
SENATE BILL 5138

State of Washington 65th Legislature 2017 Regular Session

By Senators Palumbo, Kuderer, Fain, Billig, and Rossi

Read first time 01/13/17. Referred to Committee on Local Government.

1 AN ACT Relating to metropolitan park districts; and amending RCW
2 35.61.020, 35.61.100, 35.61.120, 35.61.210, and 35.61.290.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 35.61.020 and 2002 c 88 s 2 are each amended to read
5 as follows:

6 (1) When proposed by citizen petition or by local government
7 resolution as provided in this section, a ballot proposition
8 authorizing the creation of a metropolitan park district (~~shall~~)
9 must be submitted by resolution to the voters of the area proposed to
10 be included in the district at any general election, or at any
11 special election which may be called for that purpose.

12 (2) The ballot proposition (~~shall~~) must be submitted if the
13 governing body of each city in which all or a portion of the proposed
14 district is located, and the legislative authority of each county in
15 which all or a portion of the proposed district is located within the
16 unincorporated portion of the county, each adopts a resolution
17 submitting the proposition to create a metropolitan park district.

18 (3) As an alternative to the method provided under subsection (2)
19 of this section, the ballot proposition (~~shall~~) must be submitted
20 if a petition proposing creation of a metropolitan park district is
21 submitted to the county auditor of each county in which all or a

1 portion of the proposed district is located that is signed by at
2 least fifteen percent of the registered voters residing in the area
3 to be included within the proposed district. Where the petition is
4 for creation of a district in more than one county, the petition
5 (~~shall~~) must be filed with the county auditor of the county having
6 the greater area of the proposed district, and a copy filed with each
7 other county auditor of the other counties covering the proposed
8 district.

9 (4) Territory by virtue of its annexation to any city whose
10 territory lies entirely within a park district (~~shall be~~) are
11 deemed to be within the limits of the metropolitan park district.
12 Such an extension of a park district's boundaries (~~shall not be~~) is
13 not subject to review by a boundary review board independent of the
14 board's review of the city annexation of territory.

15 (5) A city proposing or approving a petition regarding formation
16 of a metropolitan park district with boundaries coterminous with
17 those of a city and for which the governing body of such city is
18 designated to serve in an ex officio capacity as the board of
19 metropolitan park commissioners pursuant to RCW 35.61.050(3), may
20 limit the purpose and may limit the taxing powers of such proposed
21 metropolitan park district in its resolution. The ballot proposition
22 must reflect such limitations as follows:

23 (a) A city may limit the proposed district's purposes to
24 providing the funds necessary to acquire, construct, renovate,
25 expand, operate, maintain, and provide programming for identified
26 public parks or recreational facilities that are otherwise authorized
27 by law for metropolitan park districts. The ballot proposition must
28 identify those public parks or recreational facilities to be funded,
29 which identification may be made by referencing a metropolitan park
30 district plan that has been approved by the legislative authority of
31 the city proposing the formation of the district;

32 (b) A city may limit the maximum levy rate that is available to
33 such metropolitan park district to any levy rate that does not exceed
34 the aggregate rate set forth under RCW 35.61.210(1). The ballot
35 proposition must state the maximum regular levy rate.

36 (6) Nothing herein prevents a city from proposing formation of a
37 metropolitan park district that is not limited under subsection (5)
38 of this section, or from proposing formation of multiple metropolitan
39 park districts, each with boundaries coterminous with those of the
40 city and each with its own limited purpose. Any metropolitan park

1 district formed pursuant to a ballot proposition submitted prior to
2 the effective date of this section, in which was set forth a levy
3 rate limitation or a purpose limitation, is hereby validated and
4 subject to the limitations set forth in such ballot proposition.

5 **Sec. 2.** RCW 35.61.100 and 1993 c 247 s 1 are each amended to
6 read as follows:

7 Every metropolitan park district through its board of
8 commissioners may contract indebtedness and evidence such
9 indebtedness by the issuance and sale of warrants, short-term
10 obligations as provided by chapter 39.50 RCW, or general obligation
11 bonds, for (~~park, boulevard, aviation landings, playgrounds, and~~
12 ~~parkway purposes,~~) any purposes authorized for such metropolitan
13 park district and the extension and maintenance thereof, not
14 exceeding, together with all other outstanding nonvoter approved
15 general indebtedness, one-quarter of one percent of the value of the
16 taxable property in such metropolitan park district, as the term
17 "value of the taxable property" is defined in RCW 39.36.015. General
18 obligation bonds (~~shall~~) may not be issued with a maximum term in
19 excess of (~~twenty years~~) the maximum term set forth in chapter
20 39.46 RCW. Such general obligation bonds (~~shall~~) must be issued and
21 sold in accordance with chapter 39.46 RCW.

22 **Sec. 3.** RCW 35.61.120 and 1965 c 7 s 35.61.120 are each amended
23 to read as follows:

24 (1) The officers of a metropolitan park district (~~shall~~) must
25 be a board of park commissioners consisting of five members. The
26 board (~~shall~~) must annually elect one of their number as president
27 and another of their number as clerk of the board.

28 (2) Notwithstanding the foregoing, if the governing body of a
29 city or the legislative authority of a county is designated to serve
30 in an ex officio capacity as the board of metropolitan park
31 commissioners, the number of members of the board of park
32 commissioners must be equal to the number of positions on the
33 relevant city governing body or county legislative authority, as it
34 may be constituted from time to time.

