

SUBSTITUTE HOUSE BILL 2020

State of Washington 61st Legislature 2009 Regular Session

By House Local Government & Housing (originally sponsored by Representatives Simpson, Chase, Hunter, and Van De Wege)

READ FIRST TIME 02/23/09.

1 AN ACT Relating to the annexation of unincorporated areas served by
2 fire protection districts; amending RCW 35.10.360, 35.10.365,
3 35.13.215, 35.13.225, 35.13.130, and 35A.14.120; adding new sections to
4 chapter 35.13 RCW; adding a new section to chapter 35.103 RCW; adding
5 new sections to chapter 35A.14 RCW; and adding a new section to chapter
6 35A.92 RCW.

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

8 **Sec. 1.** RCW 35.10.360 and 1986 c 254 s 4 are each amended to read
9 as follows:

10 (1) If any portion of a fire protection district is proposed for
11 annexation to or incorporation into a city, code city, or town, both
12 the fire protection district and the city, code city, or town shall
13 inform the employees of the fire protection district about hires,
14 separations, terminations, and any other changes in employment that are
15 a direct consequence of annexation or incorporations at the earliest
16 reasonable opportunity.

17 (2) Upon the annexation of two or more cities or code cities, any
18 employee of the fire department of the former city or cities who
19 ((+1)) (a) was at the time of annexation employed exclusively or

1 principally in performing the powers, duties, and functions which are
2 to be performed by the fire department of the annexed city or code
3 city, as the case may be, ~~((+2))~~ (b) will, as a direct consequence of
4 annexation, be separated from the employ of the former city, code city
5 or town, and ~~((+3))~~ (c) can perform the duties and meet the minimum
6 requirements of the position to be filled, then such employee may
7 transfer employment to the fire department of the annexing city, as
8 provided in this section and RCW 35.10.365 and 35.10.370.

9 (3) For purposes of this section and RCW 35.10.365 and 35.10.370,
10 employee means an individual whose employment has been terminated
11 because of annexation by a city, code city or town.

12 **Sec. 2.** RCW 35.10.365 and 1994 c 73 s 1 are each amended to read
13 as follows:

14 (1) An eligible employee may transfer into the civil service system
15 of the annexing city, code city, or town by filing a written request
16 with the city, code city, or town civil service commission. Upon
17 receipt of ~~((such))~~ the request by the civil service commission, the
18 transfer of employment ~~((shall))~~ must be made. ~~((The employee so~~
19 ~~transferring will (a) be on probation for the same period as are new~~
20 ~~employees in the position filled, but if the transferring employee has~~
21 ~~already completed a probationary period as a firefighter prior to the~~
22 ~~transfer, then the employee may only be terminated during the~~
23 ~~probationary period for failure to adequately perform assigned duties,~~
24 ~~not meeting the minimum qualifications of the position, or behavior~~
25 ~~that would otherwise be subject to disciplinary action, (b) be eligible~~
26 ~~for promotion no later than after completion of the probationary~~
27 ~~period, (c) receive a salary at least equal to that of other new~~
28 ~~employees in the position filled, and (d) in all other matters, such as~~
29 ~~retirement, sick leave, and vacation, have, within the city, code city,~~
30 ~~or town civil service system, all the rights, benefits, and privileges~~
31 ~~to which he or she would have been entitled as a member of the annexed~~
32 ~~city, code city, or town fire department from the beginning of his or~~
33 ~~her employment with the former city or code city fire department:~~
34 ~~PROVIDED, That for purposes of layoffs by the annexing city or code~~
35 ~~city, only the time of service accrued with the annexing city or code~~
36 ~~city shall apply unless an agreement is reached between the collective~~
37 ~~bargaining representatives of the employees of the annexing and annexed~~

1 ~~fire agencies and the annexing and annexed fire agencies. A record of~~
2 ~~the employee's service with the former city or code city fire~~
3 ~~department shall be transmitted to the applicable civil service~~
4 ~~commission which shall be credited to such employee as a part of the~~
5 ~~period of employment in the annexed city, code city, or town fire~~
6 ~~department. All accrued benefits are transferable provided that the~~
7 ~~recipient agency provides comparable benefits. All benefits shall then~~
8 ~~accrue based on the combined seniority of each employee in the~~
9 ~~recipient agency.~~

10 ~~(2) As many of the transferring employees shall be placed upon the~~
11 ~~payroll of the annexing city, code city, or town fire department as the~~
12 ~~department determines are needed to provide services. These)) The~~
13 ~~needed employees shall be taken in order of seniority and the remaining~~
14 ~~employees who transfer as provided in this section and RCW 35.10.360~~
15 ~~and 35.10.370 shall head the list for employment in the civil service~~
16 ~~system in order of their seniority, to the end that they shall be the~~
17 ~~first to be reemployed in the city, code city, or town fire department~~
18 ~~when appropriate positions become available: PROVIDED, That employees~~
19 ~~who are not immediately hired by the city, code city, or town shall be~~
20 ~~placed on a reemployment list for a period not to exceed thirty-six~~
21 ~~months unless a longer period is authorized by an agreement reached~~
22 ~~between the collective bargaining representatives of the employees of~~
23 ~~the annexing and annexed fire agencies and the annexing and annexed~~
24 ~~fire agencies.~~

