

EHB 2068 - S AMD 377
By Senator Roach

ADOPTED 06/27/2013

1 On page 2, after line 10, insert the following:

2 "Sec. 2. RCW 35A.14.480 and 2009 c 60 s 9 are each amended to read
3 as follows:

4 (1)(a) An annexation by a code city proposing to annex territory
5 served by one or more fire protection districts may be accomplished by
6 ordinance after entering into an interlocal agreement as provided in
7 chapter 39.34 RCW with the county and the fire protection district or
8 districts that have jurisdiction over the territory proposed for
9 annexation.

10 (b) A code city proposing to annex territory shall initiate the
11 interlocal agreement process by sending notice to the fire protection
12 district representative and county representative stating the code
13 city's interest to enter into an interlocal agreement negotiation
14 process. The parties have forty-five days to respond in the
15 affirmative or negative. A negative response must state the reasons
16 the parties do not wish to participate in an interlocal agreement
17 negotiation. A failure to respond within the forty-five day period is
18 deemed an affirmative response and the interlocal agreement negotiation
19 process may proceed. The interlocal agreement process may not proceed
20 if any negative responses are received within the forty-five day
21 period.

22 (c) The interlocal agreement must describe the boundaries of the
23 territory proposed for annexation and must be consistent with the
24 boundaries identified in an ordinance describing the boundaries of the
25 territory proposed for annexation and setting a date for a public
26 hearing on the ordinance. If the boundaries of the territory proposed
27 for annexation are agreed to by all parties, a notice of intention must
28 be filed with the boundary review board created under RCW 36.93.030.
29 However, the jurisdiction of the board may not be invoked as described

1 in RCW 36.93.100 for annexations that are the subject of such
2 agreement.

3 (2) An interlocal annexation agreement under this section must
4 include the following:

5 (a) A statement of the goals of the agreement. Goals must include,
6 but are not limited to:

7 (i) The transfer of revenues and assets between the fire protection
8 district and the code city;

9 (ii) A consideration and discussion of the impact to the level of
10 service of annexation on the unincorporated area, and an agreement that
11 the impact on the ability of fire protection and emergency medical
12 services within the incorporated area must not be negatively impacted
13 at least through the budget cycle in which the annexation occurs;

14 (iii) A discussion with fire protection districts regarding the
15 division of assets and its impact to citizens inside and outside the
16 newly annexed area;

17 (iv) Community involvement, including an agreed upon schedule of
18 public meetings in the area or areas proposed for annexation;

19 (v) Revenue sharing, if any;

20 (vi) Debt distribution;

21 (vii) Capital facilities obligations of the code city, county, and
22 fire protection districts;

23 (viii) An overall schedule or plan on the timing of any annexations
24 covered under this agreement; and

25 (ix) A description of which of the annexing code cities'
26 development regulations will apply and be enforced in the area.

27 (b) The subject areas and policies and procedures the parties agree
28 to undertake in annexations. Subject areas may include, but are not
29 limited to:

30 (i) Roads and traffic impact mitigation;

31 (ii) Surface and storm water management;

32 (iii) Coordination and timing of comprehensive plan and development
33 regulation updates;

34 (iv) Outstanding bonds and special or improvement district
35 assessments;

36 (v) Annexation procedures;

37 (vi) Distribution of debt and revenue sharing for annexation
38 proposals, code enforcement, and inspection services;

1 (vii) Financial and administrative services; and

2 (viii) Consultation with other service providers, including water-
3 sewer districts, if applicable.

4 (c) A term of at least five years, which may be extended by mutual
5 agreement of the code city, the county, and the fire protection
6 district.

7 (3) If the fire protection district, annexing code city, and county
8 reach an agreement on the enumerated goals, (~~(the annexation ordinance~~
9 ~~may proceed and is not subject to referendum.)~~) or if only the annexing
10 code city and county reach an agreement on the enumerated goals, the
11 code city ((and county)) may ((proceed with)) adopt an annexation
12 ((under the interlocal agreement)) ordinance, but the annexation
13 ordinance provided for in this section is subject to referendum for
14 forty-five days after its passage, provided that no referendum shall be
15 allowed for an annexation under this section if the fire protection
16 district, annexing code city, and the county reach agreement on an
17 annexation for which a code city has initiated the interlocal agreement
18 process by sending notice to the fire protection district
19 representative and county representative prior to July 28, 2013. Upon
20 the filing of a timely and sufficient referendum petition with the
21 legislative body of the code city, signed by qualified electors in a
22 number not less than ten percent of the votes cast in the last general
23 state election in the area to be annexed, the question of annexation
24 must be submitted to the voters of the area in a general election if
25 one is to be held within ninety days or at a special election called
26 for that purpose according to RCW 29A.04.330. Notice of the election
27 must be given as provided in RCW 35A.14.070, and the election must be
28 conducted as provided in the general election laws under Title 29A RCW.
29 The annexation must be deemed approved by the voters unless a majority
30 of the votes cast on the proposition are in opposition to the
31 annexation.

