

# SENATE BILL REPORT

## ESB 5652

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As Passed Senate, March 3, 2017

**Title:** An act relating to actions by the boundary review board.

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

**Sponsors:** Senators Angel and Rolfes.

**Brief History:**

**Committee Activity:** Local Government: 2/07/17, 2/16/17 [DP].

**Floor Activity:**

Passed Senate: 3/03/17, 44-0.

**Brief Summary of Engrossed Bill**

- Permits boundary review boards to allow jurisdictions to enter agreements that address conflicts with the board's factors and objectives prior to ruling on an annexation proposal.
- Requires boundary review boards to consider the effect of a proposal on mutual fiscal interests.
- Requires boundary review boards to consider the nature of annexation boundaries to ensure they do not create or result in jurisdictional irregularities.

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### SENATE COMMITTEE ON LOCAL GOVERNMENT

**Majority Report:** Do pass.

Signed by Senators Short, Chair; Angel, Vice Chair; Takko, Ranking Minority Member; Palumbo and Sheldon.

**Staff:** Alex Fairfortune (786-7416)

**Background:** Boundary review boards (boards) are local government entities with the authority to review, approve, disapprove, and modify proposals to changes to the boundaries of cities and special purpose districts. Boards must also determine the division of assets and liabilities and the assumption of functions that may occur when boundaries change. Boards

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*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.*

consist of either five or eleven appointed members, depending on the population size of the county in which the board exists. Boards are required in counties with a population of 210,000 or more, but may be created in other counties by resolution or a majority vote of electors.

When reviewing proposed actions, boards are required to consider a number of factors such as population density, comprehensive plans, interlocal agreements, municipal services, and the effect of the proposal on adjacent areas. The board also must attempt to achieve certain objectives, such as the preservation of communities, the use of existing physical boundaries, and the prevention of irregular boundaries.

**Summary of Engrossed Bill:** Prior to ruling on an annexation proposal, a board 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.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony on Original Bill:** PRO: Cities often view annexation areas solely by revenues they generate as opposed to the expenses they require, which leads to cherry picking. This bill proposes to empower the boundary review board in three main ways: (1) better access to an annexation's impacts on revenue and expenses for both a county and a city; (2) emphasis on the necessity of logical annexation boundaries in proposals submitted for review; and (3) allows the boundary review board to direct jurisdictions to develop joint agreements on any issues that may be in conflict with the board's factors and objectives. These three things actually help cities and counties work through annexation issues far more appropriately. And by providing the boundary review boards this flexibility, it benefits both cities and counties. This will help create proactive conversations between counties, cities, and special purpose districts before they ever have to come to the boundary review board.

CON: The City of Bremerton is the largest city in Kitsap County but discussions were not had with the city. Bremerton has history with the county trying to get the city to enter into agreements prior to annexation, and this appears to be another attempt to try to get them to enter into those agreements. This bill needs more work and vetting by local governments before these changes are enacted. Boundary review boards are supposed to make decisions during conflicts, so it is hard to understand how instructing jurisdictions to work it out

themselves will work. Working towards equity may be in conflict with not having irregular borders, and the term "equity" is not defined.

OTHER: Many boards already attempt to do what is proposed in Section 1, but having it codified would be helpful. Section 2 is awkward and could be construed to mean the opposite of its intent, so it needs to be reworded. Section 3 has the right intent but the word "equity" is ambiguous and could be construed differently. This should be deleted and instead a fiscal consideration should be added in the factors section instead of the objectives section.

**Persons Testifying:** PRO: Senator Jan Angel, Prime Sponsor; Eric Baker, Kitsap County.

CON: Carl Schroeder, Association of Washington Cities; Bryan McConaughy, City of Bremerton.

OTHER: Paul MacCready, Washington State Assn. of Boundary Review Boards; Stephen Toy, Washington State Assn. of Boundary Review Boards; Lenora Blauman, King County Executive Review Board/Executive Secretary.

**Persons Signed In To Testify But Not Testifying:** No one.