

SENATE BILL REPORT

ESHB 1883

As of March 20, 2009

Title: An act relating to creating regulatory restrictions applicable to metropolitan park districts.

Brief Description: Creating regulatory restrictions applicable to metropolitan park districts.

Sponsors: House Committee on Local Government & Housing (originally sponsored by Representatives Morris and Quall).

Brief History: Passed House: 3/09/09, 59-36.

Committee Activity: Government Operations & Elections: 3/19/09.

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

Staff: Aaron Gutierrez (786-7448)

Background: Metropolitan Park Districts. A metropolitan park district (district) may be created for the management, control, improvement, maintenance, and/or acquisition of parks, parkways, boulevards, and recreational facilities. A district may include territory located entirely in one city or county, or territory that crosses city or county borders. To create a district, voters who live in the area proposed to be included in the district vote on a ballot proposition that authorizes the creation of a park district. The ballot proposition is initiated either (1) by a petition of 15 percent of the voters in the area to be; or (2) by resolution of the governing body of each city, in which all or a portion of the proposed park district is located, and each county, in which all or a portion of the proposed park district is located in the unincorporated portion of the county.

A district is authorized to acquire property from a city and/or county within its boundaries for the purpose of creating parks, playgrounds, or parkways. When a district acquires property from a city and/or county, it must assume responsibility for all indebtedness associated with such property and must pay off such debt through either taxes or bond issuance.

Boundary Review Boards. Boundary Review Boards (BRBs) are authorized in statute to guide and control the creation and growth of municipalities in metropolitan areas. While statute provides for the establishment of BRBs in counties with at least 210,000 residents, current law provides that a BRB may be created and established in any other county. BRB members are appointed by the Governor and local government officials from within the applicable county. Some members are appointed by the BRBs themselves from nominees of

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special districts within the applicable county. After initial appointments, all members serve four-year terms.

Upon receiving a timely request for review that meets statutory requirements, and following an invocation of a BRB's jurisdiction, a BRB must review and approve, disapprove, or modify certain proposed actions, including actions pertaining to the creation, incorporation, or change in the boundary of any city, town, or special purpose district. In reaching decisions on proposed actions, BRBs must satisfy public hearing requirements and must attempt to achieve objectives prescribed in statute, including the preservation of natural neighborhoods and communities, and the use of physical boundaries. Generally, decisions on proposed actions must be made within 120 days of the BRB receiving a valid request for review.

Summary of Bill: Districts may only be created within the corporate boundaries of a single city, or within a county subject to the jurisdiction of a boundary review board. District creation must be consistent with any applicable State Environmental Policy Act (SEPA) goals and requirements under Chapter 43.21C RWC, as well as any requirements for boundary review under Chapter 36.93 RCW. All expenses incurred for boundary review must be borne by the initiator of the district proposal. If the proposed district includes territory from more than one BRB jurisdiction, then each section is separately subject to review by the BRB in that jurisdiction.

If the proposed district includes property in both a city and unincorporated areas of the county, a proposal to create a district is initiated if the city and county governing bodies separately adopt resolutions to that effect. Also, if the proposed district includes territory outside the boundaries of a single city, a proposal is initiated if a petition is signed by 15 percent of the voters in each county to be included.

Petitions must be consistent with general elections statutes and petition sufficiency requirements in Title 29A and RCW 35.21.005 respectively. If a proposal fails due to an insufficient number of signatures, rejection by a boundary review board, or failure to receive the necessary votes in an election, no petition may be submitted that contains 75 percent or more of the same area for five years from the date of the last action. A district initiated by petition after the effective date of this act does not have the power of eminent domain.

If the proposed district includes territory from more than one county, separate ballots must be submitted to the applicable voters in each county. Results must be tabulated separately, and the district must receive a majority of votes in each area.

The authority of the district board of commissioners does not supersede the authority of any other taxing district.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: This is about technical cleanup and clarification, not creating new barriers. The bill clarifies which standard will apply for petitions. BRBs are the only entities that can assure there is no cherry-picking in the formation of a district. Theoretically, one county could put a proposition on the ballot even though the other county disagrees. Both jurisdictions should have equal say. The five-year limit and the eminent domain issue are areas of concern. There has been misinformation surrounding this bill. There are demonstrated flaws that this bill will fix. The bill actually makes it easier for districts to be formed. SEPA and GMA should be required, and BRBs are the mechanism for enforcing the GMA. Eminent domain should be left in the hands of government professionals.

CON: Parks are facing unprecedented potential disclosures. This bill says we don't want to trust voters, or give folks a chance to repackage and try again. Most entities have eminent domain, and park districts shouldn't be treated differently. Counties that don't have a BRB would be required to have one. A metropolitan park district is often the best model for funding, especially at a regional level. This takes away the district's ability to adapt. Needs are defined by the service area, not the county boundaries. Deferred maintenance will be a problem. It makes more sense for a park district to use eminent domain than for any other entity to use it. This comes down to the notion of self-determination and local control. There are only eight metropolitan park districts.

Persons Testifying: PRO: Representative Morris, prime sponsor; Roger Mitchell, North Sound Conservancy.

CON: Marc Connelly, Peninsula Metro Park District; Travis Stombaugh, Si View Metro Park District; Doug Levy, Washington Recreation and Park Association; Jessi Richarson, city of Sammamish; Vern Veysey, Realtors.