
SUBSTITUTE HOUSE BILL 1189

State of Washington

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By House Committee on Local Government (originally sponsored by Representatives Van Luven, Scott, Radcliff, Kenney, Mitchell, Tokuda, D. Schmidt, Dickerson, McIntire, Esser, Lambert, Cairnes, Ballasiotes, Constantine, Cody, H. Sommers, Murray, Santos and Parlette)

Read first time 03/02/1999.

1 AN ACT Relating to metropolitan park districts; amending RCW
2 35.61.010, 35.61.020, 35.61.030, 35.61.040, 35.61.050, 35.61.120,
3 35.61.130, 35.61.132, 35.61.150, 35.61.180, 35.61.200, 35.61.250,
4 35.61.290, 84.09.030, and 84.52.010; and adding new sections to chapter
5 35.61 RCW.

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

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

9 ~~((Cities of five thousand or more population and such contiguous
10 property the residents of which may decide in favor thereof in the
11 manner set forth in this chapter may create))~~ A metropolitan park
12 district may be created for the management, control, improvement,
13 maintenance, and acquisition of parks(~~(, parkways,)~~) and ~~((boulevards))~~
14 recreation facilities as defined in this chapter. A metropolitan park
15 district must include all of the territory within a city with a
16 population of at least five thousand, and may include additional
17 contiguous territory, whether unincorporated territory or all of the
18 territory located in one or more additional cities.

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

3 The definitions in this section apply throughout this chapter,
4 unless the context clearly requires otherwise.

5 (1) "City" means both cities and towns, including code cities.

6 (2) "Ex officio board of park commissioners" means the board of
7 park commissioners of a metropolitan park district, only including a
8 city with a population of five hundred thousand or more within its
9 boundaries, that is composed of only the members of a city legislative
10 authority (including the elected mayor, if any, acting in the mayor's
11 ordinary legislative capacity) acting ex officio and independently as
12 provided under RCW 35.61.050(3).

13 (3) "Separately elected board of park commissioners" means a board
14 of park commissioners of a metropolitan park district that is composed
15 of five separately elected commissioners as provided under RCW
16 35.61.050(1) and 35.61.120(1).

17 (4) "Land or lands" refers to land, water, or air, or any of the
18 rights therein or improvements thereon.

19 (5) "Parks and recreation facilities" includes parks, gymnasiums,
20 playgrounds, swimming pools, field houses, beach houses, stadiums, golf
21 courses, coliseums, sports facilities, zoos, aquariums, civic
22 facilities, cultural facilities, theaters, interpretive facilities,
23 museums, public campgrounds, natural areas, boat ramps, marinas, senior
24 citizen centers, community centers, arboretums, bicycle and bridle
25 paths, parkways, boulevards, and other parks and recreation facilities,
26 including related administrative and support facilities.

27 **Sec. 3.** RCW 35.61.020 and 1965 c 7 s 35.61.020 are each amended to
28 read as follows:

29 (1) A ballot proposition authorizing the creation of a metropolitan
30 park district shall be submitted by ordinance to the voters of the area
31 proposed to be included in the park district at any general election,
32 or at any special election which may be called for that purpose~~((, or~~
33 ~~at any city election held in the city in all of the various voting~~
34 ~~precincts thereof, the city council or commission may,))~~.

35 (a) The ballot proposition shall be submitted if the legislative
36 authority of the city enacts such an ordinance after adopting a
37 resolution proposing creation of a metropolitan park district or ((~~en~~))
38 if a petition ((~~ef~~)) proposing creation of a metropolitan park district

1 is submitted to the county auditor that has been signed by at least
2 fifteen percent of the ((qualified electors of the)) registered voters
3 residing in the city ((based upon the registration for the last
4 preceding general city election, shall by ordinance, submit to the
5 voters of the city the proposition of creating a metropolitan park
6 district, the limits of which shall be coextensive with the limits of
7 the city as now or hereafter established, inclusive of territory
8 annexed to and forming a part of the city)).

9 (b) For districts proposed to be created after January 1, 1999,
10 other than those to be governed under RCW 35.61.050(3), the ballot
11 proposition shall be submitted if either: (i) A resolution proposing
12 the creation of the metropolitan park district is adopted by the
13 governing body of each city proposed to be included in the park
14 district and the county legislative authority of the county in which
15 any unincorporated area proposed to be included in the park district is
16 located; or (ii) a petition proposing the creation of the metropolitan
17 park district is submitted to the county auditor that has been signed
18 by at least fifteen percent of the registered voters residing in the
19 area proposed to be included in the park district. The petition or
20 resolution shall describe the boundaries of the proposed metropolitan
21 park district and propose creating the park district.

22 (2) The ballot proposition shall be approved by a majority of the
23 voters residing in the area in which the metropolitan park district is
24 proposed to be created.

25 (3) Once created, any territory ((by virtue of its annexation))
26 that is annexed to any city ((having heretofore created a)) included in
27 a metropolitan park district shall be ((deemed to be within the limits
28 of)) added automatically to the metropolitan park district upon the
29 effective date of the annexation by the city and such an extension of
30 a park district's boundaries shall not be subject to review by a
31 boundary review board.

