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HOUSE BILL 1048

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State of Washington                      56th Legislature                      1999 Regular Session

By Representatives Ogden, Carlson and Mitchell

Read first time 01/13/1999. Referred to Committee on Local Government.

1            AN ACT Relating to parking; and amending RCW 35.86A.050,  
2 35.86A.060, 35.86A.070, and 35.86A.120.

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

4            **Sec. 1.** RCW 35.86A.050 and 1994 c 81 s 65 are each amended to read  
5 as follows:

6            Any city of the first or second class may by ordinance create a  
7 parking commission for the purpose of establishing and operating off-  
8 street parking facilities.

9            Such parking commission shall consist of at least five members  
10 appointed by the mayor and confirmed by the city council, who shall  
11 serve without compensation but may be reimbursed for necessary  
12 expenses. One member of the parking commission shall be selected from  
13 among persons actively engaged in the private parking industry, if  
14 available.

15            Three of those first appointed shall be designated to serve for  
16 one, two, and three years respectively, and two shall be designated to  
17 serve four years. The terms for all subsequently appointed members  
18 shall be four years. In event of any vacancy, the mayor, subject to

1 confirmation of the city council, shall make appointments to fill the  
2 unexpired portion of the term.

3 A member may be reappointed, and shall hold office until his or her  
4 successor has been appointed and has qualified. Members may be removed  
5 by the mayor upon consent of the city council.

6 **Sec. 2.** RCW 35.86A.060 and 1969 ex.s. c 204 s 6 are each amended  
7 to read as follows:

8 The parking commission shall select from its members a chairman,  
9 and may establish its own rules, regulations and procedures not  
10 inconsistent with this chapter. No resolution shall be adopted by the  
11 parking commission except upon the concurrence of ~~((at least three~~  
12 ~~members))~~ a majority of the parking commission.

13 **Sec. 3.** RCW 35.86A.070 and 1980 c 127 s 1 are each amended to read  
14 as follows:

15 The parking commission is authorized and empowered, in the name of  
16 the municipality by resolution to:

17 (1) Own and acquire property and property rights by purchase, gift,  
18 devise, or lease for the construction, maintenance, or operation of  
19 off-street parking facilities, or for effectuating the purpose of this  
20 chapter; and accept grants-in-aid, including compliance with conditions  
21 attached thereto;

22 (2) Construct, maintain, and operate off-street parking facilities  
23 located on land dedicated for park or civic center purposes, or on  
24 other municipally-owned land where the primary purpose of such off-  
25 street parking facility is to provide parking for persons who use such  
26 park or civic center facilities, and undertake research, and prepare  
27 plans incidental thereto subject to applicable statutes and charter  
28 provisions for municipal purchases, expenditures, and improvements; and  
29 in addition may own other off-street parking facilities and operate  
30 them in accordance with RCW 35.86A.120: PROVIDED, That the provisions  
31 of chapter 35.86 RCW as now or hereafter amended shall not apply to  
32 such construction, operation or maintenance;

33 (3) Establish and collect parking fees, require that receipts be  
34 provided for parking fees, make exemption for handicapped persons,  
35 lease space for commercial, store, advertising or automobile accessory  
36 purposes, and regulate prices and service charges, for use of and  
37 within and the aerial space over parking facilities under its control;

1 (4) Subject to applicable city civil service provisions, provide  
2 for the appointment, removal and control of officers and employees, and  
3 prescribe their duties and compensation, and to control all equipment  
4 and property under the commission's jurisdiction;

5 (5) Contract with private persons and organizations for the  
6 management and/or operation of parking facilities under its control,  
7 and services related thereto, including leasing of such facilities or  
8 portions thereof;

9 (6) Cause construction of parking facilities as a condition of an  
10 operating agreement or lease, derived through competitive bidding, or  
11 in the manner authorized by chapter 35.42 RCW;

12 (7) Execute and accept instruments, including deeds, necessary or  
13 convenient for the carrying on of its business; acquire rights to  
14 develop parking facilities over or under city property; and to contract  
15 to operate and manage parking facilities under the jurisdiction of  
16 other city departments or divisions and of other public bodies;

17 (8) Determine the need for and recommend to the city council:

18 (a) The establishment of local improvement districts to pay the  
19 cost of parking facilities or any part thereof;

20 (b) The issuance of bonds or other financing by the city for  
21 construction of parking facilities;

22 (c) The acquisition of property and property rights by condemnation  
23 from the public, or in street areas;

24 (9) Transfer its control of property to the city and liquidate its  
25 affairs, so long as such transfer does not contravene any covenant or  
26 agreement made with the holders of bonds or other creditors; and

27 (10) Require payment of the excise tax hereinafter provided.

28 Parking fees for parking facilities under the control of the  
29 parking commission shall be maintained commensurate with and (~~neither~~  
30 ~~higher nor~~) not lower than prevailing rates for parking charged by  
31 commercial operators in the general area.

32 **Sec. 4.** RCW 35.86A.120 and 1980 c 127 s 2 are each amended to read  
33 as follows:

34 (~~Except for off-street parking facilities situated on real~~  
35 ~~property leased or rented to a city and not used for park and civic~~  
36 ~~center parking,)) Cities may operate off-street parking facilities with  
37 city forces. Leased or rented off-street parking facilities shall be  
38 operated by responsible, experienced private operators of such~~

1 facilities. The call for bids shall specify the terms and conditions  
2 under which the facility will be leased for private operation. The  
3 call for bids shall specify the time and place at which the bids will  
4 be received and the time and when the same will be opened, and such  
5 call shall be advertised once a week for two successive weeks before  
6 the time fixed for the filing of bids in a newspaper of general  
7 circulation in the city. If no bid is received for the operation of  
8 such an off-street parking facility, or if the bids received are not  
9 satisfactory, the legislative body of the city may reject such bids and  
10 shall readvertise the facility for lease. In the event that no bids or  
11 no satisfactory bids shall have been received following the second  
12 advertising, the city may negotiate with a private operator for the  
13 operation of the facility without competitive bidding. In the event  
14 the city shall be unable to negotiate for satisfactory private  
15 operation within a reasonable time, the city may operate the facility  
16 for a period not to exceed three years, at which time it shall  
17 readvertise as provided above in this section.

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