
SENATE BILL 5155

State of Washington

62nd Legislature

2011 Regular Session

By Senators Prentice, Keiser, and Chase

Read first time 01/17/11. Referred to Committee on Government Operations, Tribal Relations & Elections.

1 AN ACT Relating to regional public safety authorities; amending
2 RCW 57.90.010, 84.09.030, 84.52.010, and 84.52.052; adding a new
3 section to chapter 84.52 RCW; and adding a new chapter to Title 35 RCW.

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

5 NEW SECTION. **Sec. 1.** FINDINGS. The legislature finds that:

6 (1) The ability to respond to emergency situations by many of
7 Washington state's police and sheriff jurisdictions has not kept up
8 with the state's needs, particularly in urban regions;

9 (2) Providing a public safety system requires a shared partnership
10 and responsibility among the federal, state, local, and regional
11 governments and the private sector;

12 (3) There are efficiencies to be gained by regional public safety
13 service delivery while retaining local control; and

14 (4) Timely development of significant projects can best be achieved
15 through enhanced funding options for regional public safety service
16 agencies, using already existing taxing authority to address police
17 service needs and new authority to address critical police projects and
18 services.

1 NEW SECTION. **Sec. 2.** DEFINITIONS. The definitions in this
2 section apply throughout this chapter unless the context clearly
3 requires otherwise.

4 (1) "Board" means the governing body of a regional public safety
5 authority.

6 (2) "Regional public safety authority" or "authority" means a
7 municipal corporation, an independent taxing authority within the
8 meaning of Article VII, section 1 of the state Constitution, and a
9 taxing district within the meaning of Article VII, section 2 of the
10 state Constitution, that has been created by a vote of the people under
11 this chapter to implement a regional public safety authority plan. The
12 district may include more than one city, town, port district, or Indian
13 tribe, if the legislative authority of each participating jurisdiction
14 has agreed to the inclusion as provided in an interlocal agreement
15 adopted pursuant to chapter 39.34 RCW.

16 (3) "Regional public safety authority planning committee" or
17 "planning committee" means the advisory committee created under section
18 3 of this act to create and propose to jurisdictions a regional public
19 safety authority plan to design, finance, and develop police service
20 projects.

21 (4) "Regional public safety authority plan" or "plan" means a plan
22 to develop and finance a public safety authority project or projects,
23 including, but not limited to, specific capital projects, police
24 service operations pursuant to section 4(3)(b) of this act, and
25 preservation and maintenance of existing or future facilities.

26 (5) "Public safety jurisdiction" means a city, town, port district,
27 or Indian tribe.

28 (6) "Regular property taxes" has the same meaning as in RCW
29 84.04.140.

30 NEW SECTION. **Sec. 3.** PLANNING COMMITTEE--FORMATION--POWERS.
31 Regional public safety authority planning committees are advisory
32 entities that are created, convened, and empowered as follows:

33 (1) Any two or more adjacent public safety jurisdictions, or any
34 single jurisdiction wishing to create such a public safety authority,
35 may create a regional public safety authority and convene a regional
36 public safety authority planning committee. No public safety
37 jurisdiction may participate in more than one authority.

1 (2) Each governing body of the public safety jurisdictions
2 participating in planning under this chapter shall appoint three
3 elected officials to the authority planning committee. In the case
4 where a single agency wishes to create a public safety authority, the
5 entire council, board, or other policy-making body shall serve as the
6 planning authority. Individuals participating in planning under this
7 chapter may be reimbursed for travel and incidental expenses at the
8 discretion of their respective governing body.

9 (3) The planning committee shall conduct its affairs and formulate
10 a regional public safety authority plan as provided under section 4 of
11 this act.

12 (4) At its first meeting, a regional public safety authority
13 planning committee may elect officers and provide for the adoption of
14 rules and other operating procedures.

15 (5) The planning committee may dissolve itself at any time by a
16 majority vote of the total membership of the planning committee. Any
17 participating public safety jurisdiction may withdraw upon thirty
18 calendar days' written notice to the other jurisdictions.

19 NEW SECTION. **Sec. 4.** PLANNING COMMITTEE--FORMULATION OF SERVICE
20 PLAN. (1) A regional public safety authority planning committee shall
21 adopt a regional public safety authority plan providing for the design,
22 financing, and development of police services. The planning committee
23 may consider the following factors in formulating its plan:

24 (a) Land use planning criteria; and

25 (b) The input of cities and counties located within, or partially
26 within, a participating public safety jurisdiction.

27 (2) The planning committee may coordinate its activities with
28 neighboring cities, towns, and other local governments that engage in
29 public safety planning.

30 (3) The planning committee shall:

31 (a) Create opportunities for public input in the development of the
32 plan;

33 (b) Adopt a plan proposing the creation of a regional public safety
34 authority and recommending design, financing, and development of police
35 service facilities and operations, including maintenance and
36 preservation of facilities or systems; and

1 (c) In the plan, recommend sources of revenue authorized by section
2 5 of this act, identify the portions of the plan that may be amended by
3 the board of the authority without voter approval, consistent with
4 section 5 of this act, and recommend a financing plan to fund selected
5 police services and projects.

6 (4) Once adopted, the plan must be forwarded to the participating
7 public safety jurisdictions' governing bodies to initiate the election
8 process under section 6 of this act.

9 (5) If the ballot measure is not approved, the planning committee
10 may redefine the selected regional public safety authority projects,
11 financing plan, and the ballot measure. The public safety
12 jurisdictions' governing bodies may approve the new plan and ballot
13 measure, and may then submit the revised proposition to the voters at
14 a subsequent election or a special election. If a ballot measure is
15 not approved by the voters by the third vote, the planning committee is
16 dissolved.

