
HOUSE BILL 2682

State of Washington

61st Legislature

2010 Regular Session

By Representative Kenney

Read first time 01/12/10. Referred to Committee on Community & Economic Development & Trade.

1 AN ACT Relating to approving propositions sent to the voters by
2 certain public facilities districts; and amending RCW 35.57.010.

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

4 **Sec. 1.** RCW 35.57.010 and 2009 c 533 s 1 are each amended to read
5 as follows:

6 (1)(a) The legislative authority of any town or city located in a
7 county with a population of less than one million may create a public
8 facilities district.

9 (b) The legislative authorities of any contiguous group of towns or
10 cities located in a county or counties each with a population of less
11 than one million may enter an agreement under chapter 39.34 RCW for the
12 creation and joint operation of a public facilities district.

13 (c) The legislative authority of any town or city, or any
14 contiguous group of towns or cities, located in a county with a
15 population of less than one million and the legislative authority of a
16 contiguous county, or the legislative authority of the county or
17 counties in which the towns or cities are located, may enter into an
18 agreement under chapter 39.34 RCW for the creation and joint operation
19 of a public facilities district.

1 (d) The legislative authority of a city located in a county with a
2 population greater than one million may create a public facilities
3 district, when the city has a total population of less than one hundred
4 fifteen thousand but greater than eighty thousand and commences
5 construction of a regional center prior to July 1, 2008.

6 (e) At least two legislative authorities, one or more of which
7 previously created a public facilities district or districts under (b)
8 or (c) of this subsection, may create an additional public facilities
9 district notwithstanding the fact that one or more of those towns or
10 cities, with or without a county or counties, previously have created
11 one or more public facilities districts within the geographic
12 boundaries of the additional public facilities district. Those
13 existing districts may continue their full corporate existence and
14 activities notwithstanding the creation and existence of the additional
15 district within all or part of the same geographic area. Additional
16 public facilities districts formed under this subsection may be
17 comprised of a maximum of three contiguous towns or cities separately
18 or in combination with a maximum of two contiguous counties.

19 (2)(a) A public facilities district shall be coextensive with the
20 boundaries of the city or town or contiguous group of cities or towns
21 that created the district.

22 (b) A public facilities district created by an agreement between a
23 town or city, or a contiguous group of towns or cities, and a
24 contiguous county or the county in which they are located, shall be
25 coextensive with the boundaries of the towns or cities, and the
26 boundaries of the county or counties as to the unincorporated areas of
27 the county or counties. The boundaries shall not include incorporated
28 towns or cities that are not parties to the agreement for the creation
29 and joint operation of the district.

30 (3)(a) A public facilities district created by a single city or
31 town shall be governed by a board of directors consisting of five
32 members selected as follows: (i) Two members appointed by the
33 legislative authority of the city or town; and (ii) three members
34 appointed by legislative authority based on recommendations from local
35 organizations. The members appointed under (a)(i) of this subsection,
36 shall not be members of the legislative authority of the city or town.
37 The members appointed under (a)(ii) of this subsection, shall be based
38 on recommendations received from local organizations that may include,

1 but are not limited to the local chamber of commerce, local economic
2 development council, and local labor council. The members shall serve
3 four-year terms. Of the initial members, one must be appointed for a
4 one-year term, one must be appointed for a two-year term, one must be
5 appointed for a three-year term, and the remainder must be appointed
6 for four-year terms.

7 (b) A public facilities district created by a contiguous group of
8 cities and towns shall be governed by a board of directors consisting
9 of seven members selected as follows: (i) Three members appointed by
10 the legislative authorities of the cities and towns; and (ii) four
11 members appointed by the legislative authorities of the cities and
12 towns based on recommendations from local organizations. The members
13 appointed under (b)(i) of this subsection shall not be members of the
14 legislative authorities of the cities and towns. The members appointed
15 under (b)(ii) of this subsection, shall be based on recommendations
16 received from local organizations that include, but are not limited to
17 the local chamber of commerce, local economic development council,
18 local labor council, and a neighborhood organization that is directly
19 affected by the location of the regional center in their area. The
20 members of the board of directors shall be appointed in accordance with
21 the terms of the agreement under chapter 39.34 RCW for the joint
22 operation of the district and shall serve four-year terms. Of the
23 initial members, one must be appointed for a one-year term, one must be
24 appointed for a two-year term, one must be appointed for a three-year
25 term, and the remainder must be appointed for four-year terms.

26 (c) A public facilities district created by a town or city, or a
27 contiguous group of towns or cities, and a contiguous county or the
28 county or counties in which they are located, shall be governed by a
29 board of directors consisting of seven members selected as follows:
30 (i) Three members appointed by the legislative authorities of the
31 cities, towns, and county; and (ii) four members appointed by the
32 legislative authorities of the cities, towns, and county based on
33 recommendations from local organizations. The members appointed under
34 (c)(i) of this subsection shall not be members of the legislative
35 authorities of the cities, towns, or county. The members appointed
36 under (c)(ii) of this subsection shall be based on recommendations
37 received from local organizations that include, but are not limited to,
38 the local chamber of commerce, the local economic development council,

1 the local labor council, and a neighborhood organization that is
2 directly affected by the location of the regional center in their area.
3 The members of the board of directors shall be appointed in accordance
4 with the terms of the agreement under chapter 39.34 RCW for the joint
5 operation of the district and shall serve four-year terms. Of the
6 initial members, one must be appointed for a one-year term, one must be
7 appointed for a two-year term, one must be appointed for a three-year
8 term, and the remainder must be appointed for four-year terms.

9 (d)(i) A public facilities district created under subsection (1)(e)
10 of this section may provide, in the agreement providing for its
11 creation and operation, that the district must be governed by a board
12 of directors appointed under (b) or (c) of this subsection, or by a
13 board of directors of not more than nine members who are also members
14 of the legislative authorities that created the public facilities
15 district or of the governing boards of the public facilities district
16 or districts, or both, previously created by those legislative
17 authorities.

18 (ii) A board of directors formed under this subsection must have an
19 equal number of members representing each city, town, or county
20 participating in the public facilities district. If a public
21 facilities district is created by an even number of legislative
22 authorities, the members representing or appointed by those legislative
23 authorities shall appoint an additional board member. For a board
24 formed under this subsection to approve a proposition to be sent to the
25 voters, the proposition must be approved by a majority of the members
26 representing or appointed by each legislative authority participating
27 in the public facilities district.

28 (4) A public facilities district is a municipal corporation, an
29 independent taxing "authority" within the meaning of Article VII,
30 section 1 of the state Constitution, and a "taxing district" within the
31 meaning of Article VII, section 2 of the state Constitution.

32 (5) A public facilities district shall constitute a body corporate
33 and shall possess all the usual powers of a corporation for public
34 purposes as well as all other powers that may now or hereafter be
35 specifically conferred by statute, including, but not limited to, the
36 authority to hire employees, staff, and services, to enter into
37 contracts, and to sue and be sued.

1 (6) A public facilities district may acquire and transfer real and
2 personal property by lease, sublease, purchase, or sale. No direct or
3 collateral attack on any public facilities district purported to be
4 authorized or created in conformance with this chapter may be commenced
5 more than thirty days after creation by the city and/or county
6 legislative authority.

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