32 After the expiration of the forty-fifth day from, but excluding,
33 the date of passage of the annexation ordinance, if a timely and
34 sufficient referendum petition has not been filed, the area annexed
35 becomes a part of the code city upon the date fixed in the ordinance of
36 annexation.

1 **Sec. 3.** RCW 35.13.238 and 2009 c 60 s 7 are each amended to read
2 as follows:

3 (1)(a) An annexation by a city or town that is proposing to annex
4 territory served by one or more fire protection districts may be
5 accomplished by ordinance after entering into an interlocal agreement
6 as provided in chapter 39.34 RCW with the county and the fire
7 protection district or districts that have jurisdiction over the
8 territory proposed for annexation.

9 (b) A city or town proposing to annex territory shall initiate the
10 interlocal agreement process by sending notice to the fire protection
11 district representative and county representative stating the city's or
12 town's interest to enter into an interlocal agreement negotiation
13 process. The parties have forty-five days to respond in the
14 affirmative or negative. A negative response must state the reasons
15 the parties do not wish to participate in an interlocal agreement
16 negotiation. A failure to respond within the forty-five day period is
17 deemed an affirmative response and the interlocal agreement negotiation
18 process may proceed. The interlocal agreement process may not proceed
19 if any negative responses are received within the forty-five day
20 period.

21 (c) The interlocal agreement must describe the boundaries of the
22 territory proposed for annexation and must be consistent with the
23 boundaries identified in an ordinance describing the boundaries of the
24 territory proposed for annexation and setting a date for a public
25 hearing on the ordinance. If the boundaries of the territory proposed
26 for annexation are agreed to by all parties, a notice of intention must
27 be filed with the boundary review board created under RCW 36.93.030.
28 However, the jurisdiction of the board may not be invoked as described
29 in RCW 36.93.100 for annexations that are the subject of such
30 agreement.

31 (2) An interlocal annexation agreement under this section must
32 include the following:

33 (a) A statement of the goals of the agreement. Goals must include,
34 but are not limited to:

35 (i) The transfer of revenues and assets between the fire protection
36 districts and the city or town;

37 (ii) A consideration and discussion of the impact to the level of
38 service of annexation on the unincorporated area, and an agreement that

1 the impact on the ability of fire protection and emergency medical
2 services within the incorporated area must not be negatively impacted
3 at least through the budget cycle in which the annexation occurs;

4 (iii) A discussion with fire protection districts regarding the
5 division of assets and its impact to citizens inside and outside the
6 newly annexed area;

7 (iv) Community involvement, including an agreed upon schedule of
8 public meetings in the area or areas proposed for annexation;

9 (v) Revenue sharing, if any;

10 (vi) Debt distribution;

11 (vii) Capital facilities obligations of the city, county, and fire
12 protection districts;

13 (viii) An overall schedule or plan on the timing of any annexations
14 covered under this agreement; and

15 (ix) A description of which of the annexing cities' development
16 regulations will apply and be enforced in the area.

17 (b) The subject areas and policies and procedures the parties agree
18 to undertake in annexations. Subject areas may include, but are not
19 limited to:

20 (i) Roads and traffic impact mitigation;

21 (ii) Surface and storm water management;

22 (iii) Coordination and timing of comprehensive plan and development
23 regulation updates;

24 (iv) Outstanding bonds and special or improvement district
25 assessments;

26 (v) Annexation procedures;

27 (vi) Distribution of debt and revenue sharing for annexation
28 proposals, code enforcement, and inspection services;

29 (vii) Financial and administrative services; and

30 (viii) Consultation with other service providers, including water-
31 sewer districts, if applicable.

32 (c) A term of at least five years, which may be extended by mutual
33 agreement of the city or town, the county, and the fire protection
34 district.

