
SENATE BILL 6028

State of Washington

55th Legislature

1997 Regular Session

By Senators Kohl, Jacobsen, Winsley and Prentice

Read first time 02/28/97. Referred to Committee on Government Operations.

1 AN ACT Relating to metropolitan park districts; amending RCW
2 35.61.010, 35.61.050, 35.61.130, 35.61.150, 35.61.180, 35.61.200,
3 35.61.210, and 35.61.290; and adding new sections to chapter 35.61 RCW.

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

5 **Sec. 1.** RCW 35.61.010 and 1994 c 81 s 60 are each amended to read
6 as follows:

7 Cities of five thousand or more population and such contiguous
8 property the residents of which may decide in favor thereof in the
9 manner set forth in this chapter may create a metropolitan park
10 district for the management, control, improvement, maintenance, and
11 acquisition of parks, parkways, ((and)) boulevards, zoos, aquariums,
12 and other recreational, civic, cultural, and interpretive facilities,
13 including administrative and support facilities.

14 **Sec. 2.** RCW 35.61.050 and 1994 c 223 s 23 are each amended to read
15 as follows:

16 All of the commissioners in the metropolitan park district shall be
17 selected under one of the two methods described in this section. The
18 city council or city commission shall determine in the ordinance

1 described in RCW 35.61.030 which method of selecting commissioners is
2 to be proposed.

3 (1) At the same election at which the proposition is submitted to
4 the voters as to whether a metropolitan park district is to be formed,
5 five park commissioners shall be elected. The election of park
6 commissioners shall be null and void if the metropolitan park district
7 is not created. Candidates shall run for specific commission
8 positions. No primary shall be held to nominate candidates. The
9 person receiving the greatest number of votes for each position shall
10 be elected as a commissioner. The staggering of the terms of office
11 shall occur as follows: ~~((+1))~~ (a) The two persons who are elected
12 receiving the two greatest numbers of votes shall be elected to six-
13 year terms of office if the election is held in an odd-numbered year or
14 five-year terms of office if the election is held in an even-numbered
15 year; ~~((+2))~~ (b) the two persons who are elected receiving the next
16 two greatest numbers of votes shall be elected to four-year terms of
17 office if the election is held in an odd-numbered year or three-year
18 terms of office if the election is held in an even-numbered year; and
19 ~~((+3))~~ (c) the other person who is elected shall be elected to a two-
20 year term of office if the election is held in an odd-numbered year or
21 a one-year term of office if the election is held in an even-numbered
22 year. The initial commissioners shall take office immediately when
23 they are elected and qualified, and for purposes of computing their
24 terms of office the terms shall be assumed to commence on the first day
25 of January in the year after they are elected. Thereafter, all
26 commissioners shall be elected to six-year terms of office. All
27 commissioners shall serve until their respective successors are elected
28 and qualified and assume office in accordance with RCW 29.04.170.
29 Vacancies shall occur and shall be filled as provided in chapter 42.12
30 RCW.

31 (2) Each of the city council members or city commissioners shall
32 act ex officio as a commissioner of the metropolitan park district.
33 The terms of the metropolitan park district commissioners shall be
34 concurrent with their city council or city commission terms. A vacancy
35 on the metropolitan park district commission shall be filled by the new
36 city council member or commissioner for the corresponding city council
37 or city commission position where the vacancy occurred.

1 **Sec. 3.** RCW 35.61.130 and 1969 c 54 s 1 are each amended to read
2 as follows:

3 (1) A metropolitan park district has the right of eminent domain,
4 and may purchase, acquire and condemn lands lying within or without the
5 boundaries of (~~said~~) the park district, for public parks, parkways,
6 boulevards, aviation landings (~~and~~), playgrounds, zoos, aquariums,
7 and other recreational, civic, cultural, and interpretive facilities,
8 including administrative and support facilities, and may condemn such
9 lands to widen, alter, and extend streets, avenues, boulevards,
10 parkways, aviation landings (~~and~~), playgrounds, zoo, aquariums, and
11 other recreational, civic, cultural, and interpretive facilities,
12 including administrative and support facilities, to enlarge and extend
13 existing parks, and to acquire lands for the establishment of new
14 parks, boulevards, parkways, aviation landings (~~and~~), playgrounds,
15 zoos, aquariums, and other recreational, civic, cultural, and
16 interpretive facilities, including administrative and support
17 facilities. The right of eminent domain shall be exercised and
18 instituted pursuant to resolution of the board of park commissioners
19 and conducted in the same manner and under the same procedure as is or
20 may be provided by law for the exercise of the power of eminent domain
21 by incorporated cities and towns of the state of Washington in the
22 acquisition of property rights(~~:- PROVIDED, HOWEVER,~~). However,
23 funds to pay for condemnation allowed by this section shall be raised
24 only as specified in this chapter.