17 NEW SECTION. **Sec. 5.** SERVICE PLAN--TAXES AND BENEFIT CHARGES.

18 (1) A regional public safety authority planning committee may, as part
19 of a regional public safety authority plan, recommend the imposition of
20 some or all of the following revenue sources, which a regional public
21 safety authority may impose upon approval of the voters as provided in
22 this chapter:

23 (a) Benefit charges under sections 16 through 25 of this act;

24 (b) Property taxes under sections 13 through 15 of this act and RCW
25 84.52.044, 84.09.030, 84.52.010, 84.52.052, and 84.52.069; or

26 (c) Both (a) and (b) of this subsection.

27 (2) The authority may impose taxes and benefit charges as set forth
28 in the regional public safety authority plan upon creation of the
29 authority, or as provided for in this chapter after creation of the
30 authority. If the plan authorizes the authority to impose benefit
31 charges or sixty percent voter approved taxes, the plan and creation of
32 the authority must be approved by an affirmative vote of sixty percent
33 of the voters within the boundaries of the authority voting on a ballot
34 proposition as set forth in section 6 of this act. However, if the
35 plan provides for alternative sources of revenue that become effective
36 if the plan and creation of the authority is approved only by a
37 majority vote, then the plan with alternative sources of revenue and

1 creation of the authority may be approved by an affirmative vote of the
2 majority of those voters. If the plan does not authorize the authority
3 to impose benefit charges or sixty percent voter approved taxes, the
4 plan and creation of the authority must be approved by an affirmative
5 vote of the majority of the voters within the boundaries of the
6 authority voting on a ballot proposition as set forth in section 6 of
7 this act. Except as provided in this section, all other voter approval
8 requirements under law for the levying of property taxes or the
9 imposition of benefit charges apply. Revenues from these taxes and
10 benefit charges may be used only to implement the plan as set forth in
11 this chapter.

12 NEW SECTION. **Sec. 6.** SERVICE PLAN--SUBMISSION TO VOTERS. The
13 governing body or bodies of one or more public safety jurisdictions,
14 upon receipt of the regional public safety authority plan under section
15 4 of this act, may certify the plan to the ballot, including
16 identification of the revenue options specified to fund the plan. The
17 governing bodies of the public safety jurisdictions may draft a ballot
18 title, give notice as required by law for ballot measures, and perform
19 other duties as required to put the plan before the voters of the
20 proposed authority for their approval or rejection as a single ballot
21 measure that both approves formation of the authority and approves the
22 plan. Authorities may negotiate interlocal agreements necessary to
23 implement the plan. The electorate is the voters voting within the
24 boundaries of the proposed regional public safety authority. A simple
25 majority of the total persons voting on the single ballot measure to
26 approve the plan and establish the authority is required for approval.
27 However, if the plan authorizes the authority to impose benefit charges
28 or sixty percent voter approved taxes, then the percentage of total
29 persons voting on the single ballot measure to approve the plan and
30 establish the authority is the same as in section 5 of this act. The
31 authority must act in accordance with the general election laws of the
32 state. The authority is liable for its proportionate share of the
33 costs when the elections are held under RCW 29A.04.321 and 29A.04.330.

34 NEW SECTION. **Sec. 7.** PUBLIC SAFETY AUTHORITY--FORMATION--
35 CHALLENGES. If the voters approve the plan, including creation of a
36 regional public safety authority and imposition of taxes and benefit

1 charges, if any, the authority is formed on the next January 1st or
2 July 1st, whichever occurs first. The appropriate county election
3 officials shall, within fifteen days of the final certification of the
4 election results, publish a notice in a newspaper or newspapers of
5 general circulation in the authority declaring the authority formed.
6 A party challenging the procedure or the formation of a voter-approved
7 authority must file the challenge in writing by serving the prosecuting
8 attorney of each county within, or partially within, the regional
9 public safety authority and the attorney general within thirty days
10 after the final certification of the election. Failure to challenge
11 within that time forever bars further challenge of the authority's
12 valid formation.

13 NEW SECTION. **Sec. 8.** ORGANIZATION AND COMPOSITION OF GOVERNING
14 BOARD. (1) The board shall adopt rules for the conduct of business.
15 The board shall adopt bylaws to govern authority affairs, which may
16 include:

- 17 (a) The time and place of regular meetings;
 - 18 (b) Rules for calling special meetings;
 - 19 (c) The method of keeping records of proceedings and official acts;
 - 20 (d) Procedures for the safekeeping and disbursement of funds; and
 - 21 (e) Any other provisions the board finds necessary to include.
- 22 (2) The governing board shall be determined by the plan and consist
23 solely of elected officials.

24 NEW SECTION. **Sec. 9.** POWERS OF GOVERNING BOARD. The governing
25 board of the authority is responsible for the execution of the voter-
26 approved plan. Participating jurisdictions shall review the plan every
27 ten years. The board may:

- 28 (1) Levy taxes and impose benefit charges as authorized in the plan
29 and approved by authority voters;
- 30 (2) Enter into agreements with federal, state, local, and regional
31 entities and departments as necessary to accomplish authority purposes
32 and protect the authority's investments;
- 33 (3) Accept gifts, grants, or other contributions of funds that will
34 support the purposes and programs of the authority;
- 35 (4) Monitor and audit the progress and execution of police service

1 projects to protect the investment of the public and annually make
2 public its findings;

3 (5) Pay for services and enter into leases and contracts, including
4 professional service contracts;

5 (6) Hire, manage, and terminate employees; and

6 (7) Exercise powers and perform duties as the board determines
7 necessary to carry out the purposes, functions, and projects of the
8 authority in accordance with this chapter, unless provided otherwise in
9 the regional public safety authority plan.

