
SUBSTITUTE SENATE BILL 5268

State of Washington

56th Legislature

1999 Regular Session

By Senate Committee on State & Local Government (originally sponsored by Senators Kohl-Welles, Long, Jacobsen, Hale, Gardner, Rossi, Thibaudeau, Prentice, Kline, Deccio, Costa, Patterson and B. Sheldon)

Read first time 02/25/1999.

1 AN ACT Relating to metropolitan park districts; amending RCW
2 35.61.010, 35.61.020, 35.61.030, 35.61.050, 35.61.120, 35.61.130,
3 35.61.132, 35.61.150, 35.61.180, 35.61.200, 35.61.250, 35.61.290, and
4 84.52.010; and adding new sections 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 for the management, control, improvement, maintenance, and
12 acquisition of parks(~~(, parkways,)~~) and (~~(boulevards)~~) recreation
13 facilities as defined in this chapter.

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

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

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

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

8 (3) "Separately elected board of park commissioners" means a board
9 of park commissioners of a metropolitan park district that is composed
10 of five separately elected commissioners as provided under RCW
11 35.61.050(1) and 35.61.120(1).

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

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

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

24 (1) A ballot proposition authorizing the creation of a metropolitan
25 park district shall be submitted by ordinance to the voters of a city
26 with a population of at least five thousand at any general election, or
27 at any special election which may be called for that purpose, ((or at
28 any city election held in the city in all of the various voting
29 precincts thereof, the city council or commission may,)) if the
30 legislative authority of the city enacts such an ordinance after
31 adopting a resolution proposing creation of a metropolitan park
32 district or ((or)) if a petition ((of)) proposing creation of a
33 metropolitan park district is submitted to the county auditor that has
34 been signed by at least fifteen percent of the ((qualified electors of
35 the)) registered voters residing in the city ((based upon the
36 registration for the last preceding general city election, shall by
37 ordinance, submit to the voters of the city the proposition of creating
38 a metropolitan park district, the limits of which shall be)).

1 (2) If city voters approve the ballot proposition by a simple
2 majority vote, a metropolitan park district shall be created that is
3 coextensive with the limits of the city as now or hereafter
4 established, inclusive of territory annexed to and forming a part of
5 the city.

6 (3) Territory by virtue of its annexation to any city having
7 heretofore created a park district shall be deemed to be ((within the
8 limits of)) annexed to the metropolitan park district.

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

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

13 (1) In submitting the question to the voters for their approval or
14 rejection, the city council or commission shall pass an ordinance
15 declaring its intention to submit the proposition of creating a
16 metropolitan park district to the qualified voters of the city. The
17 ordinance shall be published once a week for two consecutive weeks in
18 the official newspaper of the city((, and the city council or
19 commission shall cause to be placed upon the ballot for the election,
20 at the proper place, the)). The proposition shall appear on the ballot
21 of the next general municipal election unless the city legislative
22 authority by ordinance submits it at an earlier special election.

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

29 l "For the formation of a metropolitan park district."

30 l "Against the formation of a metropolitan park district."

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

33 (1) Except as provided under subsection (2) of this section, five
34 park commissioners shall be elected at large as the metropolitan
35 members of the board of park commissioners for the metropolitan park
36 district at the same election at which the ballot proposition is
37 submitted to the voters as to whether a metropolitan park district is

1 to be formed(~~(, five park commissioners shall be elected)~~). The
2 election of metropolitan park commissioners shall be null and void if
3 the metropolitan park district is not created. Candidates shall run
4 for specific commission positions. (~~(No)~~) A primary shall not be held
5 to nominate candidates. The person receiving the greatest number of
6 votes for each position shall be elected as a metropolitan park
7 commissioner. The staggering of the terms of office shall occur as
8 follows: (~~(+1)~~) (a) The two persons who are elected receiving the two
9 greatest numbers of votes shall be elected to six-year terms of office
10 if the election is held in an odd-numbered year or five-year terms of
11 office if the election is held in an even-numbered year; (~~(+2)~~) (b)
12 the two persons who are elected receiving the next two greatest numbers
13 of votes shall be elected to four-year terms of office if the election
14 is held in an odd-numbered year or three-year terms of office if the
15 election is held in an even-numbered year; and (~~(+3)~~) (c) the other
16 person who is elected shall be elected to a two-year term of office if
17 the election is held in an odd-numbered year or a one-year term of
18 office if the election is held in an even-numbered year.

