

SENATE BILL REPORT

SB 5491

As of February 16, 2011

Title: An act relating to limiting the authority of boundary review boards to expand an annexation to twice the area of the proposed annexation.

Brief Description: Limiting the authority of boundary review boards.

Sponsors: Senators Nelson, Swecker, Chase and Shin.

Brief History:

Committee Activity: Government Operations, Tribal Relations & Elections: 2/14/11.

SENATE COMMITTEE ON GOVERNMENT OPERATIONS, TRIBAL RELATIONS & ELECTIONS

Staff: Karen Epps (786-7424)

Background: Boundary review boards (Boards) are authorized in statute to guide and control the creation and growth of municipalities in metropolitan areas. While statute provides for the establishment of Boards in counties with at least 210,000 residents, a Board may be created and established in any other county. Board members are appointed by the Governor and local government officials from within the applicable county.

Upon receiving a timely and sufficient request for review, and following an invocation of a Board's jurisdiction, a Board must review and approve, disapprove, or modify proposed actions, including actions pertaining to the change in the boundary of any city, town, or special purpose district. Generally, decisions on proposed actions must be made within 120 days of the Board receiving a valid request for review.

Board modifications of proposed actions must adhere to legal requirements and limitations, including:

- Modifications must be based upon evidence to support a conclusion that the proposed action is inconsistent with one or more prescribed Board objectives.
- The amount of territory that Boards may add to town annexation proposals is limited by the size of the original proposal.
- Boards may not modify the proposed incorporation of a city with an estimated population of 7500 or more by removing or adding territory from the proposal if that territory constitutes 10 percent or more of the area proposed for incorporation.

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.

Summary of Bill: Boards may modify a proposal by adding territory that would increase the total area of a proposal. However, Boards may not modify a proposal by adding an amount of territory to proposed city or town annexations that constitutes more than 100 percent of the area within the proposal before the Board. A Board may not increase the area of a city or town annexation unless it holds a separate public hearing on the proposed increase and provides at least 10 days notice of the hearing to the registered voters and property owners residing within the area subject to the proposed increase.

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 bill corrects what authority Boards have and puts sideboards around that authority. Boards provide a quasi-judicial, impartial, and independent review of proposed jurisdictional changes. Boards adjust impractical boundaries to prevent cherry picking. For almost 40 years, Boards have expanded annexations when appropriate, usually at the request of a city, fire district, county, citizens, or property owners. In 2006 the Supreme Court ruled against a Board decision to expand an annexation. The court cited that authority of a Board to expand an annexation needed an upper limit or a sideboard. Boards have expanded an annexation in situations in which an island of service would be created without the expansion. In the past, cities have requested the Board increase the annexation area to create logical boundaries.

CON: The sideboards in this bill that allow a Board to increase annexations by 100 percent are too large. It may make sense to exempt annexation by interlocal agreement from this bill because it happens through a negotiation process. Allowing for an increase of 100 percent seems to be more than would be needed to fix corners and islands.

OTHER: There is concern that the sideboards in this bill are too large. Some additional sideboards are needed. It may also be necessary to extend the ten-day minimum for a public hearing.

Persons Testifying: PRO: Senator Nelson, prime sponsor; John Holman, Mark Beales, Lenora Blauman, Washington State Boundary Review Board Association.

CON: Ryan Spiller, Washington Fire Commissioners.

OTHER: Mike Burgess, Spokane County.