10 NEW SECTION. **Sec. 10.** TRANSFER OF RESPONSIBILITIES AND EMPLOYEES
11 TO AUTHORITY--CIVIL SERVICE SYSTEM. (1) Except as otherwise provided
12 in the regional public safety authority plan, all powers, duties, and
13 functions of a participating jurisdiction pertaining to police services
14 shall be transferred to the regional public safety authority on its
15 creation date.

16 (2)(a) Except as otherwise provided in the regional public safety
17 authority plan, and on the creation date of the regional public safety
18 authority, all reports, documents, surveys, books, records, files,
19 papers, or written material in the possession of the participating
20 jurisdiction pertaining to police services powers, functions, and
21 duties shall be delivered to the regional public safety authority; all
22 real property and personal property including cabinets, furniture,
23 office equipment, motor vehicles, and other tangible property employed
24 by the participating jurisdiction in carrying out the police services
25 powers, functions, and duties shall be transferred to the regional
26 public safety authority; and all funds, credits, or other assets held
27 by the participating jurisdiction in connection with the police
28 services powers, functions, and duties shall be transferred and
29 credited to the regional public safety authority.

30 (b) Except as otherwise provided in the regional public safety
31 authority plan, any appropriations made to the participating
32 jurisdiction for carrying out the police services powers, functions,
33 and duties shall be transferred and credited to the regional public
34 safety authority.

35 (c) Except as otherwise provided in the regional public safety
36 authority plan, whenever any question arises as to the transfer of any
37 personnel, funds, books, documents, records, papers, files, equipment,

1 or other tangible property used or held in the exercise of the powers
2 and the performance of the duties and functions transferred, the
3 governing body of the participating jurisdiction shall make a
4 determination as to the proper allocation.

5 (3) Except as otherwise provided in the regional public safety
6 authority plan, all rules and all pending business before the
7 participating jurisdiction pertaining to the powers, functions, and
8 duties transferred shall be continued and acted upon by the regional
9 public safety authority, and all existing contracts and obligations
10 shall remain in full force and shall be performed by the regional
11 public safety authority.

12 (4) The transfer of the powers, duties, functions, and personnel of
13 the participating jurisdiction shall not affect the validity of any act
14 performed before creation of the regional public safety authority.

15 (5) If apportionments of budgeted funds are required because of the
16 transfers, the treasurer for the authority shall certify the
17 apportionments.

18 (6)(a) Subject to (c) of this subsection, all police employees of
19 the participating jurisdiction are transferred to the jurisdiction of
20 the regional public safety authority on its creation date. Upon
21 transfer, unless an agreement for different terms of transfer is
22 reached between the collective bargaining representatives of the
23 transferring employees and the participating jurisdiction, an employee
24 is entitled to the employee rights, benefits, and privileges to which
25 he or she would have been entitled as an employee of a participating
26 jurisdiction, including rights to:

27 (i) Compensation at least equal to the level at the time of
28 transfer;

29 (ii) Retirement, vacation, sick leave, and any other accrued
30 benefit;

31 (iii) Promotion and service time accrual; and

32 (iv) The length or terms of probationary periods, including no
33 requirement for an additional probationary period if one had been
34 completed before the transfer date.

35 (b) If any or all of the participating jurisdictions provide for
36 civil service in their police departments, the collective bargaining
37 representatives of the transferring employees and the participating

1 jurisdictions must negotiate regarding the establishment of a civil
2 service system within the authority. This subsection does not apply if
3 none of the participating jurisdictions provide for civil service.

4 (c) Nothing contained in this section may be construed to alter any
5 existing collective bargaining unit or the provisions of any existing
6 collective bargaining agreement until the agreement has expired or
7 until the bargaining unit has been modified as provided by law.

8 (7) This section does not apply to a public safety jurisdiction
9 with regard to police services it provides to a participating
10 jurisdiction by contract or interlocal agreement.

11 NEW SECTION. **Sec. 11.** WITHDRAWAL, REANNEXATION OF TERRITORY. (1)

12 As provided in this section, a regional public safety authority may
13 withdraw areas from its boundaries or reannex into the authority areas
14 that previously had been withdrawn from the authority under this
15 section.

16 (2)(a) The withdrawal of an area is authorized upon: (i) Adoption
17 of a resolution by the board approving the withdrawal and finding that,
18 in the opinion of the board, inclusion of this area within the regional
19 public safety authority will result in a reduction of the authority's
20 tax levy rate under the provisions of RCW 84.52.010; or (ii) adoption
21 of a resolution by the city or town council approving the withdrawal,
22 if the area is located within the city or town, or adoption of a
23 resolution by the governing body of the jurisdiction within which the
24 area is located approving the withdrawal, if the area is located
25 outside of a city or town.

26 (b) A withdrawal under this section is effective at the end of the
27 day on the thirty-first day of December in the year in which the
28 resolution under (a)(i) or (ii) of this subsection is adopted, but for
29 purposes of establishing boundaries for property tax purposes, the
30 boundaries shall be established immediately upon the adoption of the
31 resolution.

32 (c) The withdrawal of an area from the boundaries of an authority
33 does not exempt any property therein from taxation for the purpose of
34 paying the costs of redeeming any indebtedness of the authority
35 existing at the time of withdrawal.

36 (3)(a) An area that has been withdrawn from the boundaries of a
37 regional public safety authority under this section may be reannexed

1 into the authority upon: (i) Adoption of a resolution by the board
2 proposing the reannexation; and (ii) adoption of a resolution by the
3 city or town council approving the reannexation, if the area is located
4 within the city or town, or adoption of a resolution by the governing
5 body of the jurisdiction within which the area is located approving the
6 reannexation, if the area is located outside of a city or town.

