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HOUSE BILL 2170

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State of Washington

57th Legislature

2001 Regular Session

By Representatives Alexander and Quall

Read first time 02/21/2001. Referred to Committee on Local Government & Housing.

1 AN ACT Relating to changing the voting requirements for creating a  
2 lake management district; and amending RCW 36.61.030, 36.61.090,  
3 36.61.100, and 36.61.115.

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

5 **Sec. 1.** RCW 36.61.030 and 1987 c 432 s 3 are each amended to read  
6 as follows:

7 A lake management district may be initiated upon either the  
8 adoption of a resolution of intention by a county legislative authority  
9 or the filing of a petition signed by ~~((ten landowners or the owners of  
10 at least fifteen percent of the acreage))~~ a simple majority of over  
11 fifty percent of the landowners contained within the proposed lake  
12 management district ~~((, whichever is greater))~~. A petition or  
13 resolution of intention shall set forth: (1) The nature of the lake  
14 improvement or maintenance activities proposed to be financed; (2) the  
15 amount of money proposed to be raised by special assessments or rates  
16 and charges; (3) if special assessments are to be imposed, whether the  
17 special assessments will be imposed annually for the duration of the  
18 lake management district, or the full special assessments will be  
19 imposed at one time, with the possibility of installments being made to

1 finance the issuance of lake management district bonds, or both  
2 methods; (4) if rates and charges are to be imposed, the annual amount  
3 of revenue proposed to be collected and whether revenue bonds payable  
4 from the rates and charges are proposed to be issued; (5) the number of  
5 years proposed for the duration of the lake management district; and  
6 (6) the proposed boundaries of the lake management district.

7 The county legislative authority may require the posting of a bond  
8 of up to five thousand dollars before the county considers the proposed  
9 creation of a lake management district initiated by petition. The bond  
10 may only be used by the county to finance its costs in studying,  
11 holding hearings, making notices, preparing special assessment rolls or  
12 rolls showing the rates and charges on each parcel, and conducting  
13 elections related to the lake management district if the proposed lake  
14 management district is not created.

15 A resolution of intention shall also designate the number of the  
16 proposed lake management district, and fix a date, time, and place for  
17 a public hearing on the formation of the proposed lake management  
18 district. The date for the public hearing shall be at least thirty  
19 days and no more than ninety days after the adoption of the resolution  
20 of intention unless an emergency exists.

21 Petitions shall be filed with the county legislative authority.  
22 The county legislative authority shall determine the sufficiency of the  
23 signatures, which shall be conclusive upon all persons. No person may  
24 withdraw his or her name from a petition after it is filed. If the  
25 county legislative authority determines a petition to be sufficient and  
26 the proposed lake management district appears to be in the public  
27 interest and the financing of the lake improvement or maintenance  
28 activities is feasible, it shall adopt a resolution of intention,  
29 setting forth all of the details required to be included when a  
30 resolution of intention is initiated by the county legislative  
31 authority.

32 **Sec. 2.** RCW 36.61.090 and 1987 c 432 s 7 are each amended to read  
33 as follows:

34 The balloting shall be subject to the following conditions, which  
35 shall be included in the instructions mailed with each ballot, as  
36 provided in RCW 36.61.080: (1) All ballots must be signed by the owner  
37 or reputed owner of property according to the assessor's tax rolls; (2)  
38 each ballot must be returned to the county legislative authority not

1 later than five o'clock p.m. of a specified day, which shall be at  
2 least twenty but not more than thirty days after the ballots are  
3 mailed; (3) each property owner shall mark his or her ballot for or  
4 against the creation of the proposed lake management district(~~(, with~~  
5 ~~the ballot weighted so that the property owner has one vote for each~~  
6 ~~dollar of estimated special assessment or rate and charge proposed to~~  
7 ~~be imposed on his or her property)); and (4) the valid ballots shall be  
8 tabulated and a simple majority of over fifty percent of the votes cast  
9 shall determine whether the proposed lake management district shall be  
10 approved or rejected.~~

11 **Sec. 3.** RCW 36.61.100 and 1987 c 432 s 8 are each amended to read  
12 as follows:

13 If the proposal receives a simple majority of over fifty percent of  
14 the vote in favor of creating the lake management district, the county  
15 legislative authority shall adopt an ordinance creating the lake  
16 management district and may proceed with establishing the special  
17 assessments or rates and charges, collecting the special assessments or  
18 rates and charges, and performing the lake improvement or maintenance  
19 activities. If a proposed lake management district includes more than  
20 one lake and its adjacent areas, the lake management district may only  
21 be established if the proposal receives a simple majority of over fifty  
22 percent of the vote in favor of creating it by the voters on each lake  
23 and its adjacent areas. The county legislative authority shall publish  
24 a notice in a newspaper of general circulation in a lake management  
25 district indicating that such an ordinance has been adopted within ten  
26 days of the adoption of the ordinance.

27 The ballots shall be available for public inspection after they are  
28 counted.

29 **Sec. 4.** RCW 36.61.115 and 1987 c 432 s 9 are each amended to read  
30 as follows:

31 A special assessment, or rate and charge, on any lot, tract, parcel  
32 of land, or other property shall not be increased beyond one hundred  
33 ten percent of the estimated special assessment, or rate and charge,  
34 proposed to be imposed as provided in the resolution adopted in RCW  
35 36.61.070, unless the creation of a lake management district is

1 approved under another mailed ballot election that reflects the  
2 ((weighted)) voting arising from such increases.

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