

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5138

65th Legislature
2017 Regular Session

Passed by the Senate April 13, 2017
Yeas 45 Nays 4

President of the Senate

Passed by the House April 5, 2017
Yeas 55 Nays 42

Speaker of the House of Representatives

Approved

Governor of the State of Washington

CERTIFICATE

I, Hunter G. Goodman, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5138** as passed by Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5138

AS AMENDED BY THE HOUSE

Passed Legislature - 2017 Regular Session

State of Washington 65th Legislature 2017 Regular Session

By Senate Local Government (originally sponsored by Senators Palumbo, Kuderer, Fain, Billig, and Rossi)

READ FIRST TIME 01/27/17.

1 AN ACT Relating to metropolitan park districts; and amending RCW
2 35.61.020, 35.61.100, 35.61.120, 35.61.210, 35.61.290, 35.61.040, and
3 35.61.180.

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

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

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

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

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

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

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

16 (5) A city, county, or contiguous group of cities or counties
17 proposing or approving a petition regarding formation of a
18 metropolitan park district may limit the purpose and may limit the
19 taxing powers of such proposed metropolitan park district in its
20 resolution in cases where the metropolitan park district is being
21 formed for specifically identified facilities referenced in (a) of
22 this subsection. The ballot proposition must reflect such limitations
23 as follows:

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

35 (b) A city, county, or contiguous group of cities or counties may
36 limit the maximum levy rate that is available to such metropolitan
37 park district to any levy rate that does not exceed the aggregate
38 rate set forth under RCW 35.61.210(1). The ballot proposition must
39 state the maximum regular levy rate.

1 (6) Nothing herein prevents a city, county, or contiguous group
2 of cities or counties from proposing formation of a metropolitan park
3 district that is not limited under subsection (5) of this section.

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

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

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

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

27 (2) Notwithstanding the foregoing, when the boundaries of any
28 metropolitan park district are coterminous with the boundaries of a
29 city, and if the governing body of a city is designated to serve in
30 an ex officio capacity as the board, the number of members of the
31 board of park commissioners must be equal to the number of positions
32 on the relevant city governing body as it may be constituted from
33 time to time.

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

36 (1) The board of park commissioners may levy or cause to be
37 levied a general tax on all the property located in said park

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

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

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

35 (4) The board (~~shall~~) must include in its general tax levy for
36 each year a sufficient sum to pay the interest on all outstanding
37 bonds and may include a sufficient amount to create a sinking fund
38 for the redemption of all outstanding bonds. The levy (~~shall~~) must
39 be certified to the proper county officials for collection the same
40 as other general taxes and, for any metropolitan park district for

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

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

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

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

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

38 (~~(+2)~~) (4) Counties, cities, and other municipal corporations,
39 including but not limited to park and recreation districts operating

1 under chapter 36.69 RCW, may (~~transfer to the metropolitan park~~
2 ~~district~~) enter into agreements with metropolitan park districts to
3 transfer to one another, with or without consideration therefor, any
4 lands, facilities, equipment, other interests in real or personal
5 property, or interests under contracts, leases, or similar
6 agreements. The board of metropolitan park commissioners may accept
7 and may make, for metropolitan park district purposes, such transfers
8 of lands, facilities, equipment, other interests in real or personal
9 property, and interests under contracts, leases, or similar
10 agreements.

11 **Sec. 6.** RCW 35.61.040 and 2002 c 88 s 4 are each amended to read
12 as follows:

13 If a majority of the voters voting on the ballot proposition
14 authorizing the creation of the metropolitan park district vote in
15 favor of the formation of a metropolitan park district, the
16 metropolitan park district (~~shall~~) must be created as a municipal
17 corporation effective immediately upon certification of the election
18 results and its name (~~shall~~) must be that designated in the ballot
19 proposition. When an ex officio treasurer of a metropolitan park
20 district is a city or county treasurer, the treasurer may provide a
21 bridge loan or line of credit to the newly formed metropolitan park
22 district until such time as the district has received sufficient levy
23 proceeds to pay for the maintenance and operations of the
24 metropolitan park district.

25 **Sec. 7.** RCW 35.61.180 and 1987 c 203 s 1 are each amended to
26 read as follows:

27 (1) The county treasurer of the county within which all, or the
28 major portion, of the district lies (~~shall~~) must be the ex officio
29 treasurer of a metropolitan park district, but (~~shall~~) may receive
30 no compensation other than his or her regular salary for receiving
31 and disbursing the funds of a metropolitan park district.

32 (2) A metropolitan park district may designate someone other than
33 the county treasurer who has experience in financial or fiscal
34 affairs to act as the district treasurer if the board has received
35 the approval of the county treasurer to designate this person; or if
36 the district boundaries are coterminous with the boundaries of a
37 city, the city may act as the district treasurer. If the board
38 designates someone other than (~~the~~) a county or city treasurer to

1 act as the district treasurer, the board (~~shall~~) must purchase a
2 bond from a surety company operating in the state that is sufficient
3 to protect the district from loss.

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