7 (b) A reannexation under this section shall be effective at the end
8 of the day on the thirty-first day of December in the year in which the
9 adoption of the resolution under (a)(ii) of this subsection occurs, but
10 for purposes of establishing boundaries for property tax purposes, the
11 boundaries shall be established immediately upon the adoption of the
12 resolution.

13 (c)(i) Referendum action on the proposed reannexation under this
14 section may be taken by the voters of the area proposed to be reannexed
15 if a petition calling for a referendum is filed with the city or town
16 council within a thirty-day period after the adoption of the resolution
17 under (a)(ii) of this subsection, which petition has been signed by
18 registered voters of the area proposed to be reannexed equal in number
19 to ten percent of the total number of the registered voters residing in
20 that area.

21 (ii) If a valid petition signed by the requisite number of
22 registered voters has been so filed, the effect of the resolutions
23 shall be held in abeyance and a ballot proposition to authorize the
24 reannexation shall be submitted to the voters of the area at the next
25 special election date specified in RCW 29A.04.330 that occurs forty-
26 five or more days after the petitions have been validated. Approval of
27 the ballot proposition authorizing the reannexation by a simple
28 majority vote shall authorize the reannexation.

29 NEW SECTION. **Sec. 12.** DEBT--INTERLOCAL CONTRACTS--GENERAL
30 OBLIGATION BONDS. (1) An authority may incur general indebtedness for
31 authority purposes, issue bonds, notes, or other evidences of
32 indebtedness not to exceed an amount, together with any outstanding
33 nonvoter approved general obligation debt, equal to three-fourths of
34 one percent of the value of the taxable property within the authority.
35 The maximum term of the obligations may not exceed thirty years. The
36 obligations may pledge benefit charges and may pledge payments to an
37 authority from the state, the federal government, or any public safety

1 jurisdiction under an interlocal contract. The interlocal contracts
2 pledging revenues and taxes are binding for a term not to exceed thirty
3 years, and taxes or other revenue pledged by an interlocal contract may
4 not be eliminated or modified if it would impair the pledge of the
5 contract.

6 (2) An authority may also issue general obligation bonds for
7 capital purposes not to exceed an amount, together with any outstanding
8 general obligation debt, equal to one and one-half percent of the value
9 of the taxable property within the authority. The authority may
10 provide for the retirement of the bonds by excess property tax levies.
11 The voters of the authority must approve a proposition authorizing the
12 bonds and levies by an affirmative vote of three-fifths of those voting
13 on the proposition at an election. At the election, the total number
14 of persons voting must constitute not less than forty percent of the
15 voters in the authority who voted at the last preceding general state
16 election. The maximum term of the bonds may not exceed twenty-five
17 years. Elections shall be held as provided in RCW 39.36.050.

18 (3) Obligations of an authority shall be issued and sold in
19 accordance with chapters 39.46 and 39.50 RCW, as applicable.

20 NEW SECTION. **Sec. 13.** LEVY OF TAXES--LEVIES AUTHORIZED BY SPECIAL
21 ELECTION--INDEBTEDNESS--DEFINITION. (1) To carry out the purposes for
22 which a regional public safety authority is created, as authorized in
23 the plan and approved by the voters, the governing board of an
24 authority may annually levy the following taxes:

25 (a) An ad valorem tax on all taxable property located within the
26 authority not to exceed fifty cents per thousand dollars of assessed
27 value;

28 (b) An ad valorem tax on all property located within the authority
29 not to exceed fifty cents per thousand dollars of assessed value and
30 which will not cause the combined levies to exceed the constitutional
31 or statutory limitations. This levy, or any portion of this levy, may
32 also be made when dollar rates of other taxing units are released by
33 agreement with the other taxing units from their authorized levies; and

34 (c) An ad valorem tax on all taxable property located within the
35 authority not to exceed fifty cents per thousand dollars of assessed
36 value if the authority has at least one full-time, paid employee, or
37 contracts with another municipal corporation for the services of at

1 least one full-time, paid employee. This levy may be made only if it
2 will not affect dollar rates which other taxing districts may lawfully
3 claim nor cause the combined levies to exceed the constitutional or
4 statutory limitations or both.

5 (2) Levies in excess of the amounts provided in subsection (1) of
6 this section or in excess of the aggregate dollar rate limitations or
7 both may be made for any authority purpose when so authorized at a
8 special election under RCW 84.52.052. Any such tax when levied must be
9 certified to the proper county officials for the collection of the tax
10 as for other general taxes. The taxes when collected shall be placed
11 in the appropriate authority fund or funds as provided by law, and must
12 be paid out on warrants of the auditor of the county in which all, or
13 the largest portion of, the authority is located, upon authorization of
14 the governing board of the authority.

15 (3) Authorities may provide for the retirement of general
16 indebtedness by excess property tax levies as set forth in section 12
17 of this act.

18 (4) For purposes of this chapter, the term "value of the taxable
19 property" has the same meaning as in RCW 39.36.015.

20 NEW SECTION. **Sec. 14.** LEVY OF TAXES--TO BE MADE BY COUNTY OR
21 COUNTIES WHERE AUTHORITY IS LOCATED. At the time of making general tax
22 levies in each year, the county legislative authority or authorities of
23 the county or counties in which a regional public safety authority is
24 located shall make the required levies for authority purposes against
25 the real and personal property in the authority in accordance with the
26 equalized valuations of the property for general tax purposes and as a
27 part of the general taxes. The tax levies are part of the general tax
28 roll and must be collected as a part of the general taxes against the
29 property in the authority.