32 ((The city council or commission shall submit the proposition at a
33 special election to be called therefor when the petition so requests.))

34 **Sec. 4.** RCW 35.61.030 and 1985 c 469 s 32 are each amended to read
35 as follows:

36 ((In submitting the question to the voters for their approval or
37 rejection, the city council or commission shall pass an ordinance
38 declaring its intention to submit the proposition of creating a

1 metropolitan park district to the qualified voters of the city. The
2 ordinance shall be published once a week for two consecutive weeks in
3 the official newspaper of the city, and the city council or commission
4 shall cause to be placed upon the ballot for the election, at the
5 proper place, the))

6 (1) The ballot proposition authorizing creation of a metropolitan
7 park district that is submitted to voters for their approval or
8 rejection shall appear on the ballot of the next general election or at
9 the next special election date specified under RCW 29.13.020 occurring
10 sixty or more days after the last resolution proposing the creation of
11 the park district is adopted or the date the county auditor certifies
12 that the petition proposing the creation of the park district contains
13 sufficient valid signatures, if a boundary review board does not exist
14 in the county.

15 (2) The creation of a metropolitan park district is not subject to
16 review by a boundary review board if the proposed metropolitan park
17 district only includes one or more cities and the special election at
18 which a ballot proposition authorizing creation of the park district
19 shall be held as if a boundary review board does not exist in the
20 county. In all other instances, notice of the proposal to create a
21 metropolitan park district shall be filed with the boundary review
22 board as provided under RCW 36.93.090 and the special election at which
23 a ballot proposition authorizing creation of the park district shall be
24 held at the next special election date specified under RCW 29.13.020
25 sixty or more days after the date the boundary review board is deemed
26 to have approved the proposal, approves the proposal, or modifies and
27 approves the proposal.

28 (3) The legislative authority of a city placing on the ballot a
29 proposition ((which)) authorizing the creation of a metropolitan park
30 district shall ((be expressed in)), in the ordinance submitting the
31 question to the voters, choose and describe the composition of the
32 initial metropolitan park district commission that is proposed under
33 RCW 35.61.050. The proposition shall include the following terms:

34 | "For the formation of a metropolitan park district."

35 | "Against the formation of a metropolitan park district."

36 **Sec. 5.** RCW 35.61.040 and 1965 c 7 s 35.61.040 are each amended to
37 read as follows:

1 If ~~((at an election))~~ a majority of the voters voting ~~((thereon))~~
2 on the ballot proposition authorizing the creation of the metropolitan
3 park district vote in favor of the formation of a metropolitan park
4 district, the metropolitan park district shall ~~((then be and become))~~
5 be created as a municipal corporation effective immediately upon
6 certification of the election results that voters approved the ballot
7 proposition and its name shall be "Metropolitan Park District of
8 (inserting the name of the largest city included in the
9 park district)."

10 **Sec. 6.** RCW 35.61.050 and 1994 c 223 s 23 are each amended to read
11 as follows:

12 (1) Except as provided under subsection (3) of this section, five
13 park commissioners shall be elected at large as the initial members of
14 the board of park commissioners for the metropolitan park district at
15 the same election at which the ballot proposition is submitted to the
16 voters as to whether a metropolitan park district is to be formed~~((7~~
17 ~~five park commissioners shall be elected)).~~ The election of
18 metropolitan park commissioners shall be null and void if the
19 metropolitan park district is not created. Candidates shall run for
20 specific commission positions. ~~((No))~~ A primary shall not be held to
21 nominate candidates.

22 (2) The person receiving the greatest number of votes for each
23 position shall be elected as a metropolitan park commissioner. The
24 staggering of the terms of office shall occur as follows: ~~((+1))~~ (a)
25 The two persons who are elected receiving the two greatest numbers of
26 votes shall be elected to six-year terms of office if the election is
27 held in an odd-numbered year or five-year terms of office if the
28 election is held in an even-numbered year; ~~((+2))~~ (b) the two persons
29 who are elected receiving the next two greatest numbers of votes shall
30 be elected to four-year terms of office if the election is held in an
31 odd-numbered year or three-year terms of office if the election is held
32 in an even-numbered year; and ~~((+3))~~ (c) the other person who is
33 elected shall be elected to a two-year term of office if the election
34 is held in an odd-numbered year or a one-year term of office if the
35 election is held in an even-numbered year.

36 The initial metropolitan park commissioners shall take office
37 immediately when they are elected and qualified, and for purposes of
38 computing their terms of office the terms shall be assumed to commence

1 on the first day of January in the year after they are elected.
2 Thereafter, all commissioners shall be elected to six-year terms of
3 office at general elections held in odd-numbered years.

4 All commissioners shall serve until their respective successors are
5 elected and qualified and assume office in accordance with RCW
6 29.04.170. Vacancies shall occur and shall be filled as provided in
7 chapter 42.12 RCW.