19 The initial metropolitan park commissioners shall take office
20 immediately when they are elected and qualified, and for purposes of
21 computing their terms of office the terms shall be assumed to commence
22 on the first day of January in the year after they are elected.
23 Thereafter, all commissioners shall be elected to six-year terms of
24 office at general elections held in odd-numbered years.

25 All commissioners shall serve until their respective successors are
26 elected and qualified and assume office in accordance with RCW
27 29.04.170. Vacancies shall occur and shall be filled as provided in
28 chapter 42.12 RCW.

29 (2) The ballot proposition creating a new metropolitan park
30 district that only consists of a city with a population of five hundred
31 thousand or more may provide for the city's legislative authority
32 (including the elected mayor, if any, acting in the mayor's ordinary
33 legislative capacity) to act in an ex officio and independent capacity
34 as the board of commissioners for the metropolitan park district. An
35 election shall not be held to elect the initial metropolitan park
36 district commissioners if such an option is taken.

37 **Sec. 6.** RCW 35.61.120 and 1965 c 7 s 35.61.120 are each amended to
38 read as follows:

1 (1) The officers of a metropolitan park district shall be a board
2 of park commissioners consisting of five members unless the board is
3 composed as permitted under RCW 35.61.050(2). The board shall annually
4 elect one of their number as president and another of their number as
5 clerk of the board. The composition of a board under this subsection
6 that was created before January 1, 1999, may not be altered once the
7 metropolitan park district has been created.

8 (2) The composition of a board of metropolitan park district
9 commissioners established as permitted under RCW 35.61.050(2) may be
10 altered to a separately elected board of park commissioners once the
11 metropolitan park district has been created only by a majority vote of
12 the voters in the district, and then only if the potential for such an
13 alteration was stated in the resolution or petition to create the
14 district.

15 **Sec. 7.** RCW 35.61.130 and 1969 c 54 s 1 are each amended to read
16 as follows:

17 (1) A metropolitan park district has the right of eminent domain,
18 and may purchase, acquire and condemn lands lying within or without the
19 boundaries of ~~((said))~~ the park district, for public parks~~((, parkways,~~
20 ~~boulevards, aviation landings and playgrounds,))~~ and recreation
21 facilities. A metropolitan park district may condemn such lands for
22 any of the following purposes: (a) To widen, alter, and extend
23 streets~~((,))~~ and avenues~~((, boulevards, parkways, aviation landings and~~
24 ~~playgrounds,))~~; (b) to alter, enlarge, and extend existing parks~~((,))~~
25 and recreation facilities; and (c) to acquire lands for the
26 establishment of new parks~~((, boulevards, parkways, aviation landings~~
27 ~~and playgrounds))~~ and recreation facilities.

28 (2) The right of eminent domain shall be exercised and instituted
29 pursuant to resolution of the board of metropolitan park commissioners
30 and conducted in the same manner and under the same procedure as is or
31 may be provided by law for the exercise of the power of eminent domain
32 by ~~((incorporated))~~ cities ~~((and towns))~~ of the state of Washington in
33 the acquisition of property rights~~((: PROVIDED,))~~. However, funds to
34 pay for condemnation allowed by this section shall be raised only as
35 specified in this chapter.

36 (3) The board of metropolitan park commissioners ~~((shall have power~~
37 ~~to))~~ may employ counsel~~((,))~~ and ~~((to))~~ regulate, manage, and control
38 the parks~~((, parkways, boulevards, streets, avenues, aviation landings~~

1 ~~and playgrounds)) and recreation facilities~~ under its control(~~(, and~~
2 ~~to)).~~

3 (4) The board of metropolitan park commissioners may provide ((for
4 park policemen,)) for a secretary of the board of metropolitan park
5 commissioners, and for all necessary employees, ((to)) and fix their
6 salaries and duties. In a metropolitan park district governed under
7 RCW 35.61.050(2), the city's mayor shall serve ex officio as the chief
8 executive officer of the metropolitan park district unless otherwise
9 provided by the board of metropolitan park district commissioners.

10 (5) The board of metropolitan park commissioners ((shall have power
11 to)) may improve, acquire, extend and maintain, open, and lay out((,))
12 parks((, parkways, boulevards,)) and recreation facilities and avenues,
13 ((aviation landings and playgrounds,)) within or without the
14 metropolitan park district((, and to)).

