates: February 10, 1993

BACKGROUND:

The township is a primary form of local government with roots in pre-feudal England. Townships in the United State evolved from the New England "town" which is a local general purpose government typified by the exercise of legislative authority by the entire citizenry acting at annual town meetings. The New England town and subsequent "townships" in the Midwest historically had jurisdiction over roads, poor relief, and, in many cases, education. Towns and townships also sometimes had responsibility for other police powers, but, for the most part, townships have existed in rural areas with limited demand for government services. The word "township" also refers to a geographic unit used in surveys, especially in the West, consisting of 36 square miles, each square mile being a numbered section.

The Washington State Constitution permits counties to adopt a township organization and grants townships general powers to enforce local police, sanitary and other regulations not in conflict with general laws. A statutory scheme governing the operation of townships was adopted by the Legislature in 1895 and has been only slightly modified since that time.

A county may divide into townships upon voter approval. When establishing townships, the entire unincorporated area of the county must be included. At an annual town meeting, the residents elect one of three supervisors, and in odd-numbered years, a clerk, treasurer, justice of the peace and constable. At town meetings, the electors may, among other things, determine the number of poundmasters, determine the time and manner in which dogs may be permitted to go at large, make provisions for snow removal, approve the purchase of land for a town cemetery, create a river improvement fund and regulate hawkers, theatricals and ferris wheels. Town supervisors serve as "fence viewers."

Spokane and Whatcom Counties previously operated with townships, but disorganized them. Currently, no county has a township organization.

SUMMARY:

The statutory provisions governing the creation and operation of townships are substantially repealed and replaced. The broad constitutional grant of police powers to townships is restricted to those powers specifically granted by statute.

Creation and Governance. A county may establish a township organization upon a favorable majority vote of the citizens of the county. A vote may be initiated by a petition signed by 10 percent of voters residing in the unincorporated area of the county or by a resolution of the county commissioners.

If approved, townships shall be established in all unincorporated areas of the county. Each township shall be entirely within or without the urban growth boundary established pursuant to the Growth Management Act, unless it is an island.

Townships shall be governed by five, seven or nine supervisors, except that initially, the board of supervisors shall consist of (1) any fire district commissioners of any fire district which is merged into the township; (2) any mayors and city councilmembers of any city which elects to merge into the township; and (3) sufficient newly elected supervisors to bring the board to its full compliment.

Provision is made for filling vacancies on the board and for fixing supervisor salaries.

Fire Protection Districts. The county legislative authority shall merge the fire protection districts that are totally located in the county into its townships. Any city or town that was annexed by a fire protection district shall be removed from the fire protection district unless the city or town merges with the township. Townships possess all of the powers, duties and responsibilities of fire protection districts, including the power to impose property tax levies and benefit charges.

The county legislative authority may adopt a resolution granting itself the power to coordinate: (1) any of the fire protection district activities and facilities of its townships; (2) any of the activities of the cities and towns in the county relating to the same types of fire protection district activities and facilities exercised by its townships; and, (3) the funding of these activities and facilities.

Merging Cities and Towns. Any city or town located in a county which organizes into townships may merge into a township or townships upon approval by the voters of the city or town. Upon merger, the fire protection assets of the city or town shall transfer to the township. Other assets of the

city or town shall be distributed under the disincorporation statutes for cities.

Unincorporated "islands" and "peninsulas" surrounded by cities or towns shall be automatically annexed into the bordering city or town unless the area has a population of 1,000 or a size in excess of one square mile and the county legislative authority adopts a resolution exempting the area from annexation. After adoption of a township organization no city or town within the county may annex a territory if the result would be to create an "island" or "peninsula" of unincorporated territory.

Zoning Ordinances. The township supervisors shall adopt a zoning ordinance consistent with guidelines established by the county and with the county's comprehensive plan. The initial zoning ordinance and all amendments are reviewed by the county legislative authority for consistency and approved or referred back for modification.

The board of supervisors of a township do not have the authority to take quasi-judicial actions or to decide permit applications.

Townships shall not employ any staff to assist with zoning responsibilities, but shall use staff provided by the county. The county shall defend the township in any lawsuit resulting from the exercise of the township's zoning responsibilities.

Finances. Townships may incur indebtedness to finance the acquisition of supplies, equipment, real estate and construction and may issue general obligation bonds. Townships may, with voter approval, impose single year excess levies. Townships also have the taxing authority granted to fire protection districts.

Appropriation: none

Revenue: none

Fiscal Note: none requested