8 (3) As authorized under RCW 35.61.120, the ballot proposition
9 creating a new metropolitan park district that only consists of a city
10 with a population of five hundred thousand or more may provide for the
11 city's legislative authority (including the elected mayor, if any,
12 acting in the mayor's ordinary legislative capacity) to act in an ex
13 officio and independent capacity as the board of commissioners for the
14 metropolitan park district. An election shall not be held to elect the
15 initial metropolitan park district commissioners if such an option is
16 taken.

17 **Sec. 7.** RCW 35.61.120 and 1965 c 7 s 35.61.120 are each amended to
18 read as follows:

19 (1) The officers of a metropolitan park district shall be a board
20 of park commissioners consisting of five members unless the board is
21 composed as permitted under RCW 35.61.050(3). The board shall annually
22 elect one of their number as president and another of their number as
23 clerk of the board. The composition of a board under this subsection
24 that was created before January 1, 1999, and that is not governed under
25 RCW 35.61.050(3) may not be altered once the metropolitan park district
26 has been created.

27 (2) The composition of a board of metropolitan park district
28 commissioners established as permitted under RCW 35.61.050(3) may be
29 altered to a separately elected board of park commissioners once the
30 metropolitan park district has been created only by a majority vote of
31 the voters in the district, and then only if the potential for such an
32 alteration was stated in the resolution or petition to create the
33 district.

34 **Sec. 8.** RCW 35.61.130 and 1969 c 54 s 1 are each amended to read
35 as follows:

36 (1) A metropolitan park district has the right of eminent domain,
37 and may purchase, acquire and condemn lands lying within or without the

1 boundaries of (~~said~~) the park district, for public parks(~~(, parkways,~~
2 ~~boulevards, aviation landings and playgrounds,~~) and recreation
3 facilities. A metropolitan park district may condemn such lands for
4 any of the following purposes: (a) To widen, alter, and extend
5 streets(~~(,)~~) and avenues(~~(, boulevards, parkways, aviation landings and~~
6 ~~playgrounds,~~); (b) to alter, enlarge, and extend existing parks(~~(,)~~)
7 and recreation facilities; and (c) to acquire lands for the
8 establishment of new parks(~~(, boulevards, parkways, aviation landings~~
9 ~~and playgrounds)~~) and recreation facilities.

10 (2) The right of eminent domain shall be exercised and instituted
11 pursuant to resolution of the board of metropolitan park commissioners
12 and conducted in the same manner and under the same procedure as is or
13 may be provided by law for the exercise of the power of eminent domain
14 by (~~incorporated~~) cities (~~and towns~~) of the state of Washington in
15 the acquisition of property rights(~~(: PROVIDED,~~)). However, funds to
16 pay for condemnation allowed by this section shall be raised only as
17 specified in this chapter.

18 (3) The board of metropolitan park commissioners (~~shall have power~~
19 ~~to~~) may employ counsel(~~(,)~~) and (~~to~~) regulate, manage, and control
20 the parks(~~(, parkways, boulevards, streets, avenues, aviation landings~~
21 ~~and playgrounds)~~) and recreation facilities under its control(~~(, and~~
22 ~~to~~)).

23 (4) The board of metropolitan park commissioners may provide (~~for~~
24 ~~park policemen,~~) for a secretary of the board of metropolitan park
25 commissioners, and for all necessary employees, (~~to~~) and fix their
26 salaries and duties. In a metropolitan park district governed under
27 RCW 35.61.050(3), the city's mayor shall serve ex officio as the chief
28 executive officer of the metropolitan park district unless otherwise
29 provided by the board of metropolitan park district commissioners.

30 (5) The board of metropolitan park commissioners (~~shall have power~~
31 ~~to~~) may improve, acquire, extend and maintain, open, and lay out(~~(,)~~)
32 parks(~~(, parkways, boulevards,~~) and recreation facilities and avenues,
33 (~~aviation landings and playgrounds,~~) within or without the
34 metropolitan park district(~~(, and to~~)).

35 (6) The board of metropolitan park commissioners may authorize,
36 conduct, and manage the letting of boats, or other amusement apparatus,
37 the operation of bath houses, the purchase and sale of foodstuffs or
38 other merchandise, the giving of vocal or instrumental concerts or
39 other entertainments, (~~the establishment and maintenance of aviation~~

1 ~~landings and playgrounds,~~) and the provision, establishment,
2 operation, maintenance, and improvement of recreational facilities all
3 on property owned by itself or others.

4 (7) The board of metropolitan park commissioners may provide
5 generally for the management and conduct of such forms of recreation or
6 business as it shall judge desirable or beneficial for the public, or
7 for the production of revenue for expenditure for parks and recreation
8 purposes(~~(+and)~~).

