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HOUSE BILL 2388

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State of Washington                      56th Legislature                      2000 Regular Session

By Representatives Parlette and Mulliken

Read first time 01/12/2000. Referred to Committee on Local Government.

1            AN ACT Relating to the establishment of boundaries when creating a  
2 metropolitan park district; amending RCW 35.61.010, 35.61.020,  
3 35.61.030, 35.61.040, 35.61.050, 35.61.250, and 84.09.030; and adding  
4 a new section to chapter 35.61 RCW.

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

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

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

1       **Sec. 2.** RCW 35.61.020 and 1965 c 7 s 35.61.020 are each amended to  
2 read as follows:

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

9       (a) The ballot proposition shall be submitted if the legislative  
10 authority of the city enacts such an ordinance after adopting a  
11 resolution proposing creation of a metropolitan park district or ((on))  
12 if a petition ((of)) proposing creation of a metropolitan park district  
13 is submitted to the county auditor that has been signed by at least  
14 fifteen percent of the ((qualified electors of the city based upon the  
15 registration for the last preceding general city election, shall by  
16 ordinance, submit to the voters of the city the proposition of creating  
17 a metropolitan park district, the limits of which shall be coextensive  
18 with the limits of the city as now or hereafter established, inclusive  
19 of territory annexed to and forming a part of)) registered voters  
20 residing in the city.

21       (b) For districts proposed to be created after January 1, 2000, the  
22 ballot proposition shall be submitted if either: (i) A resolution  
23 proposing the creation of the metropolitan park district is adopted by  
24 the governing body of each city proposed to be included in the park  
25 district and the county legislative authority of the county in which  
26 any unincorporated area proposed to be included in the park district is  
27 located; or (ii) a petition proposing the creation of the metropolitan  
28 park district is submitted to the county auditor that has been signed  
29 by at least fifteen percent of the registered voters residing in the  
30 area proposed to be included in the park district. The petition or  
31 resolution shall describe the boundaries of the proposed metropolitan  
32 park district and propose creating the park district.

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

36       (3) Once created, any territory ((by virtue of its annexation))  
37 that is annexed to any city ((having heretofore created a)) included in  
38 a metropolitan park district shall be ((deemed to be within the limits  
39 of)) added automatically to the metropolitan park district upon the

1 effective date of the annexation by the city and such an extension of  
2 a park district's boundaries shall not be subject to review by a  
3 boundary review board.

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

6 **Sec. 3.** RCW 35.61.030 and 1985 c 469 s 32 are each amended to read  
7 as follows:

8 ~~((In submitting the question to the voters for their approval or~~  
9 ~~rejection, the city council or commission shall pass an ordinance~~  
10 ~~declaring its intention to submit the proposition of creating a~~  
11 ~~metropolitan park district to the qualified voters of the city. The~~  
12 ~~ordinance shall be published once a week for two consecutive weeks in~~  
13 ~~the official newspaper of the city, and the city council or commission~~  
14 ~~shall cause to be placed upon the ballot for the election, at the~~  
15 ~~proper place, the))~~

16 (1) The ballot proposition authorizing creation of a metropolitan  
17 park district that is submitted to voters for their approval or  
18 rejection shall appear on the ballot of the next general election or at  
19 the next special election date specified under RCW 29.13.020 occurring  
20 sixty or more days after the last resolution proposing the creation of  
21 the park district is adopted or the date the county auditor certifies  
22 that the petition proposing the creation of the park district contains  
23 sufficient valid signatures, if a boundary review board does not exist  
24 in the county.

25 (2) The creation of a metropolitan park district is not subject to  
26 review by a boundary review board if the proposed metropolitan park  
27 district only includes one or more cities and the special election at  
28 which a ballot proposition authorizing creation of the park district  
29 shall be held as if a boundary review board does not exist in the  
30 county. In all other instances, notice of the proposal to create a  
31 metropolitan park district shall be filed with the boundary review  
32 board as provided under RCW 36.93.090 and the special election at which  
33 a ballot proposition authorizing creation of the park district shall be  
34 held at the next special election date specified under RCW 29.13.020  
35 sixty or more days after the date the boundary review board is deemed  
36 to have approved the proposal, approves the proposal, or modifies and  
37 approves the proposal.

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

7       1 "For the formation of a metropolitan park district."

8       1 "Against the formation of a metropolitan park district."

9       **Sec. 4.** RCW 35.61.040 and 1965 c 7 s 35.61.040 are each amended to  
10 read as follows:

11       If ~~((at an election))~~ a majority of the voters voting ~~((thereon))~~  
12 on the ballot proposition authorizing the creation of the metropolitan  
13 park district vote in favor of the formation of a metropolitan park  
14 district, the metropolitan park district shall ~~((then be and become))~~  
15 be created as a municipal corporation effective immediately upon  
16 certification of the election results that voters approved the ballot  
17 proposition and its name shall be "Metropolitan Park District of  
18 . . . . . (inserting the name of the largest city included in the  
19 park district)."