30 NEW SECTION. **Sec. 15.** COLLECTION OF TAXES. It is the duty of the
31 county treasurer of the county in which the regional public safety
32 authority created under this chapter is located to collect taxes
33 authorized and levied under this chapter. However, when a regional
34 public safety authority is located in more than one county, the county
35 treasurer of each county in which the authority is located shall

1 collect the regional public safety authority's taxes that are imposed
2 on property located within the county and transfer these funds to the
3 treasurer of the county in which the majority of the authority lies.

4 NEW SECTION. **Sec. 16.** BENEFIT CHARGES. (1) The governing board
5 of a regional public safety authority may by resolution, as authorized
6 in the plan and approved by the voters, for authority purposes
7 authorized by law, fix and impose a benefit charge on personal property
8 and improvements to real property which are located within the
9 authority on the date specified and which have received or will receive
10 the benefits provided by the authority, to be paid by the owners of the
11 properties. A benefit charge does not apply to personal property and
12 improvements to real property owned or used by any recognized religious
13 denomination or religious organization as, or including, a sanctuary or
14 for purposes related to the bona fide religious ministries of the
15 denomination or religious organization, including schools and
16 educational facilities used for kindergarten, primary, or secondary
17 educational purposes or for institutions of higher education and all
18 grounds and buildings related thereto. However, a benefit charge does
19 apply to personal property and improvements to real property owned or
20 used by any recognized religious denomination or religious organization
21 for business operations, profit-making enterprises, or activities not
22 including use of a sanctuary or related to kindergarten, primary, or
23 secondary educational purposes or for institutions of higher education.
24 The aggregate amount of these benefit charges in any one year may not
25 exceed an amount equal to sixty percent of the operating budget for the
26 year in which the benefit charge is to be collected. It is the duty of
27 the county legislative authority or authorities of the county or
28 counties in which the regional public safety authority is located to
29 make any necessary adjustments to assure compliance with this
30 limitation and to immediately notify the governing board of an
31 authority of any changes thereof.

32 (2) A benefit charge imposed must be reasonably proportioned to the
33 measurable benefits to property resulting from the services afforded by
34 the authority. It is acceptable to apportion the benefit charge to the
35 values of the properties as found by the county assessor. Any other
36 method that reasonably apportions the benefit charges to the actual
37 benefits resulting from the degree of protection or the need of the

1 properties for specialized services, may be specified in the resolution
2 and is subject to contest on the grounds of unreasonable or capricious
3 action or action in excess of the measurable benefits to the property
4 resulting from services afforded by the authority. The governing board
5 of an authority may determine that certain properties or types or
6 classes of properties are not receiving measurable benefits based on
7 criteria they establish by resolution.

8 (3) For administrative purposes, the benefit charge imposed on any
9 individual property may be compiled into a single charge, provided that
10 the authority, upon request of the property owner, provide an itemized
11 list of charges for each measurable benefit included in the charge.

12 (4) For the purposes of this section and sections 17 through 25 of
13 this act, the following definitions apply:

14 (a) "Personal property" includes every form of tangible personal
15 property including, but not limited to, all goods, chattels, stock in
16 trade, estates, or crops.

17 (b) "Personal property" does not include any personal property used
18 for farming, field crops, farm equipment, or livestock.

19 NEW SECTION. **Sec. 17.** BENEFIT CHARGES--EXEMPTIONS. All personal
20 property not assessed and subjected to ad valorem taxation under Title
21 84 RCW, all property under contract or for which the regional public
22 safety authority is receiving payment for as authorized by law, all
23 property subject to chapter 54.28 RCW, and all property that is subject
24 to a contract for services with an authority, is exempt from the
25 benefit charge imposed under this chapter.

26 NEW SECTION. **Sec. 18.** BENEFIT CHARGES--RESOLUTION--COUNTY
27 ASSESSOR'S DUTIES. (1) The resolution establishing benefit charges as
28 specified in section 16 of this act must specify, by legal geographical
29 areas or other specific designations, the charge to apply to each
30 property by location, type, or other designation, or other information
31 that is necessary to the proper computation of the benefit charge to be
32 charged to each property owner subject to the resolution.

33 (2) The county assessor of each county in which the regional public
34 safety authority is located shall determine and identify the personal
35 properties and improvements to real property that are subject to a
36 benefit charge in each authority and shall furnish and deliver to the

1 county treasurer of that county a listing of the properties with
2 information describing the location, legal description, and address of
3 the person to whom the statement of benefit charges is to be mailed,
4 the name of the owner, and the value of the property and improvements,
5 together with the benefit charge to apply to each.

6 NEW SECTION. **Sec. 19.** BENEFIT CHARGES--ADMINISTRATION AND
7 COLLECTION BY COUNTY TREASURER. Each regional public safety authority
8 shall contract, prior to the imposition of a benefit charge, for the
9 administration and collection of the benefit charge by each county
10 treasurer, who shall deduct a percentage, as provided by contract to
11 reimburse the county for expenses incurred by the county assessor and
12 county treasurer in the administration of the resolution and this
13 chapter. The county treasurer shall make distributions each year, as
14 the charges are collected, in the amount of the benefit charges imposed
15 on behalf of each authority, less the deduction provided for in the
16 contract.

17 NEW SECTION. **Sec. 20.** BENEFIT CHARGES--SUBMISSION TO VOTERS--
18 RENEWAL. (1) Notwithstanding any other provision in this chapter to
19 the contrary, any benefit charge authorized by this chapter is not
20 effective unless a proposition to impose the benefit charge is approved
21 by a sixty percent majority of the voters of the regional public safety
22 authority voting at a general election or at a special election called
23 by the authority for that purpose, held within the authority. A ballot
24 measure that contains an authorization to impose benefit charges and
25 that is approved by the voters pursuant to section 6 of this act meets
26 the proposition approval requirement of this section. An election held
27 under this section must be held not more than twelve months prior to
28 the date on which the first charge is to be assessed. A benefit charge
29 approved at an election expires in ten years or fewer as authorized by
30 the voters, unless subsequently reapproved by the voters.