35 **Sec. 4.** RCW 35.61.210 and 2007 c 295 s 1 are each amended to
36 read as follows:

1 (1) The board of park commissioners may levy or cause to be
2 levied a general tax on all the property located in said park
3 district each year not to exceed fifty cents per thousand dollars of
4 assessed value of the property in such park district. In addition,
5 the board of park commissioners may levy or cause to be levied a
6 general tax on all property located in said park district each year
7 not to exceed twenty-five cents per thousand dollars of assessed
8 valuation. Although park districts are authorized to impose two
9 separate regular property tax levies, the levies (~~((shall be))~~) are
10 considered to be a single levy for purposes of the limitation
11 provided for in chapter 84.55 RCW.

12 (2) The maximum levy rate of a metropolitan park district formed
13 subject to the limitations set forth in RCW 35.61.020(5) must be the
14 levy rate set forth in the ballot proposition. At any time after the
15 initial formation of a district subject to a limitation under RCW
16 35.61.020(5), the board of metropolitan park commissioners may submit
17 to the voters of the district at a general or special election a
18 proposition to alter such maximum regular levy rate, which
19 proposition becomes effective only upon approval by a majority of the
20 votes cast on the proposition. The limitations provided in chapter
21 84.55 RCW do not apply in the first year after the approval of any
22 proposition under this subsection.

23 (3) The board is hereby authorized to levy a general tax in
24 excess of its regular property tax levy or levies when authorized so
25 to do at a special election conducted in accordance with and subject
26 to all the requirements of the Constitution and laws of the state now
27 in force or hereafter enacted governing the limitation of tax levies.
28 The board is hereby authorized to call a special election for the
29 purpose of submitting to the qualified voters of the park district a
30 proposition to levy a tax in excess of the (~~((seventy five cents per~~
31 ~~thousand dollars of assessed value herein specifically authorized))~~)
32 regular levy rates authorized for the district under subsection (1)
33 or (2) of this section. The manner of submitting any such
34 proposition, of certifying the same, and of giving or publishing
35 notice thereof, (~~((shall))~~) must be as provided by law for the
36 submission of propositions by cities or towns.

37 (4) The board (~~((shall))~~) must include in its general tax levy for
38 each year a sufficient sum to pay the interest on all outstanding
39 bonds and may include a sufficient amount to create a sinking fund
40 for the redemption of all outstanding bonds. The levy (~~((shall))~~) must

1 be certified to the proper county officials for collection the same
2 as other general taxes and, for any metropolitan park district for
3 which the county treasurer serves as the ex officio treasurer, when
4 collected, the general tax (~~shall~~) must be placed in a separate
5 fund in the office of the county treasurer to be known as the
6 "metropolitan park district fund" and disbursed under RCW
7 36.29.010(1) and 39.58.750.

8 **Sec. 5.** RCW 35.61.290 and 2005 c 226 s 1 are each amended to
9 read as follows:

10 (1) Any city within or comprising any metropolitan park district
11 may turn over to the park district any lands (~~which~~) that it may
12 own, or any street, avenue, or public place within the city for
13 playground, park (~~or parkway purposes~~), parkway, or other purposes
14 authorized for such district, and thereafter its control and
15 management (~~shall~~) must vest in the board of park commissioners(~~or~~
16 ~~PROVIDED, That~~). However, the police regulations of such city
17 (~~shall~~) apply to all such premises.

18 (2) At any time that any such metropolitan park district is
19 unable, through lack of sufficient funds, to provide for the
20 continuous operation, maintenance and improvement of the parks and
21 playgrounds and other properties or facilities owned by it or under
22 its control, and the legislative body of any city within or
23 comprising such metropolitan park district (~~shall~~) must determine
24 that an emergency exists requiring the financial aid of such city to
25 be extended in order to provide for such continuous operation,
26 maintenance and/or improvement of parks, playgrounds facilities,
27 other properties, and programs of such park district within its
28 limits, such city may grant or loan to such metropolitan park
29 district such of its available funds, or such funds (~~which~~) that it
30 may lawfully procure and make available, as it (~~shall~~) finds
31 necessary to provide for such continuous operation and maintenance
32 and, pursuant thereto, any such city and the board of park
33 commissioners of such district are authorized and empowered to enter
34 into an agreement embodying such terms and conditions of any such
35 grant or loan as may be mutually agreed upon.

36 (3) The board of metropolitan park commissioners may accept
37 public streets of the city and grounds for public purposes when
38 donated for park, playground, boulevard, and (~~park purposes~~) other
39 park purposes authorized for such district.

1 (~~(2)~~) (4) Counties, cities, and other municipal corporations,
2 including but not limited to park and recreation districts operating
3 under chapter 36.69 RCW, may (~~transfer to the metropolitan park~~
4 ~~district~~) enter into agreements with metropolitan park districts to
5 transfer to one another, with or without consideration therefor, any
6 lands, facilities, equipment, other interests in real or personal
7 property, or interests under contracts, leases, or similar
8 agreements. The board of metropolitan park commissioners may accept
9 and may make, for metropolitan park district purposes, such transfers
10 of lands, facilities, equipment, other interests in real or personal
11 property, and interests under contracts, leases, or similar
12 agreements.

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