20       **Sec. 5.** RCW 35.61.050 and 1994 c 223 s 23 are each amended to read  
21 as follows:

22       (1) Five park commissioners shall be elected at large as the  
23 initial members of the board of park commissioners for the metropolitan  
24 park district at the same election at which the ballot proposition is  
25 submitted to the voters as to whether a metropolitan park district is  
26 to be formed(~~(, five park commissioners shall be elected)~~). The  
27 election of metropolitan park commissioners shall be null and void if  
28 the metropolitan park district is not created. Candidates shall run  
29 for specific commission positions. ~~((No))~~ A primary shall not be held  
30 to nominate candidates.

31       (2) The person receiving the greatest number of votes for each  
32 position shall be elected as a metropolitan park commissioner. The  
33 staggering of the terms of office shall occur as follows: ((+1)) (a)  
34 The two persons who are elected receiving the two greatest numbers of  
35 votes shall be elected to six-year terms of office if the election is  
36 held in an odd-numbered year or five-year terms of office if the  
37 election is held in an even-numbered year; ((+2)) (b) the two persons

1 who are elected receiving the next two greatest numbers of votes shall  
2 be elected to four-year terms of office if the election is held in an  
3 odd-numbered year or three-year terms of office if the election is held  
4 in an even-numbered year; and ~~((+3))~~ (c) the other person who is  
5 elected shall be elected to a two-year term of office if the election  
6 is held in an odd-numbered year or a one-year term of office if the  
7 election is held in an even-numbered year.

8 The initial metropolitan park commissioners shall take office  
9 immediately when they are elected and qualified, and for purposes of  
10 computing their terms of office the terms shall be assumed to commence  
11 on the first day of January in the year after they are elected.  
12 Thereafter, all commissioners shall be elected to six-year terms of  
13 office at general elections held in odd-numbered years.

14 All commissioners shall serve until their respective successors are  
15 elected and qualified and assume office in accordance with RCW  
16 29.04.170. Vacancies shall occur and shall be filled as provided in  
17 chapter 42.12 RCW.

18 **Sec. 6.** RCW 35.61.250 and 1985 c 416 s 4 are each amended to read  
19 as follows:

20 The territory adjoining a metropolitan park district may be annexed  
21 to and become a part ~~((thereof upon))~~ of the metropolitan park district  
22 under a petition and ((an)) election ((held pursuant thereto)) method  
23 of 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 **Sec. 7.** RCW 84.09.030 and 1996 c 230 s 1613 are each amended to  
37 read as follows:

1 Except as follows, the boundaries of counties, cities and all other  
2 taxing districts, for purposes of property taxation and the levy of  
3 property taxes, shall be the established official boundaries of such  
4 districts existing on the first day of March of the year in which the  
5 property tax levy is made.

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

9 (1) Boundaries for a newly incorporated city shall be established  
10 on the last day of March of the year in which the initial property tax  
11 levy is made, and the boundaries of a road district, library district,  
12 or fire protection district or districts, that include any portion of  
13 the area that was incorporated within its boundaries shall be altered  
14 as of this date to exclude this area, if the budget for the newly  
15 incorporated city is filed pursuant to RCW 84.52.020 and the levy  
16 request of the newly incorporated city is made pursuant to RCW  
17 84.52.070. Whenever a proposed city incorporation is on the March  
18 special election ballot, the county auditor shall submit the legal  
19 description of the proposed city to the department of revenue on or  
20 before the first day of March;

21 (2) Boundaries for a newly incorporated port district shall be  
22 established on the first day of October if the boundaries of the newly  
23 incorporated port district are coterminous with the boundaries of  
24 another taxing district, as they existed on the first day of March of  
25 that year;

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

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

35 (5) Boundaries of a newly incorporated metropolitan park district  
36 shall be established on the first day of June of the year in which the  
37 proposition under RCW 35.61.030 authorizing creation of the park  
38 district is approved. The boundaries of a park and recreation district  
39 or park and recreation service area from which territory has been

1 removed under section 8 of this act, as the result of the creation of  
2 a new metropolitan park district, shall be established on the first day  
3 of June of the year in which the ballot proposition authorizing the  
4 metropolitan park district is approved.

5 The boundaries of a taxing district shall be established on the  
6 first day of June if territory has been added to, or removed from, the  
7 taxing district after the first day of March of that year with  
8 boundaries coterminous with the boundaries of another taxing district  
9 as they existed on the first day of March of that year. However, the  
10 boundaries of a road district, library district, or fire protection  
11 district or districts, that include any portion of the area that was  
12 annexed to a city or town within its boundaries shall be altered as of  
13 this date to exclude this area. In any case where any instrument  
14 setting forth the official boundaries of any newly established taxing  
15 district, or setting forth any change in such boundaries, is required  
16 by law to be filed in the office of the county auditor or other county  
17 official, said instrument shall be filed in triplicate. The officer  
18 with whom such instrument is filed shall transmit two copies to the  
19 county assessor.

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

23 NEW SECTION. **Sec. 8.** A new section is added to chapter 35.61 RCW  
24 to read as follows:

25 Any area included within a park and recreation district or a park  
26 and recreation service area that is also included within a newly  
27 created metropolitan park district or is annexed by a metropolitan park  
28 district shall be removed from the park and recreation district or the  
29 park and recreation service area immediately upon the effective date of  
30 the creation of the new metropolitan park district or the annexation by  
31 the metropolitan park district.

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