25 (2)(a) Upon transfer, an employee is entitled to the employee
26 rights, benefits, and privileges to which he or she would have been
27 entitled as an employee of the fire protection district, including
28 rights to:

29 (i) Compensation at least equal to the level of compensation at the
30 time of transfer, unless the employee's rank and duties have been
31 reduced as a result of the transfer. If the transferring employee is
32 placed in a position with reduced rank and duties, the employee's
33 compensation may be adjusted, but the adjustment may not result in a
34 decrease of greater than fifty percent of the difference between the
35 employee's compensation before the transfer and the compensation level
36 for the position that the employee is transferred to;

37 (ii) Retirement, vacation, sick leave, and any other accrued
38 benefit;

1 (iii) Promotion and service time accrual; and
2 (iv) The length or terms of probationary periods, including no
3 requirement for an additional probationary period if one had been
4 completed before the transfer date.

5 (b) (a) of this subsection does not apply if upon transfer an
6 agreement for different terms of transfer is reached between the
7 collective bargaining representatives of the transferring employees and
8 the participating fire protection jurisdictions.

9 (3) If upon transfer, the transferring employee receives the
10 rights, benefits, and privileges established under subsection (2)(a)(i)
11 through (iv) of this section, those rights, benefits, and privileges
12 are subject to collective bargaining at the end of the current
13 bargaining period for the jurisdiction to which the employee has
14 transferred.

15 (4) Such bargaining must take into account the years of service the
16 transferring employee accumulated before the transfer and must be
17 treated as if those years of service occurred in the jurisdiction to
18 which the employee has transferred.

19 **Sec. 3.** RCW 35.13.215 and 1986 c 254 s 7 are each amended to read
20 as follows:

21 (1) If any portion of a fire protection district is proposed for
22 annexation to or incorporation into a city, code city, or town, both
23 the fire protection district and the city, code city, or town shall
24 inform the employees of the fire protection district about hires,
25 separations, terminations, and any other changes in employment that are
26 a direct consequence of annexation or incorporations at the earliest
27 reasonable opportunity.

28 (2) If any portion of a fire protection district is annexed to or
29 incorporated into a city, code city or town, any employee of the fire
30 protection district who ((+1+)) (a) was at the time of such annexation
31 or incorporation employed exclusively or principally in performing the
32 powers, duties, and functions which are to be performed by the city,
33 code city or town fire department ((+2+)) (b) will, as a direct
34 consequence of annexation or incorporation, be separated from the
35 employ of the fire protection district, and ((+3+)) (c) can perform the
36 duties and meet the minimum requirements of the position to be filled,

1 then such employee may transfer employment to the civil service system
2 of the city, code city or town fire department as provided for in this
3 section and RCW 35.13.225 and 35.13.235.

4 (3) For purposes of this section and RCW 35.13.225 and 35.13.235,
5 employee means an individual whose employment with a fire protection
6 district has been terminated because the fire protection district was
7 annexed by a city, code city or town for purposes of fire protection.

8 **Sec. 4.** RCW 35.13.225 and 1994 c 73 s 3 are each amended to read
9 as follows:

10 (1) An eligible employee may transfer into the civil service system
11 of the city, code city, or town fire department by filing a written
12 request with the city, code city, or town civil service commission and
13 by giving written notice ~~((thereof))~~ of the request to the board of
14 commissioners of the fire protection district. Upon receipt of
15 ~~((such))~~ the request by the civil service commission, the transfer of
16 employment ~~((shall))~~ must be made. ~~((The employee so transferring will~~
17 ~~(a) be on probation for the same period as are new employees of the~~
18 ~~city, code city, or town fire department in the position filled, but if~~
19 ~~the transferring employee has already completed a probationary period~~
20 ~~as a firefighter prior to the transfer, then the employee may only be~~
21 ~~terminated during the probationary period for failure to adequately~~
22 ~~perform assigned duties, not meeting the minimum qualifications of the~~
23 ~~position, or behavior that would otherwise be subject to disciplinary~~
24 ~~action, (b) be eligible for promotion no later than after completion of~~
25 ~~the probationary period, (c) receive a salary at least equal to that of~~
26 ~~other new employees of the city, code city, or town fire department in~~
27 ~~the position filled, and (d) in all other matters, such as retirement,~~
28 ~~sick leave, and vacation, have, within the city, code city, or town~~
29 ~~civil service system, all the rights, benefits, and privileges to which~~
30 ~~he or she would have been entitled as a member of the city, code city,~~
31 ~~or town fire department from the beginning of employment with the fire~~
32 ~~protection district: PROVIDED, That for purposes of layoffs by the~~
33 ~~annexing fire agency, only the time of service accrued with the~~
34 ~~annexing agency shall apply unless an agreement is reached between the~~
35 ~~collective bargaining representatives of the employees of the annexing~~
36 ~~and annexed fire agencies and the annexing and annexed fire agencies.~~
37 ~~The board of commissioners of the fire protection district shall, upon~~

1 receipt of such notice, transmit to any applicable civil service
2 commission a record of the employee's service with the fire protection
3 district which shall be credited to such employee as a part of the
4 period of employment in the city, code city, or town fire department.
5 All accrued benefits are transferable provided that the recipient
6 agency provides comparable benefits. All benefits shall then accrue
7 based on the combined seniority of each employee in the recipient
8 agency.