15 (6) The board of metropolitan park commissioners may authorize,
16 conduct, and manage the letting of boats, or other amusement apparatus,
17 the operation of bath houses, the purchase and sale of foodstuffs or
18 other merchandise, the giving of vocal or instrumental concerts or
19 other entertainments, ((the establishment and maintenance of aviation
20 landings and playgrounds,)) and the provision, establishment,
21 operation, maintenance, and improvement of recreational facilities all
22 on property owned by itself or others.

23 (7) The board of metropolitan park commissioners may provide
24 generally for the management and conduct of such forms of recreation or
25 business as it shall judge desirable or beneficial for the public, or
26 for the production of revenue for expenditure for parks and recreation
27 purposes((, and)).

28 (8) The board of metropolitan park commissioners may pay out moneys
29 for: (a) The maintenance and improvement of any such parks((,)
30 parkways, boulevards,)) and recreation facilities and avenues((,
31 aviation landings and playgrounds)) as now exist, or the right to which
32 may hereafter be acquired, within or without the limits of ((said city
33 and for)) the metropolitan park district; (b) the purchase of lands
34 within or without the limits of ((said city)) the metropolitan park
35 district, whenever it deems the purchase to be for the benefit of the
36 public and for the interest of the metropolitan park district, and for
37 the maintenance and improvement thereof; and ((for)) (c) all expenses
38 incidental to its duties((: PROVIDED, That)). However, all parks((,
39 boulevards, parkways, aviation landings and playgrounds)) and

1 recreation facilities shall be subject to the police regulations of the
2 city or county within whose limits they lie.

3 (9) The board of metropolitan park commissioners may, if and to the
4 extent provided by section 14 of this act, contract with any entity,
5 public or private, including the city whose voters created the
6 district, for all or any part of its staffing, operations, and
7 services.

8 **Sec. 8.** RCW 35.61.132 and 1989 c 319 s 4 are each amended to read
9 as follows:

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

14 (2) Except as set forth in subsection (3) of this section, every
15 metropolitan park district may, by unanimous decision of its board of
16 park commissioners, sell, exchange, or otherwise dispose of any real or
17 personal property acquired for park or recreational purposes when such
18 property is declared surplus for park or other recreational purposes:
19 PROVIDED, That where the property is acquired by donation or dedication
20 for park or recreational purposes, the consent of the donor or
21 dedicator, his or her heirs, successors, or assigns is first obtained
22 if the consent of the donor is required in the instrument conveying the
23 property to the metropolitan park district. In the event the donor or
24 dedicator, his or her heirs, successors, or assigns cannot be located
25 after a reasonable search, the metropolitan park district may petition
26 the superior court in the county where the property is located for
27 approval of the sale. If sold, all sales shall be by public bids and
28 sale made only to the highest and best bidder.

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

34 **Sec. 9.** RCW 35.61.150 and 1998 c 121 s 1 are each amended to read
35 as follows:

36 (1) Except as provided in subsection (2) of this section,
37 metropolitan park commissioners shall perform their duties and may

1 provide, by resolution passed by the commissioners, for the payment of
2 compensation to each of its commissioners at a rate of up to seventy
3 dollars for each day or portion of a day devoted to the business of the
4 district. However, the compensation for each commissioner must not
5 exceed six thousand seven hundred twenty dollars per year. Any
6 commissioner may waive all or any portion of his or her compensation
7 payable under this subsection as to any month or months during his or
8 her term of office, by a written waiver filed with the clerk of the
9 board. The waiver, to be effective, must be filed any time after the
10 commissioner's election and prior to the date on which the compensation
11 would otherwise be paid. The waiver shall specify the month or period
12 of months for which it is made.

13 (2) Metropolitan park commissioners who serve in an ex officio
14 capacity shall perform their duties as park commissioners without
15 additional compensation.

16 **Sec. 10.** RCW 35.61.180 and 1987 c 203 s 1 are each amended to read
17 as follows:

18 ~~((The county treasurer of the county within which all, or the major~~
19 ~~portion, of the district lies shall be the ex officio treasurer of a~~
20 ~~metropolitan park district, but shall receive no compensation other~~
21 ~~than his or her regular salary for receiving and disbursing the funds~~
22 ~~of a metropolitan park district.)) (1) The treasurer of a metropolitan~~

23 park district shall be the city treasurer of the most densely populated
24 city included in the district's boundaries. The city treasurer, when
25 acting as the treasurer of a metropolitan park district, shall receive
26 no compensation other than his or her regular salary for acting as the
27 treasurer of the metropolitan park district.

