

CERTIFICATION OF ENROLLMENT

HOUSE BILL 2365

54th Legislature
1996 Regular Session

Passed by the House March 5, 1996
Yeas 95 Nays 0

**Speaker of the
House of Representatives**

Passed by the Senate March 1, 1996
Yeas 49 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Timothy A. Martin, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 2365** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

HOUSE BILL 2365

AS AMENDED BY THE SENATE

Passed Legislature - 1996 Regular Session

State of Washington 54th Legislature 1996 Regular Session

By Representatives Casada and Pelesky

Read first time 01/10/96. Referred to Committee on Transportation.

1 AN ACT Relating to road and bridge service districts; amending RCW
2 36.83.010 and 36.83.020; and adding new sections to chapter 36.83 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 36.83.010 and 1985 c 400 s 2 are each amended to read
5 as follows:

6 The legislative authority of a county may establish one or more
7 service districts within the county for the purpose of providing and
8 funding capital and maintenance costs for any bridge or road
9 improvement or for providing and funding capital costs for any state
10 highway improvement a county or a road district has the authority to
11 provide. A service district may not include any area within the
12 corporate limits of a city or town unless the city or town governing
13 body adopts a resolution approving inclusion of the area within its
14 limits. A service district is a quasi municipal corporation, an
15 independent taxing "authority" within the meaning of Article VII,
16 section 1 of the state Constitution, and a "taxing district" within the
17 meaning of Article VII, section 2 of the state Constitution.

18 A service district shall constitute a body corporate and shall
19 possess all the usual powers of a corporation for public purposes as

1 well as all other powers that may now or hereafter be specifically
2 conferred by statute, including, but not limited to, the authority to
3 hire employees, staff, and services, to enter into contracts, to
4 acquire, hold, and dispose of real and personal property, and to sue
5 and be sued. All projects constructed by a service district pursuant
6 to the provisions of this chapter shall be competitively bid and
7 contracted.

8 A board of three commissioners appointed by the county legislative
9 authority or county executive pursuant to this chapter shall be the
10 governing body of a service district. The county treasurer shall act
11 as the ex officio treasurer of the service district. The electors of
12 a service district are all registered voters residing within the
13 district.

14 **Sec. 2.** RCW 36.83.020 and 1983 c 130 s 2 are each amended to read
15 as follows:

16 (1) A county legislative authority proposing to establish a service
17 district(~~(, or to modify the boundaries of an existing service~~
18 ~~district, or to dissolve an existing service district,)~~) shall conduct
19 a hearing at the time and place specified in a notice published at
20 least once, not less than ten days prior to the hearing, in a newspaper
21 of general circulation within the proposed service district. This
22 notice shall be in addition to any other notice required by law to be
23 published. The notice shall(~~(, where applicable,)~~) specify the
24 functions or activities proposed to be provided or funded(~~(, or the~~
25 ~~additional functions or activities proposed to be provided or funded,)~~)
26 by the service district. Additional notice of the hearing may be given
27 by mail, posting within the proposed service district, or in any manner
28 the county legislative authority deems necessary to notify affected
29 persons. All hearings shall be public and the county legislative
30 authority shall hear objections from any person affected by the
31 formation, modification of the boundaries, or dissolution of the
32 service district.

33 (2) Following the hearing held pursuant to subsection (1) of this
34 section, the county legislative authority may establish a service
35 district(~~(, modify the boundaries or functions of an existing service~~
36 ~~district, or dissolve an existing service district,)~~) if the county
37 legislative authority finds the action to be in the public interest and
38 adopts an ordinance or resolution providing for the ((action))

1 establishment of the service district. The ((ordinance)) legislation
2 establishing a service district shall specify the functions or
3 activities to be exercised or funded and establish the boundaries of
4 the service district. Functions or activities proposed to be provided
5 or funded by the service district may not be expanded beyond those
6 specified in the notice of hearing, ((unless additional notices are
7 made, further hearings on the expansion are held, and further
8 determinations are made that it is in the public interest to so expand
9 the functions or activities proposed to be provided or funded)) except
10 as provided in subsection (4) of this section.

11 (3) At any time prior to the county legislative authority
12 establishing a service district pursuant to this section, all further
13 proceedings shall be terminated upon the filing of a verified
14 declaration of termination signed by ((the owners of real property
15 consisting of at least sixty percent of the assessed valuation in)) a
16 majority of the registered voters of the proposed service district.

17 (4) With the approval of the county legislative authority, the
18 governing body of a service district may modify the boundaries of,
19 expand or otherwise modify the functions of, or dissolve the service
20 district after providing notice and conducting a public hearing or
21 hearings in the manner provided in subsection (1) of this section. The
22 governing body must make a determination that the proposed action is in
23 the public interest and adopt a resolution providing for the action.