9 (8) The board of metropolitan park commissioners may pay out moneys
10 for: (a) The maintenance and improvement of any such parks(~~(+~~
11 parkways, boulevards,) and recreation facilities and avenues(~~(+~~
12 aviation landings and playgrounds)) as now exist, or the right to which
13 may hereafter be acquired, within or without the limits of (~~said city~~
14 and for)) the metropolitan park district; (b) the purchase of lands
15 within or without the limits of (~~said city~~) the metropolitan park
16 district, whenever it deems the purchase to be for the benefit of the
17 public and for the interest of the metropolitan park district, and for
18 the maintenance and improvement thereof; and (~~for~~) (c) all expenses
19 incidental to its duties(~~(+PROVIDED, That)~~). However, all parks(~~(+~~
20 boulevards, parkways, aviation landings and playgrounds)) and
21 recreation facilities shall be subject to the police regulations of the
22 city or county within whose limits they lie.

23 (9) The board of metropolitan park commissioners may, if and to the
24 extent provided by section 15 of this act, contract with any entity,
25 public or private, including the city whose voters created the
26 district, for all or any part of its staffing, operations, and
27 services.

28 **Sec. 9.** RCW 35.61.132 and 1989 c 319 s 4 are each amended to read
29 as follows:

30 (1) An ex officio board of metropolitan park district commissioners
31 is authorized, by unanimous board decision and with the approval of the
32 legislative authority of the city within which it is located, to convey
33 any or all of its real or personal property to that city.

34 (2) Except as set forth in subsection (3) of this section, every
35 metropolitan park district may, by unanimous decision of its board of
36 park commissioners, sell, exchange, or otherwise dispose of any real or
37 personal property acquired for park or recreational purposes when such
38 property is declared surplus for park or other recreational purposes:

1 PROVIDED, That where the property is acquired by donation or dedication
2 for park or recreational purposes, the consent of the donor or
3 dedicator, his or her heirs, successors, or assigns is first obtained
4 if the consent of the donor is required in the instrument conveying the
5 property to the metropolitan park district. In the event the donor or
6 dedicator, his or her heirs, successors, or assigns cannot be located
7 after a reasonable search, the metropolitan park district may petition
8 the superior court in the county where the property is located for
9 approval of the sale. If sold, all sales shall be by public bids and
10 sale made only to the highest and best bidder.

11 (3) In addition to the conditions contained in subsection (2) of
12 this section, a metropolitan park district with an ex officio board of
13 park commissioners shall not declare surplus its real property acquired
14 for park or recreational purposes without first having offered to
15 donate that property to the city within which it is located.

16 **Sec. 10.** RCW 35.61.150 and 1998 c 121 s 1 are each amended to read
17 as follows:

18 (1) Except as provided in subsection (2) of this section,
19 metropolitan park commissioners shall perform their duties and may
20 provide, by resolution passed by the commissioners, for the payment of
21 compensation to each of its commissioners at a rate of up to seventy
22 dollars for each day or portion of a day devoted to the business of the
23 district. However, the compensation for each commissioner must not
24 exceed six thousand seven hundred twenty dollars per year. Any
25 commissioner may waive all or any portion of his or her compensation
26 payable under this subsection as to any month or months during his or
27 her term of office, by a written waiver filed with the clerk of the
28 board. The waiver, to be effective, must be filed any time after the
29 commissioner's election and prior to the date on which the compensation
30 would otherwise be paid. The waiver shall specify the month or period
31 of months for which it is made.

32 (2) Metropolitan park commissioners who serve in an ex officio
33 capacity shall perform their duties as park commissioners without
34 additional compensation.

35 **Sec. 11.** RCW 35.61.180 and 1987 c 203 s 1 are each amended to read
36 as follows:

1 (~~The county treasurer of the county within which all, or the major~~
2 ~~portion, of the district lies shall be the ex officio treasurer of a~~
3 ~~metropolitan park district, but shall receive no compensation other~~
4 ~~than his or her regular salary for receiving and disbursing the funds~~
5 ~~of a metropolitan park district.~~) The treasurer of a metropolitan park
6 district shall be as follows:

7 (1) The treasurer of a metropolitan park district shall be the city
8 treasurer of the most densely populated city included in the district's
9 boundaries. The city treasurer, when acting as the treasurer of a
10 metropolitan park district, shall receive no compensation other than
11 his or her regular salary for acting as the treasurer of a metropolitan
12 park district.

13 (2) The treasurer of a metropolitan park district with an ex
14 officio board of park commissioners established under RCW 35.61.120(2)
15 shall be the city treasurer. The city treasurer shall possess and may
16 exercise all powers relating to the metropolitan park district that are
17 possessed by the county treasurer, other than the authority to collect
18 property taxes. The city treasurer, when acting as the treasurer of a
19 metropolitan park district, shall receive no compensation other than
20 his or her regular salary for acting as the treasurer of the
21 metropolitan park district.

22 (3) Notwithstanding the provisions of subsections (1) and (2) of
23 this section, a metropolitan park district may designate someone other
24 than the ((county)) city treasurer who has experience in financial or
25 fiscal affairs to act as the district treasurer if the board has
26 received the approval of the ((county)) city treasurer to designate
27 this person. If the board of metropolitan park commissioners
28 designates someone other than the ((county)) city treasurer to act as
29 the district treasurer, the board shall purchase a bond from a surety
30 company operating in the state that is sufficient to protect the
31 district from loss. A district treasurer so designated shall possess
32 all powers relating to the metropolitan park district that are
33 possessed by the city treasurer, other than the authority to collect
34 property taxes.