9 (2) As many of the transferring employees shall be placed upon the
10 payroll of the city, code city, or town fire department as the
11 department determines are needed to provide services. These)) The
12 needed employees shall be taken in order of seniority and the remaining
13 employees who transfer as provided in this section and RCW 35.13.215
14 and 35.13.235 shall head the list for employment in the civil service
15 system in order of their seniority, to the end that they shall be the
16 first to be reemployed in the city, code city, or town fire department
17 when appropriate positions become available: PROVIDED, That employees
18 who are not immediately hired by the city, code city, or town shall be
19 placed on a reemployment list for a period not to exceed thirty-six
20 months unless a longer period is authorized by an agreement reached
21 between the collective bargaining representatives of the employees of
22 the annexing and annexed fire agencies and the annexing and annexed
23 fire agencies.

24 (2)(a) Upon transfer, an employee is entitled to the employee
25 rights, benefits, and privileges to which he or she would have been
26 entitled as an employee of the fire protection district, including
27 rights to:

28 (i) Compensation at least equal to the level of compensation at the
29 time of transfer, unless the employee's rank and duties have been
30 reduced as a result of the transfer. If the transferring employee is
31 placed in a position with reduced rank and duties, the employee's
32 compensation may be adjusted, but the adjustment may not result in a
33 decrease of greater than fifty percent of the difference between the
34 employee's compensation before the transfer and the compensation level
35 for the position that the employee is transferred to;

36 (ii) Retirement, vacation, sick leave, and any other accrued
37 benefit;

38 (iii) Promotion and service time accrual; and

1 (iv) The length or terms of probationary periods, including no
2 requirement for an additional probationary period if one had been
3 completed before the transfer date.

4 (b) (a) of this subsection does not apply if upon transfer an
5 agreement for different terms of transfer is reached between the
6 collective bargaining representatives of the transferring employees and
7 the participating fire protection jurisdictions.

8 (3) If upon transfer, the transferring employee receives the
9 rights, benefits, and privileges established under subsection (2)(a)(i)
10 through (iv) of this section, those rights, benefits, and privileges
11 are subject to collective bargaining at the end of the current
12 bargaining period for the jurisdiction to which the employee has
13 transferred.

14 (4) Such bargaining must take into account the years of service the
15 transferring employee accumulated before the transfer and must be
16 treated as if those years of service occurred in the jurisdiction to
17 which the employee has transferred.

18 NEW SECTION. Sec. 5. A new section is added to chapter 35.13 RCW
19 to read as follows:

20 Upon the written request of a fire protection district, cities and
21 towns annexing territory under this chapter shall, prior to completing
22 the annexation, issue a report regarding the likely effects that the
23 annexation and any associated asset transfers may have upon the safety
24 of residents within and outside the proposed annexation area. The
25 report must address, but is not limited to, the provisions of fire
26 protection and emergency medical services within and outside of the
27 proposed annexation area. A fire protection district may only request
28 a report under this section when at least five percent of the assessed
29 valuation of the fire protection district will be annexed.

30 NEW SECTION. Sec. 6. A new section is added to chapter 35.13 RCW
31 to read as follows:

32 (1)(a) An annexation by a city or town that is proposing to annex
33 territory served by one or more fire protection districts may be
34 accomplished by ordinance after entering into an interlocal agreement
35 as provided in chapter 39.34 RCW with the county and the fire

1 protection district or districts that have jurisdiction over the
2 territory proposed for annexation.

3 (b) A city or town proposing to annex territory shall initiate the
4 interlocal agreement process by sending notice to the fire protection
5 district representative and county representative stating the city's or
6 town's interest to enter into an interlocal agreement negotiation
7 process. The parties have forty-five days to respond in the
8 affirmative or negative. A negative response must state the reasons
9 the parties do not wish to participate in an interlocal agreement
10 negotiation. A failure to respond within the forty-five day period is
11 deemed an affirmative response and the interlocal agreement negotiation
12 process may proceed. The interlocal agreement process may not proceed
13 if any negative responses are received within the forty-five day
14 period.

15 (c) The interlocal agreement must describe the boundaries of the
16 territory proposed for annexation and must be consistent with the
17 boundaries identified in an ordinance describing the boundaries of the
18 territory proposed for annexation and setting a date for a public
19 hearing on the ordinance. If the boundaries of the territory proposed
20 for annexation are agreed to by all parties, a notice of intention must
21 be filed with the boundary review board created under RCW 36.93.030.
22 However, the jurisdiction of the board may not be invoked as described
23 in RCW 36.93.100 for annexations that are the subject of such
24 agreement.

