

HOUSE BILL REPORT

SHB 2044

As Passed House:
March 4, 2019

Title: An act relating to the deannexation of a portion of land from a park and recreation district or metropolitan park district.

Brief Description: Concerning the deannexation of a portion of land from a park and recreation district or metropolitan park district.

Sponsors: House Committee on Local Government (originally sponsored by Representatives Senn, Peterson, Pollet, Callan and Thai).

Brief History:

Committee Activity:

Local Government: 2/19/19, 2/20/19 [DPS].

Floor Activity:

Passed House: 3/4/19, 96-0.

Brief Summary of Substitute Bill

- Authorizes a local jurisdiction to withdraw (deannex) a portion of a city, town, or county, from a parks and recreation district or a metropolitan park district.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 5 members: Representatives Pollet, Chair; Peterson, Vice Chair; Appleton, Goehner and Senn.

Minority Report: Without recommendation. Signed by 1 member: Representative Kraft, Ranking Minority Member.

Staff: Yvonne Walker (786-7841).

Background:

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.

Park and Recreation Districts.

A park and recreation district (district) is a type of special purpose district (SPD) 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 term "recreational facilities" means parks, playgrounds, gymnasiums, swimming pools, field houses, bathing beaches, stadiums, golf courses, automobile racetracks and drag strips, coliseums for the display of spectator sports, public campgrounds, boat ramps and launching sites, public hunting and fishing areas, arboretums, bicycle and bridle paths, senior citizen centers, community centers, and other recreational facilities.

The process of creating a district requires the submission of a petition to the county signed by 15 percent of the registered voters within the area proposed to encompass the 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 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.

A dissolution of a district is conducted in the same manner as required of port districts. For the purpose of a dissolution of a 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.

Metropolitan Park Districts.

A metropolitan park district (MPD) is a type of SPD created for the control, management, improvement, maintenance, or acquisition of parks, parkways, boulevards, and recreational facilities. A MPD may include territory located in portions or in all of one or more cities or counties.

The process of creating a MPD requires either: (1) the submission of a petition to the county signed by 15 percent of the registered voters within the area proposed to encompass the MPD; or (2) the adoption of a resolution by the body of local governments in which all or a portion of the proposed district is located. The ballot proposition authorizing creation of a MPD is then submitted to the voters in the form of a ballot proposition for approval.

A MPD is governed by a board of five elected commissioners with 6-year terms.

Dissolution of Metropolitan Park Districts.

A board of commissioners of a MPD may, upon a majority vote of all its members, dissolve any MPD. A MPD may be dissolved when: (1) the city and/or county, through its governing

officials, agrees to, and petitions for, a dissolution and the assumption of such assets and liabilities; or (2) 10 percent of the voters of the city and/or county who voted at the last general election petition the governing officials for such a vote.

Summary of Substitute Bill:

A local jurisdiction is authorized to withdraw (deannex) a portion of a city, town, or county, from a parks and recreation district (district) or a metropolitan park district (MPD).

A city, town, or county may withdraw that portion of the local jurisdiction from the district when:

- both the governing body of a park and recreation district and the governing body of the local jurisdiction, which are part of the district, adopt a resolution and findings of fact supporting deannexation of that portion of the local jurisdiction that is part of the district;
- 10 percent of the voters, from the last general election, of the city or county petition the governing officials for such a vote; or
- a district located in a county with a population of 210,000 or more has not actively carried out any of the purposes or functions of the district in the preceding five years for which the district was formed.

After adoption of the resolution, receipt of the petition with the requisite number of voters, or a determination that the district has been inactive, the governing body of the city, town, or county must: (1) draft a ballot; (2) give appropriate notice to the public regarding the ballot measure; and (3) submit the ballot to the voters of the city, town, or county, which are part of the district at the next general election.

If 50 percent of the total persons voting on the ballot measure approve the deannexation, the ballot measure is approved and the deannexation becomes effective at the end of the day on December 31 in the year in which the ballot measure was approved. Property that is withdrawn from a district is not exempt from taxation for the purpose of paying the costs of redeeming any indebtedness of the park and recreation district existing at the time of the withdrawal.

An area that has been withdrawn from a district may also be reannexed into the park and recreation district upon adoption of a resolution by the: (1) governing body proposing the reannexation; and (2) park and recreation district approving the reannexation.

The reannexation becomes effective at the end of the day on December 31 in the year in which the adoption of the second resolution occurs. However, for purposes of establishing boundaries for property tax purposes, the boundaries must be established immediately upon the adoption of the second resolution.

Referendum action on the proposed reannexation may be taken by the voters of the area proposed to be reannexed if a petition calling for a referendum is filed with the park and recreation district within a 30-day period after the adoption of the second resolution. The petition must be signed by registered voters of the area proposed to be reannexed equal in number to 10 percent of the total number of the registered voters residing in that area. If a

valid petition is filed, a ballot proposition authorizing the reannexation must be submitted to the voters of the area at the next special election date. The ballot is approved by a simple majority vote.

In addition, a city, town, or county is authorized to deannex a portion of land from a MPD or reannex back into a MPD in the same fashion and using the same procedures that are authorized for a parks and recreation district.

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.

Staff Summary of Public Testimony:

(In support) This bill is similar to House Bill 1699. However, this bill has been expanded in response to some public testimony to include metropolitan park districts (MPDs). There are approximately 50 homeowners in the City of Sammamish who are being double taxed because they are part of two different park districts as a result of annexation. This bill will allow those residents to deannex so that there is no overlap in taxes and so they would not be required to pay for two sets of services. This bill provides a fuller look at the issue and covers both sets of statutes relating to parks and recreation districts and MPDs.

(Opposed) None.

Persons Testifying: Representative Senn, prime sponsor; Nick Federici, City of Sammamish; and Doug Levy, Washington Recreation & Park Association.

Persons Signed In To Testify But Not Testifying: None.