
HOUSE BILL 1702

State of Washington 60th Legislature 2007 Regular Session

By Representatives Hasegawa, Pettigrew, Santos, Hudgins, Eddy and Simpson

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1 AN ACT Relating to the annexation by a city, code city, or town of
2 a portion of a rural county library district; and adding new sections
3 to chapter 27.12 RCW.

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

5 NEW SECTION. **Sec. 1.** (1) Whenever a portion of the territory of
6 a district is included within the corporate boundaries of a city, code
7 city, or town as a result of the city, code city, or town annexing the
8 area, the city, code city, or town legislative authority may adopt a
9 resolution or ordinance to assume jurisdiction over the annexed portion
10 of the district.

11 (2) Upon the assumption, all real and personal property, rights,
12 assets, and taxes levied but not collected for the annexed portion of
13 the district for other than indebtedness of the district residing in,
14 or representing the portion of, the annexed area shall become the
15 property of the city, code city, or town subject to all financial,
16 statutory, or contractual obligations of the district for the security
17 or performance of which the property may have been pledged. The city,
18 code city, or town, in addition to its other powers, shall have the
19 power to manage, control, maintain, and operate any property or

1 facilities and equipment residing in the annexed area subject, however,
2 to any outstanding indebtedness, bonded or otherwise, of the district
3 payable from taxes, assessments, or revenues of any kind or nature and
4 to any other contractual obligations relating to the annexed portion of
5 the district. An assumption shall not be deemed to impair the
6 obligation of any indebtedness or other contractual obligation.

7 (3) For purposes of this section, "district" means rural county
8 library district.

9 NEW SECTION. **Sec. 2.** Notwithstanding any provision of this
10 chapter to the contrary, a city, code city, or town that annexes a
11 territory within the boundaries of a rural county library district and
12 the rural county library district, through their legislative
13 authorities, may authorize a contract with respect to the rights,
14 powers, duties, and obligations of such city, code city, or town, and
15 district with regard to the use and ownership of property, the
16 provision of services, the maintenance and operation of facilities,
17 allocation of cost, financing, and construction of new facilities,
18 application and use of assets, disposition of liabilities and debts,
19 the performance of contractual obligations, and any other matters
20 arising out of the annexation of the portion of the district within the
21 annexing city, code city, or town. The contract may provide for the
22 furnishing of services by any party thereto and the use of city, code
23 city, town, or district facilities or real estate for such purpose, and
24 may also provide for the time during which such district may continue
25 to exercise any rights, privileges, powers, and functions provided by
26 law for such district as if the district or portions thereof were not
27 included within the city, code city, or town including, but not limited
28 to, the right to adopt rules and regulations; to levy and collect
29 special assessments, rates, and charges; to adopt and carry out the
30 provisions of a comprehensive plan and amendments thereto; and to issue
31 general obligation bonds or revenue bonds in the manner provided by
32 law.

33 NEW SECTION. **Sec. 3.** Whenever a city annexes a territory that is
34 within the boundaries of a rural county library district, any buildings
35 and equipment of the district that are located within the annexed

1 territory shall be transferred to the city, code city, or town upon
2 annexation.

3 Any planned capital improvements to existing facilities or planned
4 construction of new facilities within the annexed territory shall
5 either be completed by the rural county library district using original
6 capital bond revenues, with timing and funding subject to interlocal
7 agreement between the district and annexing city, code city, or town,
8 or alternatively, the district shall transfer that part of the bond
9 proceeds to be used for the capital project, as described on the ballot
10 proposition authorizing the bond issue, to the city, code city, or town
11 annexing the territory within which the capital improvements or new
12 construction were originally planned.

13 NEW SECTION. **Sec. 4.** When a city, code city, or town annexes a
14 portion of the territory of a rural county library district, an
15 appraisal must be conducted of the value of the library materials and
16 collections. The appraisal standards shall be agreed upon by the city,
17 code city, or town and the rural county library district before the
18 appraisal takes place. The appraisal shall be used to identify the
19 proportionate share of each branch's library collection to the annexing
20 city, code city, or town. The rural county library district shall pay
21 to the city, code city, or town an amount representing the city's, code
22 city's, or town's proportionate share of the value of the rural county
23 library district's materials and collections. The city, code city, or
24 town may use the money received from the rural county library district
25 only for the purpose of purchasing library assets.

26 NEW SECTION. **Sec. 5.** A rural county library district that has a
27 portion of its assets, facilities, or indebtedness assumed by a city,
28 code city, or town from annexation may subject the action to review
29 under RCW 36.93.100.

