
SENATE BILL 6262

State of Washington

61st Legislature

2010 Regular Session

By Senators Hobbs, Hewitt, and Delvin

Read first time 01/11/10. Referred to Committee on Government Operations & Elections.

1 AN ACT Relating to public facilities districts created by at least
2 two city or county legislative authorities; and amending RCW 35.57.010
3 and 35.57.020.

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

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

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

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

14 (c) The legislative authority of any town or city, or any
15 contiguous group of towns or cities, located in a county with a
16 population of less than one million and the legislative authority of a
17 contiguous county, or the legislative authority of the county or
18 counties in which the towns or cities are located, may enter into an

1 agreement under chapter 39.34 RCW for the creation and joint operation
2 of a public facilities district.

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

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

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

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

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

1 The members appointed under (a)(ii) of this subsection, (~~shall~~) must
2 be based on recommendations received from local organizations that may
3 include, but are not limited to the local chamber of commerce, local
4 economic development council, and local labor council. The members
5 shall serve four-year terms. Of the initial members, one must be
6 appointed for a one-year term, one must be appointed for a two-year
7 term, one must be appointed for a three-year term, and the remainder
8 must be appointed for four-year terms.

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

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

1 under (c)(ii) of this subsection (~~shall~~) must be based on
2 recommendations received from local organizations that include, but are
3 not limited to, the local chamber of commerce, the local economic
4 development council, the local labor council, and a neighborhood
5 organization that is directly affected by the location of the regional
6 center in their area. The members of the board of directors (~~shall~~)
7 must be appointed in accordance with the terms of the agreement under
8 chapter 39.34 RCW for the joint operation of the district and shall
9 serve four-year terms. Of the initial members, one must be appointed
10 for a one-year term, one must be appointed for a two-year term, one
11 must be appointed for a three-year term, and the remainder must be
12 appointed for four-year terms.

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

22 (ii) A board of directors formed under this subsection must have an
23 equal number of members representing each city, town, or county
24 participating in the public facilities district. If a public
25 facilities district is created by an even number of legislative
26 authorities, the members representing or appointed by those legislative
27 authorities shall appoint an additional board member. For a board
28 formed under this subsection to (~~approve~~) submit a proposition to the
29 voters under RCW 82.14.048, (~~the proposition must be approved by~~) a
30 majority of the members representing or appointed by each legislative
31 authority participating in the public facilities district must agree to
32 submit the proposition to the voters.

33 (4) A public facilities district is a municipal corporation, an
34 independent taxing "authority" within the meaning of Article VII,
35 section 1 of the state Constitution, and a "taxing district" within the
36 meaning of Article VII, section 2 of the state Constitution.

37 (5) A public facilities district (~~shall~~) constitutes a body
38 corporate and (~~shall~~) possesses all the usual powers of a corporation

1 for public purposes as well as all other powers that may now or
2 hereafter be specifically conferred by statute, including, but not
3 limited to, the authority to hire employees, staff, and services, to
4 enter into contracts, and to sue and be sued.

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

11 **Sec. 2.** RCW 35.57.020 and 2009 c 533 s 2 are each amended to read
12 as follows:

13 (1)(a) (~~Except for a public facilities district created under RCW~~
14 ~~35.57.010(1)(e),~~) A public facilities district is authorized to
15 acquire, construct, own, remodel, maintain, equip, reequip, repair,
16 finance, and operate one or more regional centers. For purposes of
17 this chapter, "regional center" means a convention, conference, or
18 special events center, or any combination of facilities, and related
19 parking facilities, serving a regional population constructed,
20 improved, or rehabilitated after July 25, 1999, at a cost of at least
21 ten million dollars, including debt service. "Regional center" also
22 includes an existing convention, conference, or special events center,
23 and related parking facilities, serving a regional population, that is
24 improved or rehabilitated after July 25, 1999, where the costs of
25 improvement or rehabilitation are at least ten million dollars,
26 including debt service. A "special events center" is a facility,
27 available to the public, used for community events, sporting events,
28 trade shows, and artistic, musical, theatrical, or other cultural
29 exhibitions, presentations, or performances. A regional center is
30 conclusively presumed to serve a regional population if state and local
31 government investment in the construction, improvement, or
32 rehabilitation of the regional center is equal to or greater than ten
33 million dollars.

34 (b) In addition to the authority under (a) of this subsection, a
35 public facilities district created under RCW 35.57.010(1)(e) is
36 authorized to acquire, construct, own, remodel, maintain, equip,

1 reequip, repair, finance, and operate one or more recreational
2 facilities other than a ski area.

3 (2) A public facilities district may enter into contracts with any
4 city or town for the purpose of exercising any powers of a community
5 renewal agency under chapter 35.81 RCW.

6 (3) A public facilities district may impose charges and fees for
7 the use of its facilities, and may accept and expend or use gifts,
8 grants, and donations for the purpose of a regional center.

9 (4) A public facilities district may impose charges, fees, and
10 taxes authorized in RCW 35.57.040, and use revenues derived therefrom
11 for the purpose of paying principal and interest payments on bonds
12 issued by the public facilities district to construct a regional
13 center.

14 (5) Notwithstanding the establishment of a career, civil, or merit
15 service system, a public facilities district may contract with a public
16 or private entity for the operation or management of its public
17 facilities.

18 (6) A public facilities district is authorized to use the
19 supplemental alternative public works contracting procedures set forth
20 in chapter 39.10 RCW in connection with the design, construction,
21 reconstruction, remodel, or alteration of any regional center.

22 (7) A city or town in conjunction with any special agency,
23 authority, or other district established by a county or any other
24 governmental agency is authorized to use the supplemental alternative
25 public works contracting procedures set forth in chapter 39.10 RCW in
26 connection with the design, construction, reconstruction, remodel, or
27 alteration of any regional center funded in whole or in part by a
28 public facilities district.

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