
Local Government Committee

HB 1230

Brief Description: Authorizing public safety authorities.

Sponsors: Representatives Hudgins, Ormsby, Springer, Cody, Fitzgibbon and Kenney.

Brief Summary of Bill

- Allows for the creation of a regional public safety authority by one or more participating cities, towns, port districts and tribes.
- Authorizes the transfer of powers, duties and functions relating to public safety from participating jurisdictions to the new authority.
- Provides revenue sources, including ad valorem property taxes, benefit charges, and the power to incur indebtedness, to the new authority.

Hearing Date: 1/26/11

Staff: Heather Emery (786-7136).

Background:

Public Safety in Cities and Towns, Ports Districts, and Tribal Jurisdictions.

Although the Washington Constitution authorizes cities and towns to exercise such police powers as do not conflict with general law, state law provides few specifics as to what or how police services should be delivered. A city or town may establish a municipal police department under the direction of a locally appointed police chief or marshal, or it may enter into a contractual arrangement with another jurisdiction to provide law enforcement services. In that case, the level of service and cost is negotiated between the jurisdictions.

A port district that operates an airport or that is designated a port of entry by the federal government is authorized to appoint police officers with full police powers, if the officers have successfully graduated from a recognized professional police academy or training institution.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Similarly, tribal police officers that meet certain training and liability requirements may exercise the full powers of a general authority Washington peace officer.

Opportunities for Cooperation.

Two separate statutes authorize public safety agencies to cooperate with each other. The Interlocal Cooperation Act and the Washington Mutual Aid Peace Officers Powers Act authorize a law enforcement agency to contract with any other law enforcement agency to provide mutual law enforcement assistance, particularly in emergency situations. Neither act, however, relieves an individual public safety agency of its public safety-related obligations and responsibilities or provides any additional taxing authority to cooperating agencies.

Summary of Bill:

One or more adjacent public safety jurisdictions, or any single jurisdiction, may form a regional public safety authority (RPSA, or authority) imbued with all powers, duties, and functions of a participating jurisdiction pertaining to police services. For purposes of this bill, a "public safety jurisdiction" is a city, town, port district, or tribe.

Creation of a Public Safety Authority.

To create an RPSA, three elected officials appointed by the governing body of each participating jurisdiction (or, if a single jurisdiction is forming an RPSA, the entire policy-making body of that jurisdiction) must first form a planning committee to adopt an RPSA plan (plan). Among other requirements, the plan must recommend design, financing, and development of police service facilities and operations, and it must recommend sources of revenue and a financing plan to fund selected police services and projects. Sources of revenue may include benefit charges, property taxes, or both.

Once adopted, the plan must be forwarded to the participating jurisdictions' governing bodies to initiate the election process. Voters may approve or reject a single ballot measure that approves both the formation of the RPSA and the plan. The required margin for voter approval depends on the revenue sources proposed by the plan. If the plan authorizes the RPSA to impose benefit charges or 60 percent voter-approved taxes, the plan and the creation of the authority must be approved by 60 percent of the voters. If the plan does not authorize benefit charges or 60 percent voter-approved taxes, the plan and the creation of the authority must be approved by a simple majority.

Governance and Operations.

If the voters approve the creation of an RPSA and the plan, the RPSA is created as of the next January 1st or July 1st, whichever comes first. An RPSA is governed by a board consisting solely of elected officials. The board is responsible for the execution of the voter-approved plan and has broad authority over governance and operational matters.

Except as otherwise provided in the plan, the following are transferred to the RPSA on its creation date:

- all powers, duties, and functions of a participating jurisdiction pertaining to police services;
- all written material of a participating jurisdiction pertaining to police services;
- all real, personal, and tangible property employed by the participating jurisdiction in carrying out police services; and
- all funds, credits, and other assets held by the participating jurisdiction in connection with police services.

Additionally, except as provided otherwise in the plan, any appropriations made to a participating jurisdiction for carrying out police services are transferred and credited to the RPSA.

Also, as of the date of an RPSA's creation, all police employees of a participating jurisdiction are transferred to the public safety authority. A transferred employee is entitled to the same rights, benefits, and privileges he enjoyed while employed by the participating jurisdiction. Collective bargaining agreements remain effective, and if any or all of the participating jurisdictions provide for civil service in their police departments, the collective bargaining representatives of the transferring employees and the participating jurisdictions must negotiate regarding the establishment of a civil service system within the RPSA.

Withdrawal, Reannexation and Annexation.

An RPSA may withdraw areas from its boundaries if its board adopts a resolution approving withdrawal and finding that inclusion of the jurisdiction in the authority will adversely affect the jurisdiction's regular property tax levy, or if the governing body of a jurisdiction within which the area is located adopts a resolution approving the withdrawal. Reannexation is authorized if the board and the governing body of the jurisdiction within which the area to be annexed is located adopt a resolution proposing reannexation.. Reannexation is subject to a referendum vote.

Territory that is annexed by a participating jurisdiction is annexed to the RPSA as of the date of the annexation. This bill provides an RPSA with no independent annexation authority.

Revenue and Financing.

As authorized by the plan and approved by the voters, a board may annually levy three separate taxes on all taxable property located within the authority, with each tax not to exceed 50 cents per \$1,000 of assessed value. Levies in excess of this amount or in excess of existing aggregate dollar limitations must be approved by 60 percent of the voters.

Additionally, as authorized by the plan and approved by the voters, a board may adopt a resolution to impose a benefit charge on personal property and improvements to real property that have or will receive benefits provided by the RPSA. Imposition of a benefit charge is effective only if a 60 percent majority of the voters approves a proposition to impose it, and the charge expires in ten years or fewer, unless subsequently reapproved by the voters. A board must annually hold a hearing to review and establish the benefit charges for the subsequent year.

For its purposes, an RPSA may incur general indebtedness and issue its own bonds, which, together with any nonvoter-approved general obligation debt, may not exceed three-quarters of 1 percent of the value of the taxable property located within the authority. With 60 percent voter approval and for capital purposes, an RPSA may also issue general obligation bonds, maturing in not more than 25 years, to be paid by voter-approved excess property tax levies. These bonds, together with any general obligation debt, may not exceed 1.5 percent of the value of taxable property located within the authority.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.