30 NEW SECTION. **Sec. 6.** (1) If any portion of a rural county library
31 district is annexed into a city, code city, or town, any employee of
32 the rural county library district who (a) was at the time of such
33 annexation employed exclusively or principally in performing the
34 powers, duties, and functions that are to be performed by the city,
35 code city, or town library department, (b) will, as a direct

1 consequence of annexation, be separated from the employ of the rural
2 county library district, and (c) can perform the duties and meet the
3 minimum requirements of the position to be filled, may transfer
4 employment to the civil service system of the city, code city, or town
5 library department as provided for in this section.

6 (2) An eligible employee may transfer into the civil service system
7 of the city, code city, or town library department by filing a written
8 request with the city, code city, or town civil service commission and
9 by giving written notice thereof to the board of commissioners of the
10 rural county library district. Upon receipt of such request by the
11 civil service commission, the transfer of employment shall be made.
12 The employee so transferring shall (a) be on probation for the same
13 period as are new employees of the city, code city, or town library
14 department in the position filled, but the transferring employee may
15 only be terminated during the probationary period for failure to
16 adequately perform assigned duties, not meeting the minimum
17 qualifications of the position, or behavior that would otherwise be
18 subject to disciplinary action; (b) be eligible for promotion no later
19 than after completion of the probationary period; (c) receive a salary
20 at least equal to that of other new employees of the city, code city,
21 or town library department in the position filled; and (d) in all other
22 matters, such as retirement, sick leave, and vacation, have, within the
23 city, code city, or town civil service system, all rights, benefits,
24 and privileges to which he or she would have been entitled as a member
25 of the city, code city, or town library department from the beginning
26 of employment with the rural county library district.

27 (3) As many of the transferring employees shall be placed upon the
28 payroll of the city, code city, or town library department as the
29 library department determines are needed to provide services. These
30 needed employees shall be taken in order of seniority and the remaining
31 employees who transfer as provided in this section shall head the list
32 for employment in the civil service system in order of their seniority,
33 so as to be the first to be reemployed in the city, code city, or town
34 library department when appropriate positions become available:
35 PROVIDED, That employees who are not immediately hired by the city,
36 code city, or town shall be placed on a reemployment list for a period
37 not to exceed thirty-six months unless a longer period is authorized by

1 an agreement reached between the rural county library district and the
2 annexing city, code city, or town.

3 (4) If any portion of a rural county library district is annexed
4 into a city, code city, or town, and as a result any employee is laid
5 off who is eligible to transfer to the city, code city, or town library
6 department under this section, the rural county library district shall
7 notify the employee of the right to transfer and the employee shall
8 have ninety days to transfer employment to the city, code city, or town
9 library department.

10 (5) For purposes of this section, "employee" means an individual
11 whose employment with a rural county library district has been
12 terminated because a portion of the rural county library district was
13 annexed by a city, code city, or town.

14 NEW SECTION. **Sec. 7.** (1) An agreement on the distribution of
15 assets from the rural county library district to the city, code city,
16 or town shall be entered into by the city, code city, or town and the
17 rural county library district within ninety days of the effective date
18 of the annexation. A distribution shall be based upon the extent of
19 the increased library service responsibilities with a corresponding
20 reduction in library service responsibilities by the rural county
21 library district, and shall consider the impact of any debt obligation
22 that may exist on the property that is so annexed. If an agreement is
23 not entered into after the ninety-day period, arbitration shall proceed
24 under subsection (2) of this section concerning the distribution of
25 assets unless both parties have agreed to an extension of this period.

26 (2) Arbitration shall proceed under this subsection over the issue
27 of whether a significant increase in the library service
28 responsibilities will be imposed upon the city, code city, or town as
29 a result of the annexation with a corresponding reduction in library
30 service responsibilities by the rural county library district, or over
31 the distribution of assets from the rural county library district to
32 the city, code city, or town if such a significant increase in library
33 service responsibilities will be imposed. A board of arbitrators shall
34 be established for an arbitration required under this section. The
35 board of arbitrators shall consist of three persons, one of whom is
36 appointed by the city, code city, or town within sixty days of the date
37 when arbitration is required, one of whom is appointed by the rural

1 county library district within sixty days of the date when arbitration
2 is required, and one of whom is appointed by agreement of the other two
3 arbitrators within thirty days of the appointment of the last of these
4 other two arbitrators who is so appointed. If the two are unable to
5 agree on the appointment of the third arbitrator within the thirty-day
6 period, then the third arbitrator shall be appointed by a judge in the
7 superior court of the county within which all or the greatest portion
8 of the area that was so annexed lies. The determination by the board
9 of arbitrators shall be binding on both the city, code city, or town
10 and the rural county library district.

11 NEW SECTION. **Sec. 8.** Sections 1 through 7 of this act are each
12 added to chapter 27.12 RCW.

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