28 (2) Notwithstanding the provisions of subsection (1) of this
29 section, a metropolitan park district may designate someone other than
30 the ((county)) city treasurer who has experience in financial or fiscal
31 affairs to act as the district treasurer if the board has received the
32 approval of the ((county)) city treasurer to designate this person. If
33 the board designates someone other than the ((county)) city treasurer
34 to act as the district treasurer, the board shall purchase a bond from
35 a surety company operating in the state that is sufficient to protect
36 the district from loss. A district treasurer so designated shall
37 possess all powers relating to the metropolitan park district that are

1 possessed by the city treasurer, other than the authority to collect
2 property taxes.

3 (3) Notwithstanding RCW 35.61.210, general taxes of the
4 metropolitan park district shall be distributed to the treasurer of the
5 metropolitan park district by the county treasurer as is done for
6 cities.

7 **Sec. 11.** RCW 35.61.200 and 1983 c 167 s 56 are each amended to
8 read as follows:

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

23 **Sec. 12.** RCW 35.61.250 and 1985 c 416 s 4 are each amended to read
24 as follows:

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

1 (2) A metropolitan park district with an ex officio board of park
2 commissioners as provided under RCW 35.61.050(2) may not annex
3 territory under the provisions of RCW 35.61.250 through 35.61.280 and
4 shall maintain boundaries identical with those of the city in which it
5 is located, including any territory annexed by the city.

6 **Sec. 13.** RCW 35.61.290 and 1985 c 416 s 5 are each amended to read
7 as follows:

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

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

1 hearing notice and at the hearing, but after the public hearing the
2 city legislative authority may amend the proposed terms and conditions
3 at open public meetings.

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

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

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

33 NEW SECTION. Sec. 14. A new section is added to chapter 35.61 RCW
34 to read as follows:

35 (1) A metropolitan park district governed under RCW 35.61.050(2)
36 may contract with a nonprofit corporation or other public or private
37 organization, including the city whose voters created the district, to
38 manage or carry out any of its operations, except that no for-profit

1 entity may have a contract for the overall management and operation of
2 any parks and recreation facilities. No such contract for the overall
3 management and operation of any park and recreation facility shall have
4 an initial term or any renewal term longer than thirty years but may be
5 renewed by the ex officio board of park commissioners upon the
6 expiration of an initial or any renewal term. A metropolitan park
7 district governed under RCW 35.61.050(2) may, however, grant and may
8 authorize the managing and operating entity to grant to any nonprofit
9 corporation or other public or private organization franchises or
10 concessions that further the public use and enjoyment of parks and
11 recreation facilities.

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

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

1 contract with another entity under subsection (1) or (2) of this
2 section.

3 (4) The nonprofit corporation or other public organization with
4 responsibility for overall management or operation of any parks and
5 recreation facilities may in carrying out that responsibility manage
6 and supervise employees of the metropolitan park district governed
7 under RCW 35.61.050(2) and may hire, fire, and otherwise discipline
8 those employees. A civil service established under RCW 35.61.140 may
9 include such management and supervision by persons not employed by the
10 metropolitan park district.

11 NEW SECTION. **Sec. 15.** A new section is added to chapter 35.61 RCW
12 to read as follows:

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

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

32 **Sec. 16.** RCW 84.52.010 and 1995 2nd sp.s. c 13 s 4 are each
33 amended to read as follows:

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

36 The rate percent of all taxes for state and county purposes, and
37 purposes of taxing districts coextensive with the county, shall be

1 determined, calculated and fixed by the county assessors of the
2 respective counties, within the limitations provided by law, upon the
3 assessed valuation of the property of the county, as shown by the
4 completed tax rolls of the county, and the rate percent of all taxes
5 levied for purposes of taxing districts within any county shall be
6 determined, calculated and fixed by the county assessors of the
7 respective counties, within the limitations provided by law, upon the
8 assessed valuation of the property of the taxing districts
9 respectively.

10 When a county assessor finds that the aggregate rate of tax levy on
11 any property, that is subject to the limitations set forth in RCW
12 84.52.043 or 84.52.050, exceeds the limitations provided in either of
13 these sections, the assessor shall recompute and establish a
14 consolidated levy in the following manner:

