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**SUBSTITUTE HOUSE BILL 2557**

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**State of Washington**

**57th Legislature**

**2002 Regular Session**

**By** House Committee on Natural Resources (originally sponsored by Representatives Lovick, Sump, Doumit, Buck, O'Brien, Pearson, Rockefeller, Ogden, McDermott, Mitchell, Boldt, Ericksen, Morell, Kenney and Jackley)

Read first time 01/30/2002. Referred to Committee on .

1 AN ACT Relating to metropolitan park districts; and amending RCW  
2 35.61.010, 35.61.020, 35.61.030, 35.61.040, and 35.61.050.

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

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

6 ~~((Cities of five thousand or more population and such contiguous  
7 property the residents of which may decide in favor thereof in the  
8 manner set forth in this chapter may create))~~ A metropolitan park  
9 district may be created for the management, control, improvement,  
10 maintenance, and acquisition of parks, parkways, ((and)) boulevards,  
11 and recreational facilities. A metropolitan park district may include  
12 territory located in portions or all of one or more cities or counties,  
13 or one or more cities and counties, when created or enlarged as  
14 provided in this chapter.

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

17 (1) When proposed by citizen petition or by local government  
18 resolution as provided in this section, a ballot proposition

1 authorizing the creation of a metropolitan park district shall be  
2 submitted by resolution to the voters of the area proposed to be  
3 included in the district at any general election, or at any special  
4 election which may be called for that purpose(~~(, or at any city~~  
5 ~~election held in the city in all of the various voting precincts~~  
6 ~~thereof, the city council or commission may, or on petition of fifteen~~  
7 ~~percent of the qualified electors of the city based upon the~~  
8 ~~registration for the last preceding general city election, shall by~~  
9 ~~ordinance, submit to the voters of the city the proposition of creating~~  
10 ~~a metropolitan park district, the limits of which shall be coextensive~~  
11 ~~with the limits of the city as now or hereafter established, inclusive~~  
12 ~~of territory annexed to and forming a part of the city))~~.

13 (2) The ballot proposition shall be submitted if the governing body  
14 of each city in which all or a portion of the proposed district is  
15 located, and the legislative authority of each county in which all or  
16 a portion of the proposed district is located within the unincorporated  
17 portion of the county, each adopts a resolution submitting the  
18 proposition to create a metropolitan park district.

19 (3) As an alternative to the method provided under subsection (2)  
20 of this section, the ballot proposition shall be submitted if a  
21 petition proposing creation of a metropolitan park district is  
22 submitted to the county auditor of each county in which all or a  
23 portion of the proposed district is located that is signed by at least  
24 fifteen percent of the registered voters residing in the area to be  
25 included within the proposed district. Where the petition is for  
26 creation of a district in more than one county, the petition shall be  
27 filed with the county auditor of the county having the greater area of  
28 the proposed district, and a copy filed with each other county auditor  
29 of the other counties covering the proposed district.

30 Territory by virtue of its annexation to any city ((having  
31 ~~heretofore created)) whose territory lies entirely within a park~~  
32 district shall be deemed to be within the limits of the metropolitan  
33 park district. ((The city council or commission shall submit the  
34 ~~proposition at a special election to be called therefor when the~~  
35 ~~petition so requests.)) Such an extension of a park district's~~  
36 boundaries shall not be subject to review by a boundary review board  
37 independent of the board's review of the city annexation of territory.

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

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

11       (1) Except as provided in subsection (2) of this section for review  
12 by a boundary review board, the ballot proposition authorizing creation  
13 of a metropolitan park district that is submitted to voters for their  
14 approval or rejection shall appear on the ballot of the next general  
15 election or at the next special election date specified under RCW  
16 29.13.020 occurring sixty or more days after the last resolution  
17 proposing the creation of the park district is adopted or the date the  
18 county auditor certifies that the petition proposing the creation of  
19 the park district contains sufficient valid signatures. Where the  
20 petition or copy thereof is filed with two or more county auditors in  
21 the case of a proposed district in two or more counties, the county  
22 auditors shall confer and issue a joint certification upon finding that  
23 the required number of signatures on the petition has been obtained.