25 (2) An interlocal annexation agreement under this section must
26 include the following:

27 (a) A statement of the goals of the agreement. Goals must include,
28 but are not limited to:

29 (i) The transfer of revenues and assets between the fire protection
30 districts and the city or town;

31 (ii) A consideration and discussion of the impact to the level of
32 service of annexation on the unincorporated area, and an agreement that
33 the impact on the ability of fire protection and emergency medical
34 services within the incorporated area must not be negatively impacted
35 at least through the budget cycle in which the annexation occurs;

36 (iii) A discussion with fire protection districts regarding the
37 division of assets and its impact to citizens inside and outside the
38 newly annexed area;

1 (iv) Community involvement, including an agreed upon schedule of
2 public meetings in the area or areas proposed for annexation;

3 (v) Revenue sharing, if any;

4 (vi) Debt distribution;

5 (vii) Capital facilities obligations of the city, county, and fire
6 protection districts;

7 (viii) An overall schedule or plan on the timing of any annexations
8 covered under this agreement; and

9 (ix) A description of which of the annexing cities' development
10 regulations will apply and be enforced in the area.

11 (b) The subject areas and policies and procedures the parties agree
12 to undertake in annexations. Subject areas may include, but are not
13 limited to:

14 (i) Roads and traffic impact mitigation;

15 (ii) Surface and storm water management;

16 (iii) Coordination and timing of comprehensive plan and development
17 regulation updates;

18 (iv) Outstanding bonds and special or improvement district
19 assessments;

20 (v) Annexation procedures;

21 (vi) Distribution of debt and revenue sharing for annexation
22 proposals, code enforcement, and inspection services;

23 (vii) Financial and administrative services; and

24 (viii) Consultation with other service providers, including water-
25 sewer districts, if applicable.

26 (c) A term of at least five years, which may be extended by mutual
27 agreement of the city or town, the county, and the fire protection
28 district.

29 (3) If the fire protection district, annexing city or town, and
30 county reach an agreement on the enumerated goals, the annexation
31 ordinance may proceed and is not subject to referendum. If only the
32 annexing city or town and county reach an agreement on the enumerated
33 goals, the city or town and county may proceed with annexation under
34 the interlocal agreement, but the annexation ordinance provided for in
35 this section is subject to referendum for forty-five days after its
36 passage. Upon the filing of a timely and sufficient referendum
37 petition with the legislative body of the city or town, signed by
38 qualified electors in a number not less than ten percent of the votes

1 cast in the last general state election in the area to be annexed, the
2 question of annexation must be submitted to the voters of the area in
3 a general election if one is to be held within ninety days or at a
4 special election called for that purpose according to RCW 29A.04.330.
5 Notice of the election must be given as provided in RCW 35.13.080, and
6 the election must be conducted as provided in the general election laws
7 under Title 29A RCW. The annexation must be deemed approved by the
8 voters unless a majority of the votes cast on the proposition are in
9 opposition to the annexation.

10 After the expiration of the forty-fifth day from, but excluding,
11 the date of passage of the annexation ordinance, if a timely and
12 sufficient referendum petition has not been filed, the area annexed
13 becomes a part of the city or town upon the date fixed in the ordinance
14 of annexation.

15 (4) If any portion of a fire protection district is proposed for
16 annexation to or incorporation into a city or town, both the fire
17 protection district and the city or town shall inform the employees of
18 the fire protection district about hires, separations, terminations,
19 and any other changes in employment that are a direct consequence of
20 annexation or incorporation at the earliest reasonable opportunity.

21 (5) The needed employees shall be taken in order of seniority and
22 the remaining employees who transfer as provided in this section and
23 RCW 35.10.360 and 35.10.370 shall head the list for employment in the
24 civil service system in order of their seniority, to the end that they
25 shall be the first to be reemployed in the city or town fire department
26 when appropriate positions become available. Employees who are not
27 immediately hired by the city or town shall be placed on a reemployment
28 list for a period not to exceed thirty-six months unless a longer
29 period is authorized by an agreement reached between the collective
30 bargaining representatives of the employees of the annexing and annexed
31 fire agencies and the annexing and annexed fire agencies.

32 (6)(a) Upon transfer, an employee is entitled to the employee
33 rights, benefits, and privileges to which he or she would have been
34 entitled as an employee of the fire protection district, including
35 rights to:

36 (i) Compensation at least equal to the level of compensation at the
37 time of transfer, unless the employee's rank and duties have been
38 reduced as a result of the transfer. If the transferring employee is

1 placed in a position with reduced rank and duties, the employee's
2 compensation may be adjusted, but the adjustment may not result in a
3 decrease of greater than fifty percent of the difference between the
4 employee's compensation before the transfer and the compensation level
5 for the position that the employee is transferred to;

6 (ii) Retirement, vacation, sick leave, and any other accrued
7 benefit;

8 (iii) Promotion and service time accrual; and

9 (iv) The length or terms of probationary periods, including no
10 requirement for an additional probationary period if one had been
11 completed before the transfer date.

12 (b) (a) of this subsection does not apply if upon transfer an
13 agreement for different terms of transfer is reached between the
14 collective bargaining representatives of the transferring employees and
15 the participating fire protection jurisdictions.

16 (7) If upon transfer, the transferring employee receives the
17 rights, benefits, and privileges established under subsection (6)(a)(i)
18 through (iv) of this section, those rights, benefits, and privileges
19 are subject to collective bargaining at the end of the current
20 bargaining period for the jurisdiction to which the employee has
21 transferred.

