

HOUSE BILL REPORT

HB 1189

As Reported By House Committee On:

Local Government

Title: An act relating to metropolitan park districts.

Brief Description: Modifying provisions concerning metropolitan park districts.

Sponsors: Representatives Van Luven, Scott, Radcliff, Kenney, Mitchell, Tokuda, D. Schmidt, Dickerson, McIntire, Esser, Lambert, Cairnes, Ballasiotes, Constantine, Cody, H. Sommers, Murray, Santos and Parlette.

Brief History:

Committee Activity:

Local Government: 2/4/99, 3/1/99 [DPS].

Brief Summary of Substitute Bill

- Establishes alternative governance structures for metropolitan park districts.
- Revises numerous provisions regarding park district management and operations.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 8 members: Representatives Mulliken, Republican Co-Chair; Scott, Democratic Co-Chair; Doumit, Democratic Vice Chair; Mielke, Republican Vice Chair; Edwards; Ericksen; Fisher and Fortunato.

Staff: Caroleen Dineen (786-7156).

Background:

A metropolitan park district is authorized to manage parks, parkways and boulevards. One metropolitan park district, the Metropolitan Park District of Tacoma, currently exists in the state.

District Creation and Boundaries

Metropolitan park districts may be created in cities with a population of at least 5,000. One election is held to determine whether a park district should be created and to elect a board of park district commissioners if the district is in fact created. Five separately elected park district commissioners serve six-year staggered terms.

The initial boundaries of a metropolitan park district are the city limits. The park district may later seek to annex adjacent territory.

District Management and Employees

The county treasurer serves as the ex-officio metropolitan park district treasurer without additional compensation. With the approval of the county treasurer, the metropolitan park district board may designate someone other than the county treasurer to act as the district treasurer. The district must obtain a bond if a treasurer other than the county treasurer is designated.

Property Tax Levies

A metropolitan park district may impose two separate regular property tax levies on all property located in the district: (1) a levy not to exceed 50 cents per \$1,000 of assessed valuation; and (2) a levy not to exceed 25 cents per \$1,000 of assessed valuation. As are other taxing district levies, the metropolitan park district levies are subject to the constitutional 1 percent limitation on property taxes.

Most of the 1 percent limit (i.e., \$9.50 of the \$10 per \$1,000 of assessed valuation) is segregated into two components: the state levy equal to \$3.60 per \$1,000 of assessed valuation; and local senior and junior levies to a combined total of \$5.90 per \$1,000 of assessed valuation. The metropolitan park district's two levies fall within the \$5.90 component. A few other levies may be imposed above the \$9.50 component but within the 1 percent property tax limitation (e.g., emergency medical services).

General tax levies within the \$5.90 component and the remainder component are to be proportionately reduced if the combined rate of regular property tax levies exceeds 1 percent of the true and fair value of the property. A metropolitan park district with a population of at least 150,000 is authorized to submit a ballot proposition seeking voter protection of all or part of the 25 cents per \$1,000 of assessed valuation levy from proration in the \$5.90 component. The ballot must be approved by majority vote and can be effective for six years following voter approval. Even though protected from proration under this component, this levy is still subject to proration under the 1 percent limitation.

Summary of Substitute Bill:

Alternative governance structures for metropolitan park districts are established, and various provisions regarding district management and governance are revised.

District Creation and Boundaries

A metropolitan park district may be created to manage park and recreation facilities. "Parks and recreation facilities" are defined to include parks, gymnasiums, playgrounds, swimming pools, field houses, beach houses, stadiums, golf courses, coliseums, sports facilities, zoos, aquariums, civic facilities, cultural facilities, theaters, interpretive facilities, museums, public campgrounds, natural areas, boat ramps, marinas, senior citizen centers, community centers, arboretums, bicycle and bridle paths, parkways, boulevards, and other parks and recreation facilities, including related administrative and support facilities. Several other definitions applicable to metropolitan park districts are added.

For districts proposed to be created after January 1, 1999, a metropolitan park district with elected park commissioners may include a city with at least 5,000 population and other incorporated or unincorporated territory. Creation of the metropolitan park district may be initiated by resolution of all local legislative authorities within the proposed park district territory or by petition signed by at least 15 percent of the registered voters residing in the proposed park district territory.

The metropolitan park district is created if the ballot proposition is approved by a majority of the voters residing in the proposed park district territory. The metropolitan park district is named after the largest city in the park district territory. Any territory included within a park and recreation district or a park and recreation service area is removed from that district or service area upon creation of a metropolitan park district including that territory or upon annexation of the territory by a metropolitan park district.

Creation of metropolitan park districts including only incorporated areas are not subject to review by a boundary review board. Procedures for future annexations by districts created under this method are specified.

In a city with a population of at least 500,000, the city legislative authority may be designated as the governing body for the metropolitan park district when the creation of the metropolitan park district is considered by the voters. The park district commissioners are to be selected either by direct election or by designation of the city council or commission members. The selection method for the park district commissioners must be made at the time of the election concerning park district creation and can be altered only if the potential for alternation was specified in the resolution or petition to create the district. The composition of a board of commissioners created before January 1, 1999, may not be changed once the district has been created. The

boundaries for a metropolitan park district governed by the city legislative authority must be coterminous with the city limits, including any later annexed property.