35 (4) Notwithstanding RCW 35.61.210, general taxes of the
36 metropolitan park district shall be distributed to the treasurer of the
37 metropolitan park district by the county treasurer as is done for
38 cities.

1 **Sec. 12.** RCW 35.61.200 and 1983 c 167 s 56 are each amended to
2 read as follows:

3 Any coupons for the payment of interest on metropolitan park
4 district bonds shall be considered for all purposes as warrants drawn
5 upon the metropolitan park district fund against which the bonds were
6 issued, and when presented after maturity to the treasurer of the
7 ~~((county having custody of the fund))~~ metropolitan park district. If
8 there are no funds in the treasury to pay the coupons, the ~~((county))~~
9 metropolitan park district treasurer shall endorse ~~((said))~~ the coupons
10 as presented for payment, in the same manner as county warrants are
11 endorsed, and thereafter the coupon shall bear interest at the same
12 rate as the bond to which it was attached. If there are no funds in
13 the treasury to make payment on a bond not having coupons, the interest
14 payment shall continue bearing interest at the bond rate until it is
15 paid, unless otherwise provided in the proceedings authorizing the sale
16 of the bonds.

17 **Sec. 13.** RCW 35.61.250 and 1985 c 416 s 4 are each amended to read
18 as follows:

19 (1) The territory adjoining a metropolitan park district with a
20 separately elected board of park commissioners may be annexed to and
21 become a part ~~((thereof upon))~~ of the metropolitan park district under
22 a petition and ~~((an))~~ election ~~((held pursuant thereto))~~ method of
23 annexation. The petition shall define the territory proposed to be
24 annexed and must be signed by twenty-five registered voters, resident
25 within the territory proposed to be annexed, unless the territory is
26 within the limits of another city when it must be signed by twenty
27 percent of the registered voters residing within the territory proposed
28 to be annexed. The petition must be addressed to the board of park
29 commissioners requesting that the question be submitted to the legal
30 voters of the territory proposed to be annexed, whether they will be
31 annexed and become a part of the metropolitan park district. If the
32 board of park commissioners accepts the proposed annexation, a ballot
33 proposition authorizing the annexation shall be submitted to voters
34 residing in the territory at a special election date specified under
35 RCW 29.13.020.

36 (2) A metropolitan park district with an ex officio board of park
37 commissioners as provided under RCW 35.61.050(3) may not annex
38 territory under the provisions of RCW 35.61.250 through 35.61.280 and

1 shall maintain boundaries identical with those of the city in which it
2 is located, including any territory annexed by the city.

3 **Sec. 14.** RCW 35.61.290 and 1985 c 416 s 5 are each amended to read
4 as follows:

5 (1)(a) Except as set forth in (b) of this subsection, any city
6 within or comprising any metropolitan park district may turn over to
7 the park district any lands, facilities, equipment, or interests in any
8 lands, facilities, or equipment which it may own, or any street,
9 avenue, or public place within the city for ((playground,)) parks ((or
10 parkway)) and recreation purposes, and thereafter its control and
11 management shall vest in the board of metropolitan park
12 commissioners((:PROVIDED, That)). However, the police regulations of
13 ((such)) the city, or the county should the premises be outside the
14 city limits, shall apply to all such premises.

15 (b) A metropolitan park district created with an ex officio board
16 of park commissioners shall never become the owner of a park that, at
17 the time of creation of the district, was owned by the city in which
18 the metropolitan park district was created. Additionally, the
19 legislative authority of a city in which a metropolitan park district
20 with an ex officio board of park commissioners is created may contract
21 with that district for overall management and operation of any city
22 parks and recreation facilities or lease any city parks and recreation
23 facilities to that district only after the city legislative authority
24 holds a public hearing on the proposed lease or proposed management and
25 operation by the metropolitan park district. At least ten days prior
26 to the hearing, there shall be published a public notice setting forth
27 the date, time, and place of the hearing, at least once in a local
28 newspaper of general circulation. Notice of the hearing shall also be
29 mailed or otherwise delivered to all who would be entitled to notice of
30 a special meeting of the city legislative authority under RCW
31 42.30.080. The notice shall identify the parks and recreation
32 facilities involved. The terms and conditions under which the city
33 proposes to lease to the metropolitan park district or contract with
34 the metropolitan park district for management and operation shall be
35 available upon request from and after the date of publication of the
36 hearing notice and at the hearing, but after the public hearing the
37 city legislative authority may amend the proposed terms and conditions
38 at open public meetings.

