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## Local Government Committee

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### ESB 5652

**Brief Description:** Concerning actions by the boundary review board.

**Sponsors:** Senators Angel and Rolfes.

#### Brief Summary of Engrossed Bill

- Permits boundary review boards (boards) to allow affected jurisdictions to enter into agreements necessary to address conflicts with the board's factors and objectives prior to ruling on an annexation proposal.
- Requires boards to consider the effect of the proposal on mutual fiscal interests when reaching a decision on a proposal.
- Requires boards to consider the logical and reasonable nature of annexation boundaries to ensure that they do not create or result in unincorporated islands, peninsulas, or other jurisdictional irregularities.

**Hearing Date:** 3/23/17

**Staff:** Yvonne Walker (786-7841).

#### Background:

Boundary review boards (boards) are local government entities that 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 also be established in any other county by resolution or a majority vote of electors. Boards consist of either five or 11 appointed members, depending on the population of the county in which the board exists. The Governor and local government officials from within the applicable county appoint board members.

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 creation, incorporation, or change in the boundary of any city,

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town, or special purpose district. When reviewing a proposal, the board may modify the proposal by adjusting boundaries to add or delete territory subject to statutory specifications; determine a division of assets and liabilities between two or more governmental units where relevant; and determine whether, or the extent to, which functions of a special purpose district are to be assumed by the incorporated area.

In reaching decisions, the board must consider various factors affecting the proposal. Such factors include but are not limited to the:

- population and growth patterns, population density, land use and comprehensive planning, service agreements between local jurisdictions, per capita assessed valuation, and natural topography;
- current and future need for municipal services and the effect on the finances, debt structure, and contractual obligations of all affected governmental units; and
- the effect of the proposal on adjacent areas, on mutual economic and social interests, and on the local government structure of the county.

While reaching decisions on proposed actions, boards must satisfy public hearing requirements and must attempt to achieve objectives prescribed in statute, including the:

- preservation of natural neighborhoods and communities;
- use of physical boundaries;
- dissolution of inactive special purpose districts;
- prevention or adjustment of impractical boundaries;
- incorporation as cities or towns or annexation to cities or towns of unincorporated areas which are urban in character; and
- protection of agricultural and rural lands which are designated for long-term productive agriculture and resource use by a comprehensive plan adopted by the county.

Generally, decisions on proposed actions must be made within 120 days of the board receiving a valid request for review.

**Summary of Bill:**

Prior to ruling on an annexation proposal to change the boundaries of a jurisdiction, boundary review boards (boards) may allow affected jurisdictions to enter into agreements necessary to address conflicts with the board's factors and objectives.

When reaching a decision on a proposal, a board must consider the effect of the proposal on mutual fiscal interests. The board must also consider the logical and reasonable nature of annexation boundaries to ensure that they do not create or result in unincorporated islands, peninsulas, or other jurisdictional irregularities.

**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.