

Local Government Committee

HB 2829

Brief Description: Deannexing from a park and recreation district.

Sponsors: Representatives Eslick, Pike, Griffey and Young.

<p>Brief Summary of Bill</p> <ul style="list-style-type: none"> • Authorizes a city, town, or county to deannex that portion of a jurisdiction that is part of a parks and recreation district.

Hearing Date: 1/24/18

Staff: Yvonne Walker (786-7841).

Background:

A park and recreation district is a type of special purpose district created to provide leisure time activities, facilities, and recreational facilities as a public service to the residents of the area within its boundaries. Its area may include incorporated and unincorporated property. The process of creating a park and recreation district first requires the submission to the county of a petition signed by 15 percent of the registered voters within the area proposed to encompass the park and recreation district. The board of county commissioners specifies the boundaries of the proposed district and, together with any funding obligations, presents the matter to the voters in the form of a ballot proposition for approval.

A park and recreation district is governed by a board of five elected commissioners with 4-year staggered terms. The district may fund its operations by means of excess levies and regular property tax levies. Disposal of property must be by unanimous vote of the district commissioners.

Dissolution of Park and Recreation District.

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.

A dissolution of a park and recreation district is conducted in the same manner as required of port districts. For the purpose of a dissolution of a park and recreation district, a petition must be signed either by a majority of commissioners or other governing authority of the district and submitted to the superior court. Upon the filing of the petition, a hearing date must be set along with public notice of the hearing. After the hearing, the court must enter an order dissolving or refusing to dissolve the district. If the court finds that dissolution of the district is to take place then the court must order the sale of the district's assets. A second hearing date and public notice must take place prior to the court ordering the sale of any district property.

Dissolution of Inactive Special Purpose Districts.

Before June 1 of each year, each county auditor must search available records and notify the county legislative authority of any special purpose districts in the county that appear to be inactive. The county legislative authority must hold hearings and make written findings as to whether the special purpose districts meet the criteria of being inactive. If the special purpose district is determined to be inactive, the county legislative authority must adopt an ordinance dissolving the special purpose district and provide a copy of the ordinance to the county treasurer.

In instances where the territory of any special purpose district is located within more than one county the legislative authorities, of all other counties within whose boundaries the special purpose district lies, must also be notified by the county auditor. However, the authority to dissolve such special purpose district rests solely with the legislative authority of the county that contains the greatest geographic portion of such special purpose district.

For the purpose of winding up the affairs of a dissolved special purpose district, the county legislative authority has the power: (1) to exchange, sell, or otherwise dispose of all property, real and personal, of the dissolved special purpose district; and (2) to settle all obligations of such special purpose district. Such powers and duties commence upon the effective date of dissolution and continue until the affairs of the dissolved special purpose district have been completely wound up.

The term "inactive" means that a special purpose district: (1) has not carried out any of the special purposes or functions for which it was formed within the preceding consecutive 5-year period; or (2) no election has been held for the purpose of electing a member of the governing body within the preceding consecutive 7-year period or, in those instances where members of the governing body are appointed and not elected, where no member of the governing body has been appointed within the preceding 7-year period.

Summary of Bill:

A city, town, or county, which is part of a parks and recreation district, may deannex that portion of a jurisdiction that is part of a parks and recreation district.

In order to deannex from a district, the governing body of the city, town, or county must adopt a resolution approving the deannexation of that portion of the jurisdiction that is part of the parks and recreation district. The resolution must set forth the specific land boundaries proposed for deannexation from the district.

After adoption of the resolution, the governing body of the city, town, or county must draft a ballot, give appropriate notice to the public regarding the ballot measure, and submit the ballot to the voters of the city, town, or county, which are part of the district.

The ballot must be submitted to the voters of the district for their approval at the next general state election. If 50 percent of the total persons voting on the ballot measure approve the deannexation, the ballot measure is approved.

A ballot measure authorizing a deannexation becomes effective on December 31 in the year in which the ballot measure was approved.

The term "deannex" means to withdraw a specified portion of land from a park and recreation district.

Appropriation: None.

Fiscal Note: Available.

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