
Local Government Committee

ESSB 5048

Brief Description: Subjecting a resolution or ordinance adopted by the legislative body of a city or town to assume a water-sewer district to a referendum.

Sponsors: Senate Committee on Government Operations & Security (originally sponsored by Senators Chase, Roach, Hatfield and Miloscia).

Brief Summary of Engrossed Substitute Bill

- Makes resolutions and ordinances adopted by city legislative bodies to assume jurisdiction of all or part of a water-sewer district (district) subject to referendum by the voters in the area subject to the assumption.
- Establishes requirements and provisions related to the referendum process.
- Exempts full or partial assumptions from being subject to a referendum if the assumption occurs through a contract or an interlocal agreement between the city and the district.
- Provides that resolutions and ordinances adopted by city legislative bodies to assume jurisdiction of all or part of a district may not take effect until 45 or more days after their adoption.

Hearing Date: 3/18/15

Staff: Ethan Moreno (786-7386).

Background:

Water-Sewer Districts.

Water-sewer districts (districts) may purchase, construct, maintain, and supply waterworks to furnish water to inhabitants within and outside of the district. Districts may also develop and operate systems of sewers and drainage, and are authorized to create facilities, systems, and programs for the collection, treatment, and pollution control of wastewater. Districts may also fix rates and charges for services, enter into contracts, levy taxes, and issue bonds and

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instruments evidencing indebtedness. Water-sewer districts are governed by boards of elected commissioners.

City Assumption of Jurisdiction.

Cities, if certain conditions are met, may assume control, operation, and ownership of a district through assumption provisions established in statute. For example, if all of the territory of a district is included within the boundaries of a city, the legislative body of the city may adopt an ordinance or resolution to assume jurisdiction over the entirety of the district.

A second method of jurisdictional assumption allows a city to assume, by ordinance, the full and complete management and control of the part of a district that is not within the boundaries of another city. This assumption method may only be used if at least 60 percent of the district's territory or assessed value is within the city seeking assumption.

City Assumption of District Operation and Maintenance.

As an alternative to assuming full control of a district, a city may assume responsibility for the operation and maintenance of a district. If the district territory included within a city's boundaries constitutes less than 60 percent of the district's area or assessed value, the voters of the district may elect to require the city to, in exchange for payment, assume responsibility for the operation and maintenance of the district's property, facilities, and equipment, throughout the entire district.

Boundary Review Boards.

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.

Upon receiving a timely and sufficient request for review, and following an invocation of a board's jurisdiction, a board must review and, subject to specified requirements, approve, disapprove, or modify proposed actions, including actions pertaining to the creation, incorporation, or change in the boundary of any city, town, or special purpose district.

Interlocal Cooperation Act.

Under the Interlocal Cooperation Act (ICA), public agencies are authorized to enter into interlocal agreements to jointly or cooperatively exercise powers, privileges, or authorities exercised or capable of being exercised singularly. A "public agency" for purposes of the ICA, includes any agency, political subdivision, or unit of local government, including municipal corporations, special purpose districts, and other governmental entities.

Summary of Bill:

A resolution or ordinance adopted by a city legislative body to assume jurisdiction of all or part of a water-sewer district (district) may not take effect until 45 or more days after its adoption and is subject to referendum. Additionally, if a city adopted a resolution or ordinance to assume jurisdiction of all or part of a district on or after January 1, 2014, the city must adopt a resolution or ordinance confirming the assumption, and that resolution is subject to referendum.

A referendum petition to repeal the assumption resolution or ordinance must be filed with the applicable county auditor (auditor) within 10 days of passage of the resolution or ordinance. Within 10 days of this filing, the auditor is obligated to write a ballot title for the measure and provide notice to the petitioner.

After receiving notice from the auditor, the petitioner has 45 days to secure and file with the auditor the signatures of at least 10 percent of the number of voters residing in the part of the district subject to the assumption ordinance or resolution who voted in the most recent general election. The county auditor must verify the sufficiency of petition signatures and, in the event of a sufficient petition, submit the referendum measure, in accordance with timeliness requirements, to the voters in the part of the district subject to the assumption ordinance or resolution. The election must be conducted according to general election laws, and the cost of the election must be borne by the city seeking to assume jurisdiction of the district. The city seeking to assume jurisdiction of the district must also produce a local voters' pamphlet that conforms with statutory requirements governing the production and distribution of local voters' pamphlets.

When a referendum petition is filed with the auditor, the assumption resolution or ordinance sought to be referred to the voters, and any proceedings before a boundary review board, are suspended from taking effect. This suspension terminates when there is a final determination on the petition's insufficiency or untimeliness, or when the assumption resolution or ordinance is approved by the voters at a referendum election.

If a city legislative authority assumes jurisdiction of all or part of a district through a contract or an interlocal agreement with a district, the assumption is not subject to a referendum.

Appropriation: None.

Fiscal Note: Not requested.

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