22 (8) Such bargaining must take into account the years of service the
23 transferring employee accumulated before the transfer and must be
24 treated as if those years of service occurred in the jurisdiction to
25 which the employee has transferred.

26 NEW SECTION. **Sec. 7.** A new section is added to chapter 35.103 RCW
27 to read as follows:

28 Cities and towns conducting annexations of all or part of fire
29 protection districts shall, at least through the budget cycle, or the
30 following budget cycle if the annexation occurs in the last half of the
31 current budget cycle, in which the annexation occurs, maintain existing
32 fire protection and emergency services response times in the newly
33 annexed areas consistent with response times recorded prior to the
34 annexation as defined in the previous annual report for the fire
35 protection district and as reported in RCW 52.33.040. If the city or
36 town is unable to maintain these service levels in the newly annexed

1 area, the transfer of firefighters from the annexed fire protection
2 district as a direct result of the annexation must occur pursuant to
3 section 7(4) through (8) of this act.

4 NEW SECTION. **Sec. 8.** A new section is added to chapter 35A.14 RCW
5 to read as follows:

6 (1)(a) An annexation by a code city proposing to annex territory
7 served by one or more fire protection districts may be accomplished by
8 ordinance after entering into an interlocal agreement as provided in
9 chapter 39.34 RCW with the county and the fire protection district or
10 districts that have jurisdiction over the territory proposed for
11 annexation.

12 (b) A code city proposing to annex territory shall initiate the
13 interlocal agreement process by sending notice to the fire protection
14 district representative and county representative stating the code
15 city's interest to enter into an interlocal agreement negotiation
16 process. The parties have forty-five days to respond in the
17 affirmative or negative. A negative response must state the reasons
18 the parties do not wish to participate in an interlocal agreement
19 negotiation. A failure to respond within the forty-five day period is
20 deemed an affirmative response and the interlocal agreement negotiation
21 process may proceed. The interlocal agreement process may not proceed
22 if any negative responses are received within the forty-five day
23 period.

24 (c) The interlocal agreement must describe the boundaries of the
25 territory proposed for annexation and must be consistent with the
26 boundaries identified in an ordinance describing the boundaries of the
27 territory proposed for annexation and setting a date for a public
28 hearing on the ordinance. If the boundaries of the territory proposed
29 for annexation are agreed to by all parties, a notice of intention must
30 be filed with the boundary review board created under RCW 36.93.030.
31 However, the jurisdiction of the board may not be invoked as described
32 in RCW 36.93.100 for annexations that are the subject of such
33 agreement.

34 (2) An interlocal annexation agreement under this section must
35 include the following:

36 (a) A statement of the goals of the agreement. Goals must include,
37 but are not limited to:

- 1 (i) The transfer of revenues and assets between the fire protection
- 2 district and the code city;
- 3 (ii) A consideration and discussion of the impact to the level of
- 4 service of annexation on the unincorporated area, and an agreement that
- 5 the impact on the ability of fire protection and emergency medical
- 6 services within the incorporated area must not be negatively impacted
- 7 at least through the budget cycle in which the annexation occurs;
- 8 (iii) A discussion with fire protection districts regarding the
- 9 division of assets and its impact to citizens inside and outside the
- 10 newly annexed area;
- 11 (iv) Community involvement, including an agreed upon schedule of
- 12 public meetings in the area or areas proposed for annexation;
- 13 (v) Revenue sharing, if any;
- 14 (vi) Debt distribution;
- 15 (vii) Capital facilities obligations of the code city, county, and
- 16 fire protection districts;
- 17 (viii) An overall schedule or plan on the timing of any annexations
- 18 covered under this agreement; and
- 19 (ix) A description of which of the annexing code cities'
- 20 development regulations will apply and be enforced in the area.
- 21 (b) The subject areas and policies and procedures the parties agree
- 22 to undertake in annexations. Subject areas may include, but are not
- 23 limited to:
- 24 (i) Roads and traffic impact mitigation;
- 25 (ii) Surface and storm water management;
- 26 (iii) Coordination and timing of comprehensive plan and development
- 27 regulation updates;
- 28 (iv) Outstanding bonds and special or improvement district
- 29 assessments;
- 30 (v) Annexation procedures;
- 31 (vi) Distribution of debt and revenue sharing for annexation
- 32 proposals, code enforcement, and inspection services;
- 33 (vii) Financial and administrative services; and
- 34 (viii) Consultation with other service providers, including water-
- 35 sewer districts, if applicable.
- 36 (c) A term of at least five years, which may be extended by mutual
- 37 agreement of the code city, the county, and the fire protection
- 38 district.

1 (3) If the fire protection district, annexing code city, and county
2 reach an agreement on the enumerated goals, the annexation ordinance
3 may proceed and is not subject to referendum. If only the annexing
4 code city and county reach an agreement on the enumerated goals, the
5 code city and county may proceed with annexation under the interlocal
6 agreement, but the annexation ordinance provided for in this section is
7 subject to referendum for forty-five days after its passage. Upon the
8 filing of a timely and sufficient referendum petition with the
9 legislative body of the code city, signed by qualified electors in a
10 number not less than ten percent of the votes cast in the last general
11 state election in the area to be annexed, the question of annexation
12 must be submitted to the voters of the area in a general election if
13 one is to be held within ninety days or at a special election called
14 for that purpose according to RCW 29A.04.330. Notice of the election
15 must be given as provided in RCW 35A.14.070, and the election must be
16 conducted as provided in the general election laws under Title 29A RCW.
17 The annexation must be deemed approved by the voters unless a majority
18 of the votes cast on the proposition are in opposition to the
19 annexation.