35 (3) If the fire protection district, annexing city or town, and
36 county reach an agreement on the enumerated goals, (~~the annexation
37 ordinance may proceed and is not subject to referendum.~~) or if only
38 the annexing city or town and county reach an agreement on the

1 enumerated goals, the city or town (~~and county~~) may (~~proceed with~~)
2 adopt an annexation (~~under the interlocal agreement~~) ordinance, but
3 the annexation ordinance provided for in this section is subject to
4 referendum for forty-five days after its passage, provided that no
5 referendum shall be allowed for an annexation under this section if the
6 fire protection district, annexing city or town, and the county reach
7 agreement on an annexation for which a city or town has initiated the
8 interlocal agreement process by sending notice to the fire protection
9 district representative and county representative prior to July 28,
10 2013. Upon the filing of a timely and sufficient referendum petition
11 with the legislative body of the city or town, signed by qualified
12 electors in a number not less than ten percent of the votes cast in the
13 last general state election in the area to be annexed, the question of
14 annexation must be submitted to the voters of the area in a general
15 election if one is to be held within ninety days or at a special
16 election called for that purpose according to RCW 29A.04.330. Notice
17 of the election must be given as provided in RCW 35.13.080, and the
18 election must be conducted as provided in the general election laws
19 under Title 29A RCW. The annexation must be deemed approved by the
20 voters unless a majority of the votes cast on the proposition are in
21 opposition to the annexation.

22 After the expiration of the forty-fifth day from, but excluding,
23 the date of passage of the annexation ordinance, if a timely and
24 sufficient referendum petition has not been filed, the area annexed
25 becomes a part of the city or town upon the date fixed in the ordinance
26 of annexation.

27 (4) If any portion of a fire protection district is proposed for
28 annexation to or incorporation into a city or town, both the fire
29 protection district and the city or town shall jointly inform the
30 employees of the fire protection district about hires, separations,
31 terminations, and any other changes in employment that are a direct
32 consequence of annexation or incorporation at the earliest reasonable
33 opportunity.

34 (5) The needed employees shall be taken in order of seniority and
35 the remaining employees who transfer as provided in this section and
36 RCW 35.10.360 and 35.10.370 shall head the list for employment in the
37 civil service system in order of their seniority, to the end that they
38 shall be the first to be reemployed in the city or town fire department

1 when appropriate positions become available. Employees who are not
2 immediately hired by the city or town shall be placed on a reemployment
3 list for a period not to exceed thirty-six months unless a longer
4 period is authorized by an agreement reached between the collective
5 bargaining representatives of the employees of the annexing and annexed
6 fire agencies and the annexing and annexed fire agencies.

7 (6)(a) Upon transfer, an employee is entitled to the employee
8 rights, benefits, and privileges to which he or she would have been
9 entitled as an employee of the fire protection district, including
10 rights to:

11 (i) Compensation at least equal to the level of compensation at the
12 time of transfer, unless the employee's rank and duties have been
13 reduced as a result of the transfer. If the transferring employee is
14 placed in a position with reduced rank and duties, the employee's
15 compensation may be adjusted, but the adjustment may not result in a
16 decrease of greater than fifty percent of the difference between the
17 employee's compensation before the transfer and the compensation level
18 for the position that the employee is transferred to;

19 (ii) Retirement, vacation, sick leave, and any other accrued
20 benefit;

21 (iii) Promotion and service time accrual; and

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

25 (b) (a) of this subsection does not apply if upon transfer an
26 agreement for different terms of transfer is reached between the
27 collective bargaining representatives of the transferring employees and
28 the participating fire protection jurisdictions.

29 (7) If upon transfer, the transferring employee receives the
30 rights, benefits, and privileges established under subsection (6)(a)(i)
31 through (iv) of this section, those rights, benefits, and privileges
32 are subject to collective bargaining at the end of the current
33 bargaining period for the jurisdiction to which the employee has
34 transferred.

35 (8) Such bargaining must take into account the years of service the
36 transferring employee accumulated before the transfer and must be
37 treated as if those years of service occurred in the jurisdiction to
38 which the employee has transferred."

1 Renumber the remaining section.

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2 On page 1, line 1 of the title, after "territory" strike the
3 remainder of the title and insert "; amending RCW 35A.14.295,
4 35A.14.480, and 35.13.238; providing an effective date; and declaring
5 an emergency."

EFFECT: Establishes a referendum process for an annexation in
which a city, county, and fire protection district enter into an
interlocal agreement to annex an area within a fire protection
district.

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