24 NEW SECTION. Sec. 3. A new section is added to chapter 36.83 RCW
25 to read as follows:

26 If the county legislative authority establishes a road and bridge
27 service district, it shall promptly appoint three persons who are
28 residents of the territory included in that service district to serve
29 as the commissioners of the service district. For counties having an
30 elected executive, the executive shall appoint those commissioners
31 subject to confirmation by the legislative authority of the county.
32 The commissioners first appointed shall be designated to serve for
33 terms of one, two, and three years, respectively, from the date of
34 their appointment. Thereafter, service district commissioners shall be
35 appointed for a term of office of five years. Vacancies must be filled
36 for any unexpired term in the same manner as the original appointment.
37 No member of the legislative authority of the county in which a service
38 district is created may be a commissioner of that service district,

1 except that, if the boundaries of the service district are included
2 within or coterminous with the boundaries of a county commissioner or
3 council district, the county commissioner or councilmember elected from
4 that commissioner or council district may be appointed to serve as a
5 commissioner of the service district. A commissioner shall hold office
6 until his or her successor has been appointed and qualified, unless
7 sooner removed from office for cause in accordance with this chapter or
8 removed by referendum in accordance with section 4 of this act. A
9 certificate of the appointment or reappointment of any commissioner
10 must be filed with the county auditor, and such certificate is
11 conclusive evidence of the due and proper appointment of the
12 commissioner. The commissioners of the service district shall receive
13 no compensation for their services, in any capacity, but are entitled
14 to reimbursement for reasonable and necessary expenses, including
15 travel expenses, incurred in the discharge of their duties.

16 The powers of each service district are vested in the commissioners
17 of the service district. Two commissioners constitute a quorum of the
18 service district for the purpose of conducting its business and
19 exercising its powers and for all other purposes. The commissioners of
20 the service district shall organize itself and select its chair, vice-
21 chair, and secretary, who shall serve one-year terms but may be
22 selected for additional terms. When the office of any officer becomes
23 vacant, the commissioners of the service district shall select a new
24 officer from among the commissioners for the balance of the term of
25 office.

26 NEW SECTION. **Sec. 4.** A new section is added to chapter 36.83 RCW
27 to read as follows:

28 Any registered voter residing within the boundaries of the road and
29 bridge service district may file a referendum petition to call an
30 election to retain any or all commissioners. Any referendum petition
31 to call such election shall be filed with the county auditor no later
32 than one year before the end of a commissioner's term. Within ten days
33 of the filing of a petition, the county auditor shall confer with the
34 petitioner concerning form and style of the petition, issue an
35 identification number for the petition, and write a ballot title for
36 the measure. The ballot title shall be posed as a question: "Shall
37 (name of commissioner) be retained as a road and bridge service
38 district commissioner?" and the question shall be posed separately for

1 each commissioner. The petitioner shall be notified of the
2 identification number and ballot title within this ten-day period.

3 After this notification, the petitioner shall have thirty days in
4 which to secure on petition forms the signatures of not less than
5 twenty-five percent of the registered voters residing within the
6 boundaries of the service district and file the signed petitions with
7 the county auditor. Each petition form shall contain the ballot title.
8 The county auditor shall verify the sufficiency of the signatures on
9 the petitions. If sufficient valid signatures are properly submitted,
10 the county auditor shall submit the referendum measure to the
11 registered voters residing in the service district in a special
12 election no later than one hundred twenty days after the signed
13 petition has been filed with the county auditor. The special election
14 may be conducted by mail ballot as provided for in chapter 29.36 RCW.

15 The office of any commissioner for whom there is not a majority
16 vote to retain shall be declared vacant.

17 NEW SECTION. **Sec. 5.** A new section is added to chapter 36.83 RCW
18 to read as follows:

19 For neglect of duty or misconduct in office, a commissioner of a
20 service district may be removed by the county legislative authority
21 after conducting a hearing. The commissioner must be given a copy of
22 the charges at least ten days prior to the hearing and must have an
23 opportunity to be heard in person or by counsel. If a commissioner is
24 removed, a record of the proceedings, together with the charges and
25 findings, must be filed in the office of the county auditor.

26 NEW SECTION. **Sec. 6.** A new section is added to chapter 36.83 RCW
27 to read as follows:

28 Any road or bridge improvements financed in whole by funds of a
29 service district, including but not limited to proceeds of bonds issued
30 by a service district, shall be owned by that service district.
31 Improvements financed jointly by a service district and the county or
32 city within which the improvements are located may be owned jointly by
33 the service district and that county or city pursuant to an interlocal
34 agreement.

35 NEW SECTION. **Sec. 7.** A new section is added to chapter 36.83 RCW
36 to read as follows:

1 If a service district is formed, there shall be created in the
2 office of the county treasurer, as ex officio treasurer of the service
3 district, a local service district fund with such accounts as the
4 treasurer may find convenient or as the state auditor or the governing
5 body of the service district may direct, into which shall be deposited
6 all revenues received by or on behalf of the service district from tax
7 levies, gifts, donations and any other source. The fund shall be
8 designated "(name of county) (road/bridge) service district No. . . .
9 fund."

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