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## Local Government Committee

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### SB 5143

**Brief Description:** Addressing the annexation of unincorporated areas served by fire protection districts.

**Sponsors:** Senators McAuliffe and Shin.

<p style="text-align: center;"><b>Brief Summary of Bill</b></p> <ul style="list-style-type: none"><li>• Provides that an annexation by a city or code city of territory served by one or more fire protection districts is not subject to review by a boundary review board, if the annexation is achieved using the interlocal agreement process.</li></ul>
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**Hearing Date:** 3/11/11

**Staff:** Heather Emery (786-7136).

**Background:**

Fire Protection Districts.

Fire protection districts are created to provide fire prevention, fire suppression and emergency medical services within a district's boundaries. Fire protection districts are governed by a board of commissioners consisting of either three or five members. The districts finance their activities and facilities by imposing regular property taxes, excess voter-approved property tax levies, and benefit charges.

Current law authorizes multiple methods for municipal annexations, including annexations by direct petition, direct legislative action, or interlocal agreement. While code and non-code cities and towns have separate statutory requirements for governance and operation, the annexation methods employed are generally similar.

An annexation by a city of territory served by a fire protection district may be achieved by ordinance after the city, the county and the fire protection district enter into an interlocal agreement (agreement), which must include a description of the boundaries of the territory

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proposed for annexation and a statement of the agreement's goals. If all parties to the annexation agree to the the boundaries of the territory proposed, a notice of intention must be filed with the boundary review board (board). However, the board's jurisdiction may not be invoked for annexations that are subject to such an agreement.

#### Interlocal Cooperation Act.

Under the Interlocal Cooperation Act (ICA), chapter 39.34 RCW, "public agencies," including cities and counties, are granted broad authority to engage in joint or cooperative actions that may include the consolidation or merger of a broad range of functions and/or structures. The ICA specifically states that: (1) "Any power or powers, privileges or authority exercised or capable of exercise by a public agency of this state may be exercised and enjoyed jointly with any other public agency of this state having the power or powers, privilege or authority..."; and that (2) "Any two or more public agencies may enter into agreements with one another for joint or cooperative action pursuant to the provisions of this chapter..." Accordingly, the ICA is often utilized by cities and counties to engage in cooperative activities and agreements with respect to law enforcement, fire protection, public utility administration, etc.

The ICA defines "public agency" to include any agency, political subdivision, or unit of local government. The term includes municipal corporations, counties, special purpose districts, local service districts, state agencies, federal agencies, recognized Indian tribes, as well as other states' political subdivisions.

#### Boundary Review Boards.

Boards are authorized in statute to guide and control the creation and growth of municipalities in metropolitan areas. While statute provides for the establishment of boards in counties with at least 210,000 residents, a board may be created and established in any other county. Board members are appointed by the Governor and local government officials from within the applicable county.

Upon receiving a timely and sufficient request for review, and following an invocation of it's jurisdiction, a board must review and approve, disapprove, or modify proposed actions, including actions pertaining to the creation, incorporation, or change in the boundary of any city, town, or special purpose district. Invocation of a board's jurisdiction may be accomplished by:

- the filing of a request by a specified number of members of the board;
- the filing of a request by any governmental unit affected by the specific action;
- the filing of a request by five percent of registered voters residing in the area;
- the filing of a request by an owner or owners of property consisting of five percent of the assessed valuation within such area; or
- the concurrence by a majority of members of the Board with a request filed by five percent of the voters who deem themselves affected by the action and live within one-quarter mile of the proposed action.

In reaching decisions on proposed actions, boards must satisfy public hearing requirements and must attempt to achieve objectives prescribed in statute, including the preservation of natural neighborhoods and communities, and the use of physical boundaries. Generally, decisions on proposed actions must be made within 120 days of the board receiving a valid request for review.

#### **Summary of Bill:**

An annexation by a city or code city of territory served by one or more fire protection districts is not subject to review by a boundary review board, if the annexation is achieved using the interlocal agreement process.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.