25 (2) The board of park commissioners shall have power to employ
26 counsel, and to regulate, manage, and control the parks, parkways,
27 boulevards, streets, avenues, aviation landings (~~and~~), playgrounds,
28 zoos, aquariums, and other recreational, civic, cultural, and
29 interpretive facilities, including administrative and support
30 facilities, on property owned by itself or others under its control,
31 and to provide for park (~~police~~) police, for a secretary of the
32 board of park commissioners, and for all necessary employees, to fix
33 their salaries and duties. The board of park commissioners shall have
34 power to improve, acquire, extend and maintain, open, and lay out,
35 parks, parkways, boulevards, avenues, aviation landings (~~and~~), playgrounds,
36 zoos, aquariums, and other recreational, civic, cultural,
37 and interpretive facilities, including administrative and support
38 facilities, on property owned by itself or others, within or without
39 the park district, and to authorize, conduct, and manage the letting of

1 boats, or other amusement apparatus, the operation of bath houses, the
2 purchase and sale of foodstuffs or other merchandise, the giving of
3 vocal or instrumental concerts or other entertainments, the
4 establishment and maintenance of aviation landings ((and)),
5 playgrounds, zoos, aquariums, and other recreational, civic, cultural,
6 and interpretive facilities, including administrative and support
7 facilities, on property owned by itself or others, and generally the
8 management and conduct of such forms of recreation or business as it
9 shall judge desirable or beneficial for the public, or for the
10 production of revenue for expenditure for park purposes; and may pay
11 out moneys for the maintenance and improvement of any such parks,
12 parkways, boulevards, avenues, aviation landings ((and)), playgrounds,
13 zoos, aquariums, and other recreational, civic, cultural, and
14 interpretive facilities, including administrative and support
15 facilities, on property owned by itself or others as now exist, or the
16 rights to which may hereafter be acquired, within or without the limits
17 of ((said)) the city and for the purchase of lands, rights in lands,
18 and other property within or without the limits of ((said)) the city,
19 whenever it deems the purchase to be for the benefit of the public and
20 for the interest of the park district, and for the maintenance and
21 improvement thereof and for all expenses incidental to its duties((+
22 ~~PROVIDED, That~~)). However, all parks, boulevards, parkways, aviation
23 landings ((and)), playgrounds, zoos, aquariums, and other recreational,
24 civic, cultural, and interpretive facilities, including administrative
25 and support facilities, on property owned by itself or others shall be
26 subject to the police regulations of the city within whose limits they
27 lie.

28 (3) The board of park commissioners has the power to contract with
29 any entity, public and private, for all such operations and services.

30 **Sec. 4.** RCW 35.61.150 and 1965 c 7 s 35.61.150 are each amended to
31 read as follows:

32 Metropolitan park commissioners shall perform their duties as such
33 without compensation therefor.

34 **Sec. 5.** RCW 35.61.180 and 1987 c 203 s 1 are each amended to read
35 as follows:

36 (1) For cities with a population up to one hundred fifty thousand,
37 the county treasurer of the county within which all, or the major

1 portion, of the district lies shall be the ex officio treasurer of a
2 metropolitan park district, but shall receive no compensation other
3 than his or her regular salary for receiving and disbursing the funds
4 of a metropolitan park district.

5 A metropolitan park district may designate someone other than the
6 county treasurer who has experience in financial or fiscal affairs to
7 act as the district treasurer if the board has received the approval of
8 the county treasurer to designate this person. If the board designates
9 someone other than the county treasurer to act as the district
10 treasurer, the board shall purchase a bond from a surety company
11 operating in the state that is sufficient to protect the district from
12 loss.

13 (2) For cities with a population greater than one hundred fifty
14 thousand, the city treasurer is the ex officio treasurer of the
15 metropolitan park district, but receives no compensation other than his
16 or her regular salary for receiving and disbursing the funds of the
17 metropolitan park district.

18 The metropolitan park district may designate someone other than the
19 city treasurer who has experience in financial or fiscal affairs to act
20 as the district treasurer. If the board designates someone other than
21 the city treasurer to act as the district treasurer, the board shall
22 purchase a bond from a surety company operating in the state that is
23 sufficient to protect the district from loss.

24 **Sec. 6.** RCW 35.61.200 and 1983 c 167 s 56 are each amended to read
25 as follows:

26 Any coupons for the payment of interest on metropolitan park
27 district bonds shall be considered for all purposes as warrants drawn
28 upon the metropolitan park district fund against which the bonds were
29 issued, and when presented after maturity to the treasurer of the
30 metropolitan park district of the county having custody of the fund.
31 If there are no funds in the treasury to pay the coupons, the
32 ~~((county))~~ treasurer of the metropolitan park district shall endorse
33 ~~((said))~~ the coupons as presented for payment, in the same manner as
34 county warrants are endorsed, and thereafter the coupon shall bear
35 interest at the same rate as the bond to which it was attached. If
36 there are no funds in the treasury to make payment on a bond not having
37 coupons, the interest payment shall continue bearing interest at the

1 bond rate until it is paid, unless otherwise provided in the
2 proceedings authorizing the sale of the bonds.