1 (2) At any time that any such metropolitan park district is unable,
2 through lack of sufficient funds, to provide for the continuous
3 operation, maintenance, and improvement of the parks and
4 (~~playgrounds~~) recreation facilities and other properties or
5 facilities owned by it or under its control, and the legislative body
6 of any city within or comprising such metropolitan park district shall
7 determine that an emergency exists requiring the financial aid of such
8 city to be extended in order to provide for such continuous operation,
9 maintenance, and/or improvement of parks(~~, playgrounds~~) and
10 recreation facilities, other properties, and programs of such park
11 district within its limits, (~~such~~) the city may grant or loan to
12 (~~such~~) the metropolitan park district such of its available funds, or
13 such funds which it may lawfully procure and make available, as it
14 shall find necessary to provide for such continuous operation and
15 maintenance and, pursuant thereto, any (~~such~~) city and the board of
16 park commissioners of (~~such~~) the metropolitan park district are
17 authorized and empowered to enter into an agreement embodying such
18 terms and conditions of any such grant or loan as may be mutually
19 agreed upon.

20 (3) The board of metropolitan park commissioners may accept public
21 streets of the city and grounds for public purposes when donated for
22 parks(~~, playground, boulevard~~) and recreation purposes and park
23 purposes.

24 (~~(+2)~~) (4) Counties may turn over to (~~the~~) a metropolitan park
25 district any park and recreation lands and parks and recreation
26 facilities and equipment or interests in any lands, facilities, or
27 equipment that they own, and the board of metropolitan park
28 commissioners may accept such lands and equipment or interests in any
29 lands, facilities, or equipment.

30 NEW SECTION. Sec. 15. A new section is added to chapter 35.61 RCW
31 to read as follows:

32 (1) A metropolitan park district governed under RCW 35.61.050(3)
33 may contract with a nonprofit corporation or other public or private
34 organization, including the city whose voters created the district, to
35 manage or carry out any of its operations. No such contract for the
36 overall management and operation of any park and recreation facility
37 shall have an initial term or any renewal term longer than thirty years
38 but may be renewed by the ex officio board of park commissioners upon

1 the expiration of an initial or any renewal term. A metropolitan park
2 district governed under RCW 35.61.050(3) may, however, grant and may
3 authorize the managing and operating entity to grant to any nonprofit
4 corporation or other public or private organization franchises or
5 concessions that further the public use and enjoyment of parks and
6 recreation facilities.

7 (2) Before approving each initial and any renewal contract with a
8 nonprofit corporation for the overall management and operation of any
9 parks and recreation facilities, the ex officio board of metropolitan
10 park commissioners shall hold a public hearing on the proposed
11 management and operation by such a nonprofit corporation. At least ten
12 days prior to the hearing, there shall be published a public notice
13 setting forth the date, time, and place of the hearing, at least once
14 in a local newspaper of general circulation. Notice of the hearing
15 shall also be mailed or otherwise delivered to all who would be
16 entitled to notice of a special meeting of the board under RCW
17 42.30.080. The notice shall identify the parks and recreation
18 facilities involved and the nonprofit corporation proposed for
19 management and operation under contract with the metropolitan park
20 district. The terms and conditions under which the metropolitan park
21 district proposes to contract with the nonprofit corporation for
22 management and operation shall be available upon request from and after
23 the date of publication of the hearing notice and at the hearing, but
24 after the public hearing the board of metropolitan park commissioners
25 may amend the proposed terms and conditions at open public meetings.

26 (3) A metropolitan park district governed under RCW 35.61.050(3)
27 shall contract with the city whose voters created the district to carry
28 out all of the metropolitan park district's management and operations
29 except for the management and operation of parks and recreation
30 facilities for which the metropolitan park district has a contract with
31 another public agency or a nonprofit corporation under subsection (1)
32 or (2) of this section. The contract with the city may provide for its
33 termination if the metropolitan park district commissioners approve a
34 contract with another entity under subsection (1) or (2) of this
35 section.

36 (4) The nonprofit corporation or other public organization with
37 responsibility for overall management or operation of any parks and
38 recreation facilities may in carrying out that responsibility manage
39 and supervise employees of the metropolitan park district governed

1 under RCW 35.61.050(3) and may hire, fire, and otherwise discipline
2 those employees. A civil service established under RCW 35.61.140 may
3 include such management and supervision by persons not employed by the
4 metropolitan park district.

5 NEW SECTION. **Sec. 16.** A new section is added to chapter 35.61 RCW
6 to read as follows:

7 (1) Notwithstanding any provisions to the contrary contained in a
8 city charter, and to the extent provided by the city under an
9 appropriate legislative enactment, some or all employees of a
10 metropolitan park district with an ex officio board of park
11 commissioners may be included in the retirement plan of a city that
12 shares territory with the metropolitan park district if they were
13 previously employed by the city and were members of its retirement
14 plan. The city and metropolitan park district are each authorized to
15 pay the parts of the expense of operating and maintaining the
16 retirement system and to contribute to the retirement fund on behalf of
17 employees those sums as may be agreed upon between the legislative
18 authorities of the city and the metropolitan park district, but a
19 proportionate share of system expenses must be borne by or on behalf of
20 the metropolitan park district employees.