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

38       (3) The petition proposing the creation of a metropolitan park  
39 district, or the resolution submitting the question to the voters,

1 shall choose and describe the composition of the initial board of  
2 commissioners of the district that is proposed under RCW 35.61.050 and  
3 shall choose a name for the district. The proposition ((which)) shall  
4 ((be expressed in)) include the following terms:

5 1 "For the formation of a metropolitan park district."

6 1 "Against the formation of a metropolitan park district."

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

9 If ((at an election)) a majority of the voters voting ((thereon))  
10 on the ballot proposition authorizing the creation of the metropolitan  
11 park district vote in favor of the formation of a metropolitan park  
12 district, the metropolitan park district shall ((then)) be ((and

13 become)) created as a municipal corporation effective immediately upon  
14 certification of the election results and its name shall be  
15 (("Metropolitan Park District of . . . . . (inserting the name of the  
16 city).") that designated in the ballot proposition.

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

19 (1) The resolution or petition submitting the ballot proposition  
20 shall designate the composition of the board of metropolitan park  
21 commissioners from among the alternatives provided under subsections  
22 (2) through (4) of this section. The ballot proposition shall clearly  
23 describe the designated composition of the board.

24 (2) The commissioners of the district may be selected by election,  
25 in which case at the same election at which the proposition is  
26 submitted to the voters as to whether a metropolitan park district is  
27 to be formed, five park commissioners shall be elected. The election  
28 of park commissioners shall be null and void if the metropolitan park  
29 district is not created. Candidates shall run for specific commission  
30 positions. No primary shall be held to nominate candidates. The  
31 person receiving the greatest number of votes for each position shall  
32 be elected as a commissioner. The staggering of the terms of office  
33 shall occur as follows: ((+1)) (a) The two persons who are elected  
34 receiving the two greatest numbers of votes shall be elected to six-  
35 year terms of office if the election is held in an odd-numbered year or

1 five-year terms of office if the election is held in an even-numbered  
2 year; ~~((+2))~~ (b) the two persons who are elected receiving the next  
3 two greatest numbers of votes shall be elected to four-year terms of  
4 office if the election is held in an odd-numbered year or three-year  
5 terms of office if the election is held in an even-numbered year; and  
6 ~~((+3))~~ (c) the other person who is elected shall be elected to a two-  
7 year term of office if the election is held in an odd-numbered year or  
8 a one-year term of office if the election is held in an even-numbered  
9 year. The initial commissioners shall take office immediately when  
10 they are elected and qualified, and for purposes of computing their  
11 terms of office the terms shall be assumed to commence on the first day  
12 of January in the year after they are elected. Thereafter, all  
13 commissioners shall be elected to six-year terms of office. All  
14 commissioners shall serve until their respective successors are elected  
15 and qualified and assume office in accordance with RCW 29.04.170.  
16 Vacancies shall occur and shall be filled as provided in chapter 42.12  
17 RCW.

18 (3) In a district wholly located within a city or within the  
19 unincorporated area of a county, the governing body of such city or  
20 legislative authority of such county may be designated to serve in an  
21 ex officio capacity as the board of metropolitan park commissioners,  
22 provided that when creation of the district is proposed by citizen  
23 petition, the city or county approves by resolution such designation.

24 (4) Where the proposed district is located within more than one  
25 city, more than one county, or any combination of cities and counties,  
26 each city governing body and county legislative authority may be  
27 designated to collectively serve ex officio as the board of  
28 metropolitan park commissioners through selection of one or more  
29 members from each to serve as the board, provided that when creation of  
30 the district is proposed by citizen petition, each city governing body  
31 and county legislative authority approve by resolution such  
32 designation. Within six months of the date of certification of  
33 election results approving creation of the district, the size and  
34 membership of the board shall be determined through interlocal  
35 agreement of each city and county. The interlocal agreement shall  
36 specify the method for filling vacancies on the board.

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