

SENATE BILL REPORT

HB 2610

As of February 22, 2012

Title: An act relating to repealing provisions governing community municipal corporations.

Brief Description: Repealing provisions governing community municipal corporations.

Sponsors: Representatives Springer, Eddy, Goodman, Stanford, Moscoso and Kagi.

Brief History: Passed House: 2/09/12, 56-40.

Committee Activity: Government Operations, Tribal Relations & Elections: 2/21/12.

SENATE COMMITTEE ON GOVERNMENT OPERATIONS, TRIBAL RELATIONS & ELECTIONS

Staff: Karen Epps (786-7424)

Background: Community municipal corporations may be organized for two types of territory: territory comprised of all or part of an unincorporated area annexed to a city, code city, or town and incorporated territory within one or more of the consolidating cities whenever two or more cities are consolidated.

In the case of annexed territory, one of three additional requirements must be met: the service area must be eligible for incorporation as a city or town, have a minimum population of not less than 300 persons and 10 percent of the population of the annexing city or town, or have a minimum population of not less than 1000.

The community municipal corporation is governed by a community council comprised of five members elected from among the qualified electors residing within the service area. The initial council members are elected concurrently with the annexation election, for terms of up to four years.

For the community municipal corporation to continue its term of existence for each additional four-year period, there must be an election. The election is initiated by resolution of the community council or by petition of at least 10 percent of the registered voters residing within the service area. The resolution or petition is filed with the legislative body of the city in which the service area is located.

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.

The community municipal corporation, through its council, has authority to approve or to disapprove any of the following as they apply to any land, building, or structures within the community council corporation: comprehensive plans; zoning ordinances; conditional use permits, special exceptions or variances; subdivision ordinances; subdivision plats; or planned unit developments. Disapproval by the council, by the council's failure to approve within 60 days of the city council's action, does not affect the application of the city's action outside the community municipal corporation.

In addition, the community municipal corporation acting through its council may provide a forum and make recommendations for any proposals that affect the use of property within the service area. It may also advise, consult, and cooperate with the city on any local matters affecting the service area.

Summary of Bill: The statutory authority providing for the initial organization of community municipal corporations for cities and towns expires June 7, 2012. Provisions regarding the governance and operations of community municipal corporations expire January 6, 2014.

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, except for section 2 and section 10 which take effect on January 6, 2014.

Staff Summary of Public Testimony: PRO: The bill deals with community municipal corporations, commonly referred to as community councils. There are currently two in the state, one in Kirkland and one in Bellevue. They date back to a time when two cities were asked to merge together. They were created as a way to facilitate that merger into one town. Land use authority was retained by the residents of the old city of Houghton. Forty-three years later, the community council of Houghton retains land use veto power over the Kirkland city council. The existence of community councils in this form violates a fundamental principle of democratic government: one person, one vote. Those citizens in Houghton are allowed two votes, one through the city council and one through the community council where land use is concerned. It is not democratic to have these community councils that have veto power over the elected officials. The community council in Houghton serves approximately 7 percent of the population of Kirkland; this 7 percent enjoys preferential treatment. Only Houghton residents can vote to continue or discontinue the community council. There is no incentive for Houghton residents to vote to discontinue this preferential treatment. Kirkland residents have to pay for this extra layer of government. This bill will streamline operations. It is time that Kirkland act as one city. The Houghton community council has the authority to veto the will of 75,000 citizens. Sunsetting the Houghton community council is long overdue. The community council complicates the city's land use process and is no longer needed.

CON: There has been no public outcry for this bill. There is no indication that community councils are causing problems for the city councils that they work with. Community councils cannot veto any legislation or decisions outside of their boundaries. Community councils cannot introduce any legislation or be prospective in any way even within their boundaries. This is no more unfair to other residents of the city today than it was over 40 years ago. The agreement that a community council would be formed was the critical inducement for Houghton to abandon its autonomy. This is a contentious issue in Kirkland because no one in the city has asked for this legislation. This bill has disenfranchised the citizens of Houghton. The relationship is between the Houghton community council and the city of Kirkland, and if there is a problem, it should be handled between them. Having the Houghton community council have discussions about land use decisions within Houghton has forced discussion not only within Houghton but with the rest of the city. An independent body reviewing code amendment and land use decisions is invaluable to the city council and the rest of the city. Neither the Kirkland city council or the Houghton community council have approached the other to undo this agreement that was made to facilitate the merger of these two towns. The community council is made up of nonpartisan volunteers. Community councils are a working example of small-town democracy. If a community council loses touch with its constituency, the voters can decide not to reratify its community council.

Persons Testifying: PRO: Representative Springer, prime sponsor; Nona Ganz, Santos Contreras, Dave Russell, William Woods, citizens.

CON: Rick Whitney, Bob Sternoff, Lora Hein, John Kappler, citizens; Steve Kasner, Ken Seal, East Bellevue Community Council.