21 (2) In a metropolitan park district with an ex officio board of
22 park commissioners, neither the chief executive officer nor officers
23 chiefly responsible for operating a facility or program, as designated
24 by the board of metropolitan park commissioners, shall be members of
25 the civil service that may be established under RCW 35.61.140.

26 **Sec. 17.** RCW 84.09.030 and 1996 c 230 s 1613 are each amended to
27 read as follows:

28 Except as follows, the boundaries of counties, cities and all other
29 taxing districts, for purposes of property taxation and the levy of
30 property taxes, shall be the established official boundaries of such
31 districts existing on the first day of March of the year in which the
32 property tax levy is made.

33 The official boundaries of a newly incorporated taxing district
34 shall be established at a different date in the year in which the
35 incorporation occurred as follows:

36 (1) Boundaries for a newly incorporated city shall be established
37 on the last day of March of the year in which the initial property tax

1 levy is made, and the boundaries of a road district, library district,
2 or fire protection district or districts, that include any portion of
3 the area that was incorporated within its boundaries shall be altered
4 as of this date to exclude this area, if the budget for the newly
5 incorporated city is filed pursuant to RCW 84.52.020 and the levy
6 request of the newly incorporated city is made pursuant to RCW
7 84.52.070. Whenever a proposed city incorporation is on the March
8 special election ballot, the county auditor shall submit the legal
9 description of the proposed city to the department of revenue on or
10 before the first day of March;

11 (2) Boundaries for a newly incorporated port district shall be
12 established on the first day of October if the boundaries of the newly
13 incorporated port district are coterminous with the boundaries of
14 another taxing district, as they existed on the first day of March of
15 that year;

16 (3) Boundaries of any other newly incorporated taxing district
17 shall be established on the first day of June of the year in which the
18 property tax levy is made if the taxing district has boundaries
19 coterminous with the boundaries of another taxing district, as they
20 existed on the first day of March of that year;

21 (4) Boundaries for a newly incorporated water-sewer district shall
22 be established on the fifteenth of June of the year in which the
23 proposition under RCW 57.04.050 authorizing a water district excess
24 levy is approved;

25 (5) Boundaries of a newly incorporated metropolitan park district,
26 except districts governed under RCW 35.61.050(3), shall be established
27 on the first day of June of the year in which the proposition under RCW
28 35.61.030 authorizing creation of the park district is approved. The
29 boundaries of a park and recreation district or park and recreation
30 service area from which territory has been removed under section 20 of
31 this act, as the result of the creation of a new metropolitan park
32 district, shall be established on the first day of June of the year in
33 which the ballot proposition authorizing the metropolitan park district
34 is approved.

35 The boundaries of a taxing district shall be established on the
36 first day of June if territory has been added to, or removed from, the
37 taxing district after the first day of March of that year with
38 boundaries coterminous with the boundaries of another taxing district
39 as they existed on the first day of March of that year. However, the

1 boundaries of a road district, library district, or fire protection
2 district or districts, that include any portion of the area that was
3 annexed to a city or town within its boundaries shall be altered as of
4 this date to exclude this area. In any case where any instrument
5 setting forth the official boundaries of any newly established taxing
6 district, or setting forth any change in such boundaries, is required
7 by law to be filed in the office of the county auditor or other county
8 official, said instrument shall be filed in triplicate. The officer
9 with whom such instrument is filed shall transmit two copies to the
10 county assessor.

11 No property tax levy shall be made for any taxing district whose
12 boundaries are not established as of the dates provided in this
13 section.

14 **Sec. 18.** RCW 84.52.010 and 1995 2nd sp.s. c 13 s 4 are each
15 amended to read as follows:

16 Except as is permitted under RCW 84.55.050, all taxes shall be
17 levied or voted in specific amounts.

18 The rate percent of all taxes for state and county purposes, and
19 purposes of taxing districts coextensive with the county, shall be
20 determined, calculated and fixed by the county assessors of the
21 respective counties, within the limitations provided by law, upon the
22 assessed valuation of the property of the county, as shown by the
23 completed tax rolls of the county, and the rate percent of all taxes
24 levied for purposes of taxing districts within any county shall be
25 determined, calculated and fixed by the county assessors of the
26 respective counties, within the limitations provided by law, upon the
27 assessed valuation of the property of the taxing districts
28 respectively.