31 (2) The ballot must be submitted so as to enable the voters
32 favoring the authorization of a regional public safety authority
33 benefit charge to vote "Yes" and those opposed to vote "No." The
34 ballot question is as follows:

35 "Shall the regional public safety authority
36 composed of (insert the participating jurisdictions)

1 be authorized to impose benefit charges each year for
2 (insert number of years not to exceed ten) years, not to exceed
3 an amount equal to sixty percent of its operating budget, and
4 be prohibited from imposing an additional property tax under
5 section 13(1)(c) of this act?

6 YES NO
7

8 (3) Authorities renewing the benefit charge may elect to use the
9 following alternative ballot:

10 "Shall the regional public safety authority composed
11 of (insert the participating jurisdictions) be
12 authorized to continue voter-authorized benefit charges each
13 year for (insert number of years not to exceed ten)
14 years, not to exceed an amount equal to sixty percent of its
15 operating budget, and be prohibited from imposing an additional
16 property tax under section 13(1)(c) of this act?

17 YES NO
18

19 NEW SECTION. **Sec. 21.** BENEFIT CHARGES--ESTABLISHMENT--PUBLIC
20 HEARINGS--NOTICE TO PROPERTY OWNERS. (1) Not fewer than ten days nor
21 more than six months before the election at which the proposition to
22 impose the benefit charge is submitted as provided in this chapter, the
23 governing board of the regional public safety authority shall hold a
24 public hearing specifically setting forth its proposal to impose
25 benefit charges for the support of its legally authorized activities
26 that will maintain or improve the services afforded in the authority.
27 A report of the public hearing shall be filed with the county treasurer
28 of each county in which the property is located and be available for
29 public inspection.

30 (2) Prior to November 15th of each year the governing board of the
31 authority shall hold a public hearing to review and establish the
32 regional public safety authority benefit charges for the subsequent
33 year.

34 (3) All resolutions imposing or changing the benefit charges must
35 be filed with the county treasurer or treasurers of each county in

1 which the property is located, together with the record of each public
2 hearing, before November 30th immediately preceding the year in which
3 the benefit charges are to be collected on behalf of the authority.

4 (4) After the benefit charges have been established, the owners of
5 the property subject to the charge must be notified of the amount of
6 the charge.

7 NEW SECTION. **Sec. 22.** BENEFIT CHARGES--LIMITATION ON IMPOSITION
8 OF PROPERTY TAX. A regional public safety authority that imposes a
9 benefit charge under this chapter shall not impose all or part of the
10 property tax authorized under section 13(1)(c) of this act.

11 NEW SECTION. **Sec. 23.** BENEFIT CHARGES--COMPLAINTS--REVIEW BOARD.
12 After notice has been given to the property owners of the amount of the
13 charge, the governing board of a regional public safety authority
14 imposing a benefit charge under this chapter shall form a review board
15 for at least a two-week period and shall, upon complaint in writing of
16 an aggrieved party owning property in the authority, reduce the charge
17 of a person who, in their opinion, has been charged too large a sum, to
18 a sum or amount as they believe to be the true, fair, and just amount.

19 NEW SECTION. **Sec. 24.** BENEFIT CHARGES--MODEL RESOLUTION--
20 ASSISTANCE BY WASHINGTON ASSOCIATION OF SHERIFFS AND POLICE CHIEFS.
21 The Washington association of sheriffs and police chiefs, as soon as
22 practicable, shall draft a model resolution to impose the regional
23 public safety authority benefit charge authorized by this chapter and
24 may provide assistance to authorities in the establishment of a program
25 to develop benefit charges.

26 NEW SECTION. **Sec. 25.** BENEFIT CHARGES--ADDITIONAL EXEMPTION. A
27 person who is receiving the exemption contained in RCW 84.36.381
28 through 84.36.389 is exempt from any legal obligation to pay a portion
29 of the benefit charge imposed under this chapter as follows:

30 (1) A person who meets the income limitation contained in RCW
31 84.36.381(5)(a) and does not meet the income limitation contained in
32 RCW 84.36.381(5)(b) (i) or (ii) is exempt from twenty-five percent of
33 the charge;

1 (2) A person who meets the income limitation contained in RCW
2 84.36.381(5)(b)(i) is exempt from fifty percent of the charge; and

3 (3) A person who meets the income limitation contained in RCW
4 84.36.381(5)(b)(ii) shall be exempt from seventy-five percent of the
5 charge.

6 NEW SECTION. **Sec. 26.** CIVIL SERVICE--WHEN AUTHORIZED OR REQUIRED.

7 (1) Subject to subsection (2) of this section, a regional public safety
8 authority may, by resolution of its board, provide for civil service
9 for its employees in the same manner, with the same powers, and with
10 the same force and effect as provided by chapter 41.08 RCW for cities,
11 towns, and municipalities, including restrictions against the discharge
12 of an employee because of residence outside the limits of the regional
13 public safety authority.

14 (2) If an agreement is reached to provide for civil service under
15 section 10(6) of this act, the regional public safety authority shall
16 establish such a system as is required by the agreement.

17 NEW SECTION. **Sec. 27.** ANNEXATION OF TERRITORY. Territory that is
18 annexed to a participating jurisdiction is annexed to the authority as
19 of the effective date of the annexation. The statutes regarding
20 transfer of assets and employees do not apply to the participating
21 jurisdictions in the annexation.