20 After the expiration of the forty-fifth day from, but excluding,
21 the date of passage of the annexation ordinance, if a timely and
22 sufficient referendum petition has not been filed, the area annexed
23 becomes a part of the code city upon the date fixed in the ordinance of
24 annexation.

25 NEW SECTION. **Sec. 9.** A new section is added to chapter 35A.14 RCW
26 to read as follows:

27 (1) If any portion of a fire protection district is proposed for
28 annexation to or incorporation into a code city, both the fire
29 protection district and the code city shall inform the employees of the
30 fire protection district about hires, separations, terminations, and
31 any other changes in employment that are a direct consequence of
32 annexation or incorporation at the earliest reasonable opportunity.

33 (2) An eligible employee may transfer into the civil service system
34 of the code city fire department by filing a written request with the
35 code city civil service commission and by giving written notice of the
36 request to the board of commissioners of the fire protection district.
37 Upon receipt of the request by the civil service commission, the

1 transfer of employment must be made. The needed employees shall be
2 taken in order of seniority and the remaining employees who transfer as
3 provided in this section and RCW 35.10.360 and 35.10.370 shall head the
4 list for employment in the civil service system in order of their
5 seniority, to the end that they shall be the first to be reemployed in
6 the code city fire department when appropriate positions become
7 available. Employees who are not immediately hired by the code city
8 shall be placed on a reemployment list for a period not to exceed
9 thirty-six months unless a longer period is authorized by an agreement
10 reached between the collective bargaining representatives of the
11 employees of the annexing and annexed fire agencies and the annexing
12 and annexed fire agencies.

13 (3)(a) Upon transfer, an employee is entitled to the employee
14 rights, benefits, and privileges to which he or she would have been
15 entitled as an employee of the fire protection district, including
16 rights to:

17 (i) Compensation at least equal to the level of compensation at the
18 time of transfer, unless the employee's rank and duties have been
19 reduced as a result of the transfer. If the transferring employee is
20 placed in a position with reduced rank and duties, the employee's
21 compensation may be adjusted, but the adjustment may not result in a
22 decrease of greater than fifty percent of the difference between the
23 employee's compensation before the transfer and the compensation level
24 for the position that the employee is transferred to;

25 (ii) Retirement, vacation, sick leave, and any other accrued
26 benefit;

27 (iii) Promotion and service time accrual; and

28 (iv) The length or terms of probationary periods, including no
29 requirement for an additional probationary period if one had been
30 completed before the transfer date.

31 (b) (a) of this subsection does not apply if upon transfer an
32 agreement for different terms of transfer is reached between the
33 collective bargaining representatives of the transferring employees and
34 the participating fire protection jurisdictions.

35 (4) If upon transfer, the transferring employee receives the
36 rights, benefits, and privileges established under subsection (3)(a)(i)
37 through (iv) of this section, those rights, benefits, and privileges

1 are subject to collective bargaining at the end of the current
2 bargaining period for the jurisdiction to which the employee has
3 transferred.

4 (5) Such bargaining must take into account the years of service the
5 transferring employee accumulated before the transfer and must be
6 treated as if those years of service occurred in the jurisdiction to
7 which the employee has transferred.

8 NEW SECTION. **Sec. 10.** A new section is added to chapter 35A.14
9 RCW to read as follows:

10 Upon the written request of a fire protection district, code cities
11 annexing territory under this chapter shall, prior to completing the
12 annexation, issue a report regarding the likely effects that the
13 annexation and any associated asset transfers may have upon the safety
14 of residents within and outside the proposed annexation area. The
15 report must address, but is not limited to, the provisions of fire
16 protection and emergency medical services within and outside of the
17 proposed annexation area. A fire protection district may only request
18 a report under this section when at least five percent of the assessed
19 valuation of the fire protection district will be annexed.

20 NEW SECTION. **Sec. 11.** A new section is added to chapter 35A.92
21 RCW to read as follows:

22 Code cities conducting annexations of all or part of fire
23 protection districts shall, at least through the budget cycle, or the
24 following budget cycle if the annexation occurs in the last half of the
25 current budget cycle, in which the annexation occurs, maintain existing
26 fire protection and emergency services response times in the newly
27 annexed areas consistent with response times recorded prior to the
28 annexation as defined in the previous annual report for the fire
29 protection district and as reported in RCW 52.33.040. If the code city
30 is unable to maintain these service levels in the newly annexed area,
31 the transfer of firefighters from the annexed fire protection district
32 as a direct result of the annexation must occur as outlined in section
33 10 of this act.