29 When a county assessor finds that the aggregate rate of tax levy on
30 any property, that is subject to the limitations set forth in RCW
31 84.52.043 or 84.52.050, exceeds the limitations provided in either of
32 these sections, the assessor shall recompute and establish a
33 consolidated levy in the following manner:

34 (1) The full certified rates of tax levy for state, county, county
35 road district, and city or town purposes shall be extended on the tax
36 rolls in amounts not exceeding the limitations established by law;
37 however any state levy shall take precedence over all other levies and
38 shall not be reduced for any purpose other than that required by RCW

1 84.55.010. If, as a result of the levies imposed under RCW 84.52.069,
2 84.34.230, the portion of the levy by a metropolitan park district that
3 was protected under RCW 84.52.120, and 84.52.105, the combined rate of
4 regular property tax levies that are subject to the one percent
5 limitation exceeds one percent of the true and fair value of any
6 property, then these levies shall be reduced as follows: (a) The
7 portion of the levy by a metropolitan park district that is protected
8 under RCW 84.52.120 shall be reduced until the combined rate no longer
9 exceeds one percent of the true and fair value of any property or shall
10 be eliminated; (b) if the combined rate of regular property tax levies
11 subject to the one percent limitation in a county containing a
12 metropolitan park district governed under RCW 35.61.050(3) still
13 exceeds one percent of the true and fair value of any property, then
14 the remaining levy for that metropolitan park district shall be reduced
15 until the combined rate no longer exceeds one percent or shall be
16 eliminated; (c) if the combined rate of regular property tax levies
17 that are subject to the one percent limitation still exceeds one
18 percent of the true and fair value of any property, then the levies
19 imposed under RCW 84.34.230, 84.52.105, and any portion of the levy
20 imposed under RCW 84.52.069 that is in excess of thirty cents per
21 thousand dollars of assessed value, shall be reduced on a pro rata
22 basis until the combined rate no longer exceeds one percent of the true
23 and fair value of any property or shall be eliminated; and ((+e+)) (d)
24 if the combined rate of regular property tax levies that are subject to
25 the one percent limitation still exceeds one percent of the true and
26 fair value of any property, then the thirty cents per thousand dollars
27 of assessed value of tax levy imposed under RCW 84.52.069 shall be
28 reduced until the combined rate no longer exceeds one percent of the
29 true and fair value of any property or eliminated.

30 (2) The certified rates of tax levy subject to these limitations by
31 all junior taxing districts imposing taxes on such property shall be
32 reduced or eliminated as follows to bring the consolidated levy of
33 taxes on such property within the provisions of these limitations:

34 (a) First, the certified property tax levy rates of those junior
35 taxing districts authorized under RCW 36.68.525, 36.69.145, and
36 67.38.130 shall be reduced on a pro rata basis or eliminated;

37 (b) Second, if the consolidated tax levy rate still exceeds these
38 limitations, the certified property tax levy rates of flood control
39 zone districts shall be reduced on a pro rata basis or eliminated;

1 (c) Third, if the consolidated tax levy rate still exceeds these
2 limitations, the certified property tax levy rates of all other junior
3 taxing districts, other than fire protection districts, library
4 districts, the first fifty cent per thousand dollars of assessed
5 valuation levies for metropolitan park districts created before January
6 1, 1999, and the first fifty cent per thousand dollars of assessed
7 valuation levies for public hospital districts, shall be reduced on a
8 pro rata basis or eliminated;

9 (d) Fourth, if the consolidated tax levy rate still exceeds these
10 limitations, the certified property tax levy rates authorized to fire
11 protection districts under RCW 52.16.140 and 52.16.160 shall be reduced
12 on a pro rata basis or eliminated; and

13 (e) Fifth, if the consolidated tax levy rate still exceeds these
14 limitations, the certified property tax levy rates authorized for fire
15 protection districts under RCW 52.16.130, library districts,
16 metropolitan park districts created before January 1, 1999, under their
17 first fifty cent per thousand dollars of assessed valuation levy, and
18 public hospital districts under their first fifty cent per thousand
19 dollars of assessed valuation levy, shall be reduced on a pro rata
20 basis or eliminated.

21 In determining whether the aggregate rate of tax levy on any
22 property, that is subject to the limitations set forth in RCW
23 84.52.050, exceeds the limitations provided in that section, the
24 assessor shall use the hypothetical state levy, as apportioned to the
25 county under RCW 84.48.080, that was computed under RCW 84.48.080
26 without regard to the reduction under RCW 84.55.012.

27 NEW SECTION. Sec. 19. A new section is added to chapter 35.61 RCW
28 to read as follows:

29 Notwithstanding any other provision of this chapter, but without
30 eliminating or overriding the requirements for unanimous board action
31 and consent contained in RCW 35.61.132 for the disposition of property,
32 the voters of a metropolitan park district governed under RCW
33 35.61.050(3) shall have the power, within the scope of the functions of
34 such a metropolitan park district, to initiate and refer to themselves
35 legislation to the same extent and on the same matters as do the voters
36 of the city with which the metropolitan park district shares its
37 boundaries. These powers of initiative and referendum shall be

1 exercised in the same manner and with the same effect as permitted for
2 the voters of that city.

3 NEW SECTION. **Sec. 20.** A new section is added to chapter 35.61 RCW
4 to read as follows:

5 Except for any metropolitan park district governed under RCW
6 35.61.050(3), any area included within a park and recreation district
7 or a park and recreation service area that is also included within a
8 newly created metropolitan park district or is annexed by a
9 metropolitan park district shall be removed from the park and
10 recreation district or the park and recreation service area immediately
11 upon the effective date of the creation of the new metropolitan park
12 district or the annexation by the metropolitan park district.

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