3 **Sec. 7.** RCW 35.61.210 and 1990 c 234 s 3 are each amended to read
4 as follows:

5 The board of park commissioners may levy or cause to be levied a
6 general tax on all the property located in (~~said~~) the park district
7 each year not to exceed fifty cents per thousand dollars of assessed
8 value of the property in such park district. In addition, the board of
9 park commissioners may levy or cause to be levied a general tax on all
10 property located in (~~said~~) the park district each year not to exceed
11 twenty-five cents per thousand dollars of assessed valuation. Although
12 park districts are authorized to impose two separate regular property
13 tax levies, the levies shall be considered to be a single levy for
14 purposes of the one hundred six percent limitation provided for in
15 chapter 84.55 RCW.

16 The board is hereby authorized to levy a general tax in excess of
17 its regular property tax levy or levies when authorized so to do at a
18 special election conducted in accordance with and subject to all the
19 requirements of the Constitution and laws of the state now in force or
20 hereafter enacted governing the limitation of tax levies. The board is
21 hereby authorized to call a special election for the purpose of
22 submitting to the qualified voters of the park district a proposition
23 to levy a tax in excess of the seventy-five cents per thousand dollars
24 of assessed value herein specifically authorized. The manner of
25 submitting any such proposition, of certifying the same, and of giving
26 or publishing notice thereof, shall be as provided by law for the
27 submission of propositions by cities or towns.

28 The board shall include in its general tax levy for each year a
29 sufficient sum to pay the interest on all outstanding bonds and may
30 include a sufficient amount to create a sinking fund for the redemption
31 of all outstanding bonds. The levy shall be certified to the proper
32 county officials for collection the same as other general taxes and
33 when collected, the general tax shall be placed in a separate fund in
34 the office of the (~~county~~) treasurer of the metropolitan park
35 district to be known as the "metropolitan park district fund" and paid
36 out on warrants.

1 **Sec. 8.** RCW 35.61.290 and 1985 c 416 s 5 are each amended to read
2 as follows:

3 (1) Any city within or comprising any metropolitan park district
4 may turn over to the park district any lands, facilities, equipment, or
5 interests in any lands, facilities, or equipment therein which it may
6 own, or any street, avenue, or public place within the city for
7 playground, park ~~((or))~~, parkway ~~((purposes))~~, zoo, aquarium, or other
8 recreational, civic, cultural, and interpretive facilities, including
9 administrative and support purposes, and thereafter its control and
10 management shall vest in the board of park commissioners ~~((:—PROVIDED,~~
11 ~~That))~~. However, the police regulations of such city shall apply to
12 all such premises.

13 At any time that any such metropolitan park district is unable,
14 through lack of sufficient funds, to provide for the continuous
15 operation, maintenance, and improvement of the parks and playgrounds
16 and other properties or facilities owned by it or under its control,
17 and the legislative body of any city within or comprising such
18 metropolitan park district shall determine that an emergency exists
19 requiring the financial aid of such city to be extended in order to
20 provide for such continuous operation, maintenance, and/or improvement
21 of parks, playgrounds facilities, other properties, and programs of
22 such park district within its limits, such city may grant or loan to
23 such metropolitan park district such of its available funds, or such
24 funds which it may lawfully procure and make available, as it shall
25 find necessary to provide for such continuous operation and maintenance
26 and, pursuant thereto, any such city and the board of park
27 commissioners of such district are authorized and empowered to enter
28 into an agreement embodying such terms and conditions of any such grant
29 or loan as may be mutually agreed upon.

30 The board of metropolitan park commissioners may accept public
31 streets of the city and grounds for public purposes when donated for
32 park, playground, boulevard, and park purposes.

33 (2) Counties may turn over to the park district any park ~~((and))~~
34 recreation lands, zoo, aquarium, and interpretive, civic, cultural, and
35 interpretive facilities, including administrative and support
36 facilities and equipment or interests to any lands, facilities, or
37 equipment therein that they own, and the board of metropolitan park
38 commissioners may accept such lands and equipment or interests to any
39 lands, facilities, or equipment therein.

1 NEW SECTION. **Sec. 9.** A new section is added to chapter 35.61 RCW
2 to read as follows:

3 RCW 35.61.250 through 35.61.280 and 35.61.360 only apply to
4 metropolitan park districts with boards of park commissioners elected
5 under RCW 35.61.050(1).

6 NEW SECTION. **Sec. 10.** A new section is added to chapter 35.61 RCW
7 to read as follows:

8 The boundaries of a metropolitan park district whose board of
9 commissioners is selected under RCW 35.61.050(2) is coterminous with
10 the boundaries of the city in which it has been established including
11 any annexations that occur during or after the establishment of the
12 metropolitan park district.

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