34 NEW SECTION. **Sec. 12.** A new section is added to chapter 35.13 RCW
35 to read as follows:

1 (1) The legislative body of a city or town in a county planning
2 under RCW 36.70A.040 that has more than one million five hundred
3 thousand residents may resolve to annex territory to the city or town
4 if:

5 (a) The area subject to annexation is within the same county and
6 urban growth area as the city or town; and

7 (b) At least fifty-one percent of the boundaries of the area
8 subject to annexation are contiguous to the city or town.

9 (2) The resolution must describe the boundaries of the area to be
10 annexed, state the number of voters residing in the area as nearly as
11 may be, and set a date for a public hearing on the resolution for
12 annexation. Notice of the hearing must be given by publication of the
13 resolution at least once a week for two weeks before the date of the
14 hearing in one or more newspapers of general circulation within the
15 city or town and one or more newspapers of general circulation within
16 the area to be annexed.

17 (3) For purposes of subsection (1)(b) of this section, territory
18 bounded by a river, lake, or other body of water is considered
19 contiguous to a city or town that is also bounded by the same river,
20 lake, or other body of water. For purposes of determining contiguity
21 percentages under subsection (1)(b) of this section, the following
22 shall not be considered: The boundaries of areas proposed for
23 annexation that are coterminous with urban growth area boundaries; and
24 the boundaries of areas proposed for annexation that are coterminous
25 with a city or town that is not proposing annexation under this
26 section.

27 NEW SECTION. **Sec. 13.** A new section is added to chapter 35.13 RCW
28 to read as follows:

29 The annexation ordinance provided for in section 12 of this act is
30 subject to referendum for forty-five days after its passage. Upon the
31 filing of a timely and sufficient referendum petition with the
32 legislative body, signed by qualified electors in number equal to not
33 less than fifty percent of the votes cast in the last general state
34 election in the area to be annexed, the question of annexation must be
35 submitted to the voters of the area in a general election if one is to
36 be held within ninety days or at a special election called for that
37 purpose according to RCW 29A.04.330. Notice of the election must be

1 given as provided in RCW 35.13.080 and the election must be conducted
2 as provided in the general election law. The annexation must be deemed
3 approved by the voters unless two-thirds of the votes cast on the
4 proposition are in opposition thereto.

5 After the expiration of the forty-fifth day from, but excluding the
6 date of, passage of the annexation ordinance, if no timely and
7 sufficient referendum petition has been filed, the area annexed must
8 become a part of the city or town upon the date fixed in the ordinance
9 of annexation.

10 NEW SECTION. **Sec. 14.** A new section is added to chapter 35A.14
11 RCW to read as follows:

12 (1) The legislative body of a code city in a county planning under
13 RCW 36.70A.040 that has more than one million five hundred thousand
14 residents may resolve to annex territory to the city if:

15 (a) The area subject to annexation is within the same county and
16 urban growth area as the city; and

17 (b) At least fifty-one percent of the boundaries of the area
18 subject to annexation are contiguous to the city.

19 (2) The resolution must describe the boundaries of the area to be
20 annexed, state the number of voters residing in the area as nearly as
21 may be, and set a date for a public hearing on the resolution for
22 annexation. Notice of the hearing must be given by publication of the
23 resolution at least once a week for two weeks before the date of the
24 hearing in one or more newspapers of general circulation within the
25 city and one or more newspapers of general circulation within the area
26 to be annexed.

27 (3) For purposes of subsection (1)(b) of this section, territory
28 bounded by a river, lake, or other body of water is considered
29 contiguous to a city that is also bounded by the same river, lake, or
30 other body of water. For purposes of determining contiguity
31 percentages under subsection (1)(b) of this section, the following
32 shall not be considered: The boundaries of areas proposed for
33 annexation that are coterminous with urban growth area boundaries; and
34 the boundaries of areas proposed for annexation that are coterminous
35 with a city or town that is not proposing annexation under this
36 section.

1 NEW SECTION. **Sec. 15.** A new section is added to chapter 35A.14
2 RCW to read as follows:

3 The annexation ordinance provided for in section 14 of this act is
4 subject to referendum for forty-five days after its passage. Upon the
5 filing of a timely and sufficient referendum petition with the
6 legislative body, signed by qualified electors in number equal to not
7 less than fifty percent of the votes cast in the last general state
8 election in the area to be annexed, the question of annexation must be
9 submitted to the voters of the area in a general election if one is to
10 be held within ninety days or at a special election called for that
11 purpose according to RCW 29A.04.330. Notice of the election must be
12 given as provided in RCW 35.13.080 and the election must be conducted
13 as provided in the general election law. The annexation must be deemed
14 approved by the voters unless two-thirds of the votes cast on the
15 proposition are in opposition thereto.

16 After the expiration of the forty-fifth day from, but excluding the
17 date of, passage of the annexation ordinance, if no timely and
18 sufficient referendum petition has been filed, the area annexed must
19 become a part of the city or town upon the date fixed in the ordinance
20 of annexation.

21 NEW SECTION. **Sec. 16.** A new section is added to chapter 35.13 RCW
22 to read as follows:

23 The method of annexation provided for in sections 12 and 13 of this
24 act is an alternative method and is in addition to other methods of
25 annexation authorized under this chapter.