15 (1) The full certified rates of tax levy for state, county, county
16 road district, and city or town purposes shall be extended on the tax
17 rolls in amounts not exceeding the limitations established by law;
18 however any state levy shall take precedence over all other levies and
19 shall not be reduced for any purpose other than that required by RCW
20 84.55.010. If, as a result of the levies imposed under RCW 84.52.069,
21 84.34.230, the portion of the levy by a metropolitan park district that
22 was protected under RCW 84.52.120, and 84.52.105, the combined rate of
23 regular property tax levies that are subject to the one percent
24 limitation exceeds one percent of the true and fair value of any
25 property, then these levies shall be reduced as follows: (a) The
26 portion of the levy by a metropolitan park district that is protected
27 under RCW 84.52.120 shall be reduced until the combined rate no longer
28 exceeds one percent of the true and fair value of any property or shall
29 be eliminated; (b) if the combined rate of regular property tax levies
30 subject to the one percent limitation in a county containing a
31 metropolitan park district governed under RCW 35.61.050(2) still
32 exceeds one percent of the true and fair value of any property, then
33 the remaining levy for that metropolitan park district shall be reduced
34 until the combined rate no longer exceeds one percent or shall be
35 eliminated; (c) if the combined rate of regular property tax levies
36 that are subject to the one percent limitation still exceeds one
37 percent of the true and fair value of any property, then the levies
38 imposed under RCW 84.34.230, 84.52.105, and any portion of the levy
39 imposed under RCW 84.52.069 that is in excess of thirty cents per

1 thousand dollars of assessed value, shall be reduced on a pro rata
2 basis until the combined rate no longer exceeds one percent of the true
3 and fair value of any property or shall be eliminated; and ~~((+e))~~ (d)
4 if the combined rate of regular property tax levies that are subject to
5 the one percent limitation still exceeds one percent of the true and
6 fair value of any property, then the thirty cents per thousand dollars
7 of assessed value of tax levy imposed under RCW 84.52.069 shall be
8 reduced until the combined rate no longer exceeds one percent of the
9 true and fair value of any property or eliminated.

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

14 (a) First, the certified property tax levy rates of those junior
15 taxing districts authorized under RCW 36.68.525, 36.69.145, and
16 67.38.130 shall be reduced on a pro rata basis or eliminated;

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

20 (c) Third, if the consolidated tax levy rate still exceeds these
21 limitations, the certified property tax levy rates of all other junior
22 taxing districts, other than fire protection districts, library
23 districts, the first fifty cent per thousand dollars of assessed
24 valuation levies for metropolitan park districts, and the first fifty
25 cent per thousand dollars of assessed valuation levies for public
26 hospital districts, shall be reduced on a pro rata basis or eliminated;

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

31 (e) Fifth, if the consolidated tax levy rate still exceeds these
32 limitations, the certified property tax levy rates authorized for fire
33 protection districts under RCW 52.16.130, library districts,
34 metropolitan park districts under their first fifty cent per thousand
35 dollars of assessed valuation levy, and public hospital districts under
36 their first fifty cent per thousand dollars of assessed valuation levy,
37 shall be reduced on a pro rata basis or eliminated.

38 In determining whether the aggregate rate of tax levy on any
39 property, that is subject to the limitations set forth in RCW

1 84.52.050, exceeds the limitations provided in that section, the
2 assessor shall use the hypothetical state levy, as apportioned to the
3 county under RCW 84.48.080, that was computed under RCW 84.48.080
4 without regard to the reduction under RCW 84.55.012.

5 NEW SECTION. **Sec. 17.** A new section is added to chapter 35.61 RCW
6 to read as follows:

7 Notwithstanding any other provision of this chapter, but without
8 eliminating or overriding the requirements for unanimous board action
9 and consent under RCW 35.61.132, the voters of a metropolitan park
10 district governed under RCW 35.61.050(2) have the power to initiate and
11 refer to themselves legislation to prevent or authorize the disposition
12 of specified real property of the district. The powers of initiative
13 and referendum within this subject area shall be exercised in the same
14 manner and with the same effect as permitted for the voters of the city
15 with which the metropolitan park district shares its boundaries.

16 NEW SECTION. **Sec. 18.** A new section is added to chapter 35.61 RCW
17 to read as follows:

18 Notwithstanding any other provision of this chapter, but without
19 eliminating or overriding the requirements for unanimous board action
20 and consent contained in RCW 35.61.132 for the disposition of property,
21 the voters of a metropolitan park district governed under RCW
22 35.61.050(2) shall have the power, within the scope of the functions of
23 such a metropolitan park district, to initiate and refer to themselves
24 legislation to the same extent and on the same matters as do the voters
25 of the city with which the metropolitan park district shares its
26 boundaries. These powers of initiative and referendum shall be
27 exercised in the same manner and with the same effect as permitted for
28 the voters of that city.

--- END ---