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**SUBSTITUTE SENATE BILL 5138**

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**State of Washington 65th Legislature 2017 Regular Session**

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

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

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

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

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

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

(3) As an alternative to the method provided under subsection (2) of this section, the ballot proposition ((~~shall~~)) must be submitted if a petition proposing creation of a metropolitan park district is submitted to the county auditor of each county in which all or a portion of the proposed district is located that is signed by at least fifteen percent of the registered voters residing in the area to be included within the proposed district. Where the petition is for creation of a district in more than one county, the petition ((~~shall~~)) must be filed with the county auditor of the county having the greater area of the proposed district, and a copy filed with each other county auditor of the other counties covering the proposed district.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(4) The board ((~~shall~~)) must include in its general tax levy for each year a sufficient sum to pay the interest on all outstanding bonds and may include a sufficient amount to create a sinking fund for the redemption of all outstanding bonds. The levy ((~~shall~~)) must be certified to the proper county officials for collection the same as other general taxes and, for any metropolitan park district for which the county treasurer serves as the ex officio treasurer, when collected, the general tax ((~~shall~~)) must be placed in a separate fund in the office of the county treasurer to be known as the "metropolitan park district fund" and disbursed under RCW 36.29.010(1) and 39.58.750.

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

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

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

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

((~~(2)~~)) (4) Counties, cities, and other municipal corporations, including but not limited to park and recreation districts operating under chapter 36.69 RCW, may ((~~transfer to the metropolitan park district~~)) enter into agreements with metropolitan park districts to transfer to one another, with or without consideration therefor, any lands, facilities, equipment, other interests in real or personal property, or interests under contracts, leases, or similar agreements. The board of metropolitan park commissioners may accept and may make, for metropolitan park district purposes, such transfers of lands, facilities, equipment, other interests in real or personal property, and interests under contracts, leases, or similar agreements.

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

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

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

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

(2) A metropolitan park district may designate someone other than the county treasurer who has experience in financial or fiscal affairs to act as the district treasurer if the board has received the approval of the county treasurer to designate this person; or if the district boundaries are coterminous with the boundaries of a city, the city may act as the district treasurer. If the board designates someone other than ((~~the~~)) a county or city treasurer to act as the district treasurer, the board ((~~shall~~)) must purchase a bond from a surety company operating in the state that is sufficient to protect the district from loss.

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