26 NEW SECTION. **Sec. 17.** A new section is added to chapter 35A.14
27 RCW to read as follows:

28 The method of annexation provided for in sections 14 and 15 of this
29 act is an alternative method and is in addition to other methods of
30 annexation authorized under this chapter.

31 **Sec. 18.** RCW 35.13.130 and 1990 c 33 s 566 are each amended to
32 read as follows:

33 (1) A petition for annexation of an area contiguous to a city or
34 town may be made in writing addressed to and filed with the legislative
35 body of the municipality to which annexation is desired. Except where

1 all the property sought to be annexed is property of a school district,
2 and the school directors thereof file the petition for annexation as in
3 RCW 28A.335.110 authorized, or as provided in subsection (4) of this
4 section, the petition must be signed by the owners of not less than
5 (~~seventy-five~~) sixty percent in value according to the assessed
6 valuation for general taxation of the property for which annexation is
7 petitioned: PROVIDED, That in cities and towns with populations
8 greater than one hundred sixty thousand located east of the Cascade
9 mountains, the owner of tax exempt property may sign an annexation
10 petition and have the tax exempt property annexed into the city or
11 town, but the value of the tax exempt property shall not be used in
12 calculating the sufficiency of the required property owner signatures
13 unless only tax exempt property is proposed to be annexed into the city
14 or town.

15 (2) The petition shall set forth a description of the property
16 according to government legal subdivisions or legal plats which is in
17 compliance with RCW 35.02.170, and shall be accompanied by a plat which
18 outlines the boundaries of the property sought to be annexed.

19 (3) If the legislative body has required the assumption of all or
20 of any portion of city or town indebtedness by the area annexed, and/or
21 the adoption of a comprehensive plan for the area to be annexed, these
22 facts, together with a quotation of the minute entry of such
23 requirement or requirements shall be set forth in the petition.

24 (4) A petition for annexation under this section in a county with
25 more than one million five hundred thousand residents must be signed by
26 the owners of not less than fifty-one percent in value, according to
27 the assessed valuation for general taxation of the property for which
28 annexation is petitioned.

29 **Sec. 19.** RCW 35A.14.120 and 1989 c 351 s 6 are each amended to
30 read as follows:

31 (1) Proceedings for initiating annexation of unincorporated
32 territory to a charter code city or noncharter code city may be
33 commenced by the filing of a petition of property owners of the
34 territory proposed to be annexed, in the following manner. This method
35 of annexation shall be alternative to other methods provided in this
36 chapter. Prior to the circulation of a petition for annexation, the
37 initiating party or parties, who shall be the owners of not less than

1 ten percent in value, according to the assessed valuation for general
2 taxation of the property for which annexation is sought, shall notify
3 the legislative body of the code city in writing of their intention to
4 commence annexation proceedings.

5 (2) The legislative body shall set a date, not later than sixty
6 days after the filing of the request, for a meeting with the initiating
7 parties to determine whether the code city will accept, reject, or
8 geographically modify the proposed annexation, whether it shall require
9 the simultaneous adoption of a proposed zoning regulation, if such a
10 proposal has been prepared and filed for the area to be annexed as
11 provided for in RCW 35A.14.330 and 35A.14.340, and whether it shall
12 require the assumption of all or of any portion of existing city
13 indebtedness by the area to be annexed. If the legislative body
14 requires the assumption of all or of any portion of indebtedness and/or
15 the adoption of a proposed zoning regulation, it shall record this
16 action in its minutes and the petition for annexation shall be so drawn
17 as to clearly indicate these facts. Approval by the legislative body
18 shall be a condition precedent to circulation of the petition. There
19 shall be no appeal from the decision of the legislative body.

20 (3) A petition for annexation of an area contiguous to a code city
21 may be filed with the legislative body of the municipality to which
22 annexation is desired. (~~(1)~~) Except as provided otherwise by this
23 section, the petition for annexation must be signed by the owners, as
24 defined by RCW 35A.01.040(9) (a) through (d), of not less than sixty
25 percent in value, according to the assessed valuation for general
26 taxation of the property for which annexation is petitioned: PROVIDED,
27 That a petition for annexation of an area having at least eighty
28 percent of the boundaries of such area contiguous with a portion of the
29 boundaries of the code city, not including that portion of the boundary
30 of the area proposed to be annexed that is coterminous with a portion
31 of the boundary between two counties in this state, need be signed by
32 only the owners of not less than fifty percent in value according to
33 the assessed valuation for general taxation of the property for which
34 the annexation is petitioned. Such petition shall set forth a
35 description of the property according to government legal subdivisions
36 or legal plats and shall be accompanied by a map which outlines the
37 boundaries of the property sought to be annexed.

1 (4) If the legislative body has required the assumption of all or
2 any portion of city indebtedness by the area annexed or the adoption of
3 a proposed zoning regulation, these facts, together with a quotation of
4 the minute entry of such requirement, or requirements, shall also be
5 set forth in the petition.

6 (5) A petition for annexation under this section in a county with
7 more than one million five hundred thousand residents must be signed by
8 the owners of not less than fifty-one percent in value, according to
9 the assessed valuation for general taxation of the property for which
10 annexation is petitioned.

--- END ---