22 **Sec. 28.** RCW 57.90.010 and 2004 c 129 s 13 are each amended to
23 read as follows:

24 Water-sewer, park and recreation, metropolitan park, county rural
25 library, cemetery, flood control, mosquito control, diking and
26 drainage, irrigation or reclamation, weed, health, or fire protection
27 districts, and any air pollution control authority (~~(or)~~) regional
28 fire protection service authority, or regional public safety authority,
29 hereinafter referred to as "special districts," which are located
30 wholly or in part within a county with a population of two hundred ten
31 thousand or more may be disincorporated when the district has not
32 actively carried out any of the special purposes or functions for which
33 it was formed within the preceding consecutive five-year period.

1 **Sec. 29.** RCW 84.09.030 and 2008 c 86 s 501 are each amended to
2 read as follows:

3 (1)(a) Except as provided in (b) of this subsection (1), for the
4 purposes of property taxation and the levy of property taxes, the
5 boundaries of counties, cities, and all other taxing districts shall be
6 the established official boundaries of such districts existing on the
7 first day of August of the year in which the property tax levy is made.

8 (b) The boundaries for a newly incorporated port district (~~(or)~~)
9 regional fire protection service authority, or regional public safety
10 authority shall be established on the first day of October if the
11 boundaries of the newly incorporated port district (~~(or)~~)
12 regional fire protection service authority, or regional public safety authority
13 are coterminous with the boundaries of another taxing district or
14 districts, as they existed on the first day of August of that year.

15 (2) In any case where any instrument setting forth the official
16 boundaries of any newly established taxing district, or setting forth
17 any change in the boundaries, is required by law to be filed in the
18 office of the county auditor or other county official, the instrument
19 shall be filed in triplicate. The officer with whom the instrument is
20 filed shall transmit two copies of the instrument to the county
21 assessor.

22 (3) No property tax levy shall be made for any taxing district
23 whose boundaries are not established as of the dates provided in this
24 section.

25 **Sec. 30.** RCW 84.52.010 and 2009 c 551 s 7 are each amended to read
26 as follows:

27 Except as is permitted under RCW 84.55.050, all taxes shall be
28 levied or voted in specific amounts.

29 The rate percent of all taxes for state and county purposes, and
30 purposes of taxing districts coextensive with the county, shall be
31 determined, calculated and fixed by the county assessors of the
32 respective counties, within the limitations provided by law, upon the
33 assessed valuation of the property of the county, as shown by the
34 completed tax rolls of the county, and the rate percent of all taxes
35 levied for purposes of taxing districts within any county shall be
36 determined, calculated and fixed by the county assessors of the

1 respective counties, within the limitations provided by law, upon the
2 assessed valuation of the property of the taxing districts
3 respectively.

4 When a county assessor finds that the aggregate rate of tax levy on
5 any property, that is subject to the limitations set forth in RCW
6 84.52.043 or 84.52.050, exceeds the limitations provided in either of
7 these sections, the assessor shall recompute and establish a
8 consolidated levy in the following manner:

9 (1) The full certified rates of tax levy for state, county, county
10 road district, and city or town purposes shall be extended on the tax
11 rolls in amounts not exceeding the limitations established by law;
12 however any state levy shall take precedence over all other levies and
13 shall not be reduced for any purpose other than that required by RCW
14 84.55.010. If, as a result of the levies imposed under RCW 36.54.130,
15 84.34.230, 84.52.069, 84.52.105, the portion of the levy by a
16 metropolitan park district that was protected under RCW 84.52.120,
17 84.52.125, 84.52.135, and 84.52.140, the combined rate of regular
18 property tax levies that are subject to the one percent limitation
19 exceeds one percent of the true and fair value of any property, then
20 these levies shall be reduced as follows:

21 (a) The levy imposed by a county under RCW 84.52.140 shall be
22 reduced until the combined rate no longer exceeds one percent of the
23 true and fair value of any property or shall be eliminated;

24 (b) If the combined rate of regular property tax levies that are
25 subject to the one percent limitation still exceeds one percent of the
26 true and fair value of any property, the portion of the levy by a fire
27 protection district that is protected under RCW 84.52.125 shall be
28 reduced until the combined rate no longer exceeds one percent of the
29 true and fair value of any property or shall be eliminated;

30 (c) If the combined rate of regular property tax levies that are
31 subject to the one percent limitation still exceeds one percent of the
32 true and fair value of any property, the levy imposed by a county under
33 RCW 84.52.135 must be reduced until the combined rate no longer exceeds
34 one percent of the true and fair value of any property or must be
35 eliminated;

36 (d) If the combined rate of regular property tax levies that are
37 subject to the one percent limitation still exceeds one percent of the
38 true and fair value of any property, the levy imposed by a ferry

1 district under RCW 36.54.130 must be reduced until the combined rate no
2 longer exceeds one percent of the true and fair value of any property
3 or must be eliminated;

4 (e) If the combined rate of regular property tax levies that are
5 subject to the one percent limitation still exceeds one percent of the
6 true and fair value of any property, the portion of the levy by a
7 metropolitan park district that is protected under RCW 84.52.120 shall
8 be reduced until the combined rate no longer exceeds one percent of the
9 true and fair value of any property or shall be eliminated;

10 (f) If the combined rate of regular property tax levies that are
11 subject to the one percent limitation still exceeds one percent of the
12 true and fair value of any property, then the levies imposed under RCW
13 84.34.230, 84.52.105, and any portion of the levy imposed under RCW
14 84.52.069 that is in excess of thirty cents per thousand dollars of
15 assessed value, shall be reduced on a pro rata basis until the combined
16 rate no longer exceeds one percent of the true and fair value of any
17 property or shall be eliminated; and

18 (g) If the combined rate of regular property tax levies that are
19 subject to the one percent limitation still exceeds one percent of the
20 true and fair value of any property, then the thirty cents per thousand
21 dollars of assessed value of tax levy imposed under RCW 84.52.069 shall
22 be reduced until the combined rate no longer exceeds one percent of the
23 true and fair value of any property or eliminated.