District Management and Employees

A metropolitan park district board governed by a city legislative authority may contract with any public or private entity (including the city creating the district) for all of its operations and services. The managing organization may appoint the chief executive officer with the park district's approval.

A metropolitan park district governed by a city legislative authority is: (1) prohibited from owning any present city parks; (2) authorized to convey any or all of its real or personal property to the city with city approval; and (3) prohibited from declaring surplus its real property without first having offered to donate that property to the city. The voters of such metropolitan park district are given the powers of initiative and referendum both as to the disposition of real property by the district and as to any other matters within the scope and function of the district to the same extent as is allowed within the city.

The commissioners of a metropolitan park district governed by a city legislative authority serve without additional compensation. Employees of a metropolitan park district governed by the city legislative authority may be included in a city's personnel system and civil service and retirement plans if they were previously employed by the city and were members of its retirement plan.

For a metropolitan park district governed by a city legislative authority, the city treasurer serves as the ex-officio metropolitan park district treasurer without additional compensation. For a metropolitan park district with elected commissioners, the treasurer of the district is the city treasurer of the most densely populated city of the district. Either type of district may designate someone other than a city treasurer to serve as the park district treasurer.

The authority of a park district board to provide for park police is eliminated.

Property Tax Levies

For any metropolitan park district governed by a city legislative authority or any metropolitan park district created after January 1, 1999, the levy reduction provisions that keep the combined rate of regular property taxes from exceeding 1 percent of the true and fair value of any property are altered to insure that the park district levy may not cause the emergency medical services levy, county conservation futures levy, or low income housing levy to be reduced.

The date when the boundaries of a newly created metropolitan park district are established for the purpose of imposing property taxes is moved from March 1 to June 1 of the year in which the district is created.

Numerous technical revisions and clarifying changes relating to park district statutes are included.

Substitute Bill Compared to Original Bill: The substitute bill: (1) allows a metropolitan park district created after January 1, 1999, to be initially created with territory greater than city limits; (2) provides for transfer of territory included within a park and recreation district or a park and recreation service area to a metropolitan park district upon metropolitan park district creation or annexation; (3) changes the date upon which boundaries for a metropolitan park district are established for property tax purposes; (4) specifies only park district levies for park districts created before January 1, 1999, are protected from prorationing; (5) specifies the only employees of a district with ex-officio board members that may be included in the city's retirement system are those who were previously employed by the city and are members of the retirement system; (6) requires the park district treasurer to be the city treasurer for a district governed by a city legislative authority or the city treasurer of the most densely populated city for a park district with an elected board; (7) prohibits a district governed by a city legislative authority from owning any present city park; (8) prohibits a district governed by a city legislative authority from declaring property to be surplus without first offering to donate the property to the city; (9) gives the voters of a district governed by a city legislative authority the powers of initiative and referendum on questions concerning the disposition of real property by the district and all other matters to the same extent as the city; (10) eliminates the authority for a park district board to provide for park police; and (11) includes technical revisions.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: (Original bill) The Woodland Park Zoo is one of the nicest zoos in the country and had more than one million visitors last year. The city of Seattle, has for many years, considered the future of its zoo, and the recommendations from a citizen group established by Mayor Rice in the early 1990s led to the provisions in this bill. The city of Seattle fully supports this bill.

The park district structure authorized in this bill will provide a stable funding source for the Woodland Park Zoo and other parks in the city of Seattle. Private support is

available to the Woodland Park Zoo if its management can be improved. This bill is critical to the zoo's bright future.

Seattle and other cities have authority to create a park district now; this bill only creates an alternative governance structure for Seattle if one is in fact created. In Seattle, a metropolitan park district proposal will go through an extensive local process before establishment.

The city of Seattle has no intention to turn over control of its parks and will maintain ownership and oversight of the parks. Transferring daily responsibility for park operations to nonprofit entities is a national trend.

This bill is a simple change to existing law that passed the House unanimously last year.

Testimony Against: (Original bill) This bill establishes an independent government between the citizens and park district management and creates a conflict of interest for the city mayor and city council. This bill also eliminates charter rights of initiative and referendum and may create opportunities to transfer park lands to private uses. The property tax levy for a metropolitan park district does not add additional park revenues for Seattle, as the levy will raise only the amount already contributed to parks.

The park superintendent, not a private entity, should control park properties. The bill has no protections for park civil service employees. While funding for the zoo is favored, the entire system should not be vulnerable to private interests. The contracting provisions give unlimited authority that is not necessary.

Attention and funding for city parks has been impacted by the Woodland Park Zoo. The city council has not publicized plans to create a metropolitan park district.

Testified: (In support) Representative Van Luven, prime sponsor; Robin Appelford, Woodland Park Zoo Society; Gerry Johnson, Woodland Park Zoo Society; Phil Nudelman, Woodland Park Zoo Society; and Susan Crowley, city of Seattle;

(Opposed) Dan Stekker, Initiative 42 Committee; Jorgen Bader, Seattle Community Council Federation; Blake Howe; Frederica Merrell; John Barber, Open Space Advocates; and Benella Caminiti, Citizens for Parks.