
Local Government & Housing Committee

HB 2988

Brief Description: Regarding local improvement districts in flood control zone districts.

Sponsors: Representatives Simpson and Williams.

Brief Summary of Bill

- Establishes a landowner petition process for the establishment of a local improvement district in a flood control zone district.
- Establishes related public notice and procedural requirements.
- Includes an emergency clause.

Hearing Date: 1/25/10

Staff: Ethan Moreno (786-7386).

Background:

Flood control zone districts (zones) may be established in a county for the purpose of undertaking, operating, or maintaining flood or storm water control projects that are of special benefit to areas of the county. County commissioners, by virtue of their office, are supervisors of zones created in their county. In any zone with more than 2,000 residents, an election of supervisors, other than the board of county commissioners (Board), may be held.

Subject to statutory requirements, zone supervisors may authorize property tax levies and, under storm water control facility provisions, rates and charges for the furnishing of service to those who are receiving or will receive benefits from storm water control facilities and for contributing to an increase in surface water runoff. Zone supervisors may authorize local improvement districts through provisions established for county water, sewer, and drainage systems.

Local improvement districts (LIDs or districts) are special assessment districts in which improvements will specially benefit primarily the property owners in the district. They are created under the sponsorship of a municipal government and are not self-governing special

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purpose districts. To the extent authorized and in accordance with the applicable statutes, they must be approved by both the local government and benefitted property owners.

Summary of Bill:

A landowner petition process for the establishment of LIDs in flood control zones is established. An LID may be initiated by a petition signed by the owners according to the records of the county assessor of at least 51 percent of the area within the limits of the proposed district. The petition must include a description and location the proposed improvement, and the required number of valid signatures. Upon the filing of the petition with the Board, the Board must determine whether the petition is sufficient. No person may withdraw his or her name from the petition after it is filed with the Board.

If the Board determines the petition to be sufficient, it must adopt a resolution that:

- declares its intention to order the petitioned improvement;
- describes the nature and territorial extent of the improvement, as well as the proposed district boundaries;
- states the estimated cost and expense of the improvement and the proportionate amount for the properties within the proposed district; and
- sets a date, time, and place for a public hearing on the formation of the proposed district.

Public notice requirements for the adoption of the resolution of intention to order the petitioned improvement (resolution) are established. For example, notice of the resolution must be published in two consecutive issues of a newspaper of general circulation in the proposed district at least 15 days before the public hearing. Additionally, notice of the resolution must also be given to each owner or reputed owner of any lot, tract, parcel of land, or other property within the proposed district by mail and in accordance with date and other requirements. The mailed notice must describe the nature of the proposed improvement, the total estimated cost, the estimated amount of the cost and expense of the improvement to be borne by the particular lot, tract, or parcel, and other provisions. The mailed notice must also state that all persons desiring to object to the formation of the district must file their written protests with the Board before the public hearing.

Whether the improvement is initiated by petition or through existing resolution authority, the Board must conduct a public hearing at the time and place designated in the notice to the property owners. At this hearing, the Board must hear objections from any person affected by the formation of the district and may make changes in the boundaries of the district or modifications in plans for the proposed improvement. The Board may not, however, change the boundaries of the district to include property not previously included without first passing a new resolution of intention and giving a new notice to property owners that conforms to the requirements for the original notice.

Unless the Board finds clear and convincing reasons that the district should not be formed, the Board must order the improvement, adopt detailed plans of the district and declare the estimated cost, and proceed with the work. The Board must file with the county treasurer its roll levying special assessments in the amount to be paid by special assessment against the property situated

within the district in proportion to the special benefits to be derived by the property from the improvement.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill contains an emergency clause and takes effect immediately.