24 (2) The certified rates of tax levy subject to these limitations by
25 all junior taxing districts imposing taxes on such property shall be
26 reduced or eliminated as follows to bring the consolidated levy of
27 taxes on such property within the provisions of these limitations:

28 (a) First, the certified property tax levy rates of those junior
29 taxing districts authorized under RCW 36.68.525, 36.69.145, 35.95A.100,
30 and 67.38.130 shall be reduced on a pro rata basis or eliminated;

31 (b) Second, if the consolidated tax levy rate still exceeds these
32 limitations, the certified property tax levy rates of flood control
33 zone districts shall be reduced on a pro rata basis or eliminated;

34 (c) Third, if the consolidated tax levy rate still exceeds these
35 limitations, the certified property tax levy rates of all other junior
36 taxing districts, other than fire protection districts, regional fire
37 protection service authorities, regional public safety authorities,
38 library districts, the first fifty cent per thousand dollars of

1 assessed valuation levies for metropolitan park districts, and the
2 first fifty cent per thousand dollars of assessed valuation levies for
3 public hospital districts, shall be reduced on a pro rata basis or
4 eliminated;

5 (d) Fourth, if the consolidated tax levy rate still exceeds these
6 limitations, the first fifty cent per thousand dollars of assessed
7 valuation levies for metropolitan park districts created on or after
8 January 1, 2002, shall be reduced on a pro rata basis or eliminated;

9 (e) Fifth, if the consolidated tax levy rate still exceeds these
10 limitations, the certified property tax levy rates authorized to fire
11 protection districts under RCW 52.16.140 and 52.16.160 (~~and~~),
12 regional fire protection service authorities under RCW 52.26.140(1) (b)
13 and (c), and regional public safety authorities under section 13(1) (b)
14 and (c) of this act shall be reduced on a pro rata basis or eliminated;
15 and

16 (f) Sixth, if the consolidated tax levy rate still exceeds these
17 limitations, the certified property tax levy rates authorized for fire
18 protection districts under RCW 52.16.130, regional fire protection
19 service authorities under RCW 52.26.140(1)(a), regional public safety
20 authorities under section 13(1)(a) of this act, library districts,
21 metropolitan park districts created before January 1, 2002, under their
22 first fifty cent per thousand dollars of assessed valuation levy, and
23 public hospital districts under their first fifty cent per thousand
24 dollars of assessed valuation levy, shall be reduced on a pro rata
25 basis or eliminated.

26 NEW SECTION. Sec. 31. A new section is added to chapter 84.52 RCW
27 to read as follows:

28 (1) If a city or town is a participating public safety jurisdiction
29 in a regional public safety authority, the regular levies of the city
30 or town shall not exceed the applicable rates provided in RCW
31 27.12.390, 52.04.081, and 84.52.043(1) less the aggregate rates of any
32 regular levies made by the authority under RCW 52.26.140(1).

33 (2) If a port district is a participating public safety
34 jurisdiction in a regional public safety authority, the regular levy of
35 the port district under RCW 53.36.020 shall not exceed forty-five cents
36 per thousand dollars of assessed value of taxable property in the

1 district less the aggregate rates of any regular levies imposed by the
2 authority under RCW 52.26.140(1).

3 (3) For purposes of this section, "participating public safety
4 jurisdiction" means a city, town, Indian tribe, or port district that
5 is represented on the governing board of a regional public safety
6 authority.

7 **Sec. 32.** RCW 84.52.052 and 2004 c 129 s 22 are each amended to
8 read as follows:

9 The limitations imposed by RCW 84.52.050 through 84.52.056, and RCW
10 84.52.043 shall not prevent the levy of additional taxes by any taxing
11 district, except school districts and fire protection districts, in
12 which a larger levy is necessary in order to prevent the impairment of
13 the obligation of contracts. As used in this section, the term "taxing
14 district" means any county, metropolitan park district, park and
15 recreation service area, park and recreation district, water-sewer
16 district, solid waste disposal district, public facilities district,
17 flood control zone district, county rail district, service district,
18 public hospital district, road district, rural county library district,
19 island library district, rural partial-county library district,
20 intercounty rural library district, cemetery district, city, town,
21 transportation benefit district, emergency medical service district
22 with a population density of less than one thousand per square mile,
23 cultural arts, stadium, and convention district, ferry district, city
24 transportation authority, (~~(or)~~) regional fire protection service
25 authority, or regional public safety authority.

26 Any such taxing district may levy taxes at a rate in excess of the
27 rate specified in RCW 84.52.050 through 84.52.056 and 84.52.043, or
28 84.55.010 through 84.55.050, when authorized so to do by the voters of
29 such taxing district in the manner set forth in Article VII, section
30 2(a) of the Constitution of this state at a special or general election
31 to be held in the year in which the levy is made.

32 A special election may be called and the time therefor fixed by the
33 county legislative authority, or council, board of commissioners, or
34 other governing body of any such taxing district, by giving notice
35 thereof by publication in the manner provided by law for giving notices
36 of general elections, at which special election the proposition

1 authorizing such excess levy shall be submitted in such form as to
2 enable the voters favoring the proposition to vote "yes" and those
3 opposed thereto to vote "no."

4 NEW SECTION. **Sec. 33.** If any provision of this act or its
5 application to any person or circumstance is held invalid, the
6 remainder of the act or the application of the provision to other
7 persons or circumstances is not affected.

8 NEW SECTION. **Sec. 34.** Sections 1 through 27 of this act
9 constitute a new chapter in Title 35 RCW.

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