
SUBSTITUTE SENATE BILL 5038

State of Washington

53rd Legislature

1994 Regular Session

By Senate Committee on Government Operations (originally sponsored by Senators Haugen and Winsley)

Read first time 02/04/94.

1 AN ACT Relating to local government service agreements; adding a
2 new chapter to Title 36 RCW; adding a new section to chapter 46.68 RCW;
3 adding a new section to chapter 66.08 RCW; adding new sections to
4 chapter 82.14 RCW; and adding a new section to chapter 82.44 RCW.

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

6 NEW SECTION. **Sec. 1.** The purpose of chapter . . ., Laws of 1994
7 (this act) is to establish a flexible process by which local
8 governments enter into service agreements that will establish which
9 jurisdictions should provide various local government services and
10 facilities within specified geographic areas and how those services and
11 facilities will be financed.

12 NEW SECTION. **Sec. 2.** Unless the context clearly requires
13 otherwise, the definitions in this section apply throughout this
14 chapter.

15 (1) "City" means a city or town, including a city operating under
16 Title 35A RCW.

17 (2) "Governmental service" includes a service provided by local
18 government, and any facilities and equipment related to the provision

1 of such services, including but not limited to utility services, health
2 services, social services, law enforcement services, fire prevention
3 and suppression services, community development activities,
4 environmental protection activities, economic development activities,
5 and transportation services and facilities, but shall not include the
6 generation, conservation, or distribution of electrical energy nor
7 maritime shipping activities.

8 (3) "Regional service" means a governmental service established by
9 agreement among local governments that delineates the government entity
10 or entities responsible for the service provision and allows for that
11 delivery to extend over jurisdictional boundaries.

12 (4) "Local government" means a county, city, or special district.

13 (5) "Service agreement" means an agreement among counties, cities,
14 and special districts established pursuant to this chapter.

15 (6) "Special district" means a municipal or quasi-municipal
16 corporation in the state, other than a county, city, or school
17 district.

18 NEW SECTION. **Sec. 3.** (1) Agreements among local governments
19 concerning one or more governmental service shall be established for a
20 designated geographic area as provided in this section.

21 (2) A service agreement must describe: (a) The governmental
22 service or services addressed by the agreement; (b) the geographic area
23 covered by the agreement; (c) which local government or local
24 governments are to provide each of the governmental services addressed
25 by the agreement within the geographic area covered by the agreement;
26 and (d) the term of the agreement, if any.

27 (3) A service agreement becomes effective when approved by: (a)
28 The county legislative authority of each county that includes territory
29 located within the geographic area covered by the agreement; (b) the
30 governing body or bodies of at least a simple majority of the total
31 number of cities that includes territory located within the geographic
32 area covered by the agreement, which cities include at least seventy-
33 five percent of the total population of all cities that includes
34 territory located within the geographic area covered by the agreement;
35 and (c) for each governmental service addressed by the agreement, the
36 governing body or bodies of at least a simple majority of the special
37 districts that include territory located within the geographic area
38 covered by the agreement and which provide the governmental service

1 within such territory. The participants may agree to use another
2 formula. An agreement pursuant to this section shall be effective upon
3 adoption by the county legislative authority following a public
4 hearing.

5 (4) A service agreement may cover a geographic area that includes
6 territory located in more than a single county.

7 NEW SECTION. **Sec. 4.** A service agreement may include, but is not
8 limited to, any or all of the following matters:

9 (1) A dispute resolution arrangement;

10 (2) How joint land-use planning and development regulations by the
11 county and a city or cities, or by two or more cities, may be
12 established, made binding, and enforced;

13 (3) How common development standards between the county and a city
14 or cities, or between two or more cities, may be established, made
15 binding, and enforced;

16 (4) How capital improvement plans of the county, cities, and
17 special districts shall be coordinated;

18 (5) How plans and policies adopted under chapter 36.70A RCW will be
19 implemented by the service agreement;

20 (6) A transfer of revenues between local governments in
21 relationship to their obligations for providing governmental services;

22 (7) The designation of additional area-wide governmental services
23 to be provided by the county.

24 NEW SECTION. **Sec. 5.** (1) The county legislative authority of
25 every county with a population of one hundred fifty thousand or more
26 shall convene a meeting on or before March 1, 1995, to develop a
27 process for the establishment of service agreements. Invitations to
28 attend this meeting shall be sent to the governing body of each city
29 located in the county, and to the governing body of each special
30 district located in the county that provides one or more of the
31 governmental services as defined in section 2(2) of this act.

32 The legislative authorities of counties of less than one hundred
33 fifty thousand population may utilize this chapter by adopting a
34 resolution stating their intent to do so. In that case or in the case
35 of counties whose populations reach one hundred fifty thousand after
36 March 1, 1995, this meeting shall be convened no later than sixty days
37 after the date the county adopts its resolution of intention or was

1 certified by the office of financial management as having a population
2 of one hundred fifty thousand or more.

3 (2) On or before January 1, 1997, a service agreement must be
4 adopted in each county under this chapter or a progress report must be
5 submitted to the appropriate committees of the legislature.

6 (3) In other counties that choose to utilize this chapter or whose
7 population reaches one hundred fifty thousand, the service agreement
8 must be adopted two years after the initial meeting provided for in
9 subsection (1) of this section is convened or a progress report must be
10 submitted to the appropriate committees of the legislature.

11 NEW SECTION. **Sec. 6.** It is the intent of the legislature to
12 permit the creation of a flexible process to establish service
13 agreements and to recognize that local governments possess broad
14 authority to shape a variety of government service agreements to meet
15 their local needs and circumstances. However, it is noted that in
16 general, cities are the unit of local government most appropriate to
17 provide urban governmental services and counties are the unit of local
18 government most appropriate to provide regional governmental services.

19 The process to establish service agreements should assure that all
20 directly affected local governments, and Indian tribes at their option,
21 are allowed to be heard on issues relevant to them.

22 NEW SECTION. **Sec. 7.** Nothing contained in this chapter alters the
23 duties, requirements, and authorities of cities and counties contained
24 in chapter 36.70A RCW.

25 NEW SECTION. **Sec. 8.** A new section is added to chapter 46.68 RCW
26 to read as follows:

27 Funds that are distributed to counties, cities, or towns pursuant
28 to this chapter may be transferred by the recipient county, city, or
29 town to another unit of local government pursuant to a government
30 service agreement as provided in sections 3 and 4 of this act.

31 NEW SECTION. **Sec. 9.** A new section is added to chapter 66.08 RCW
32 to read as follows:

33 Funds that are distributed to counties, cities, or towns pursuant
34 to this chapter may be transferred by the recipient county, city, or

1 town to another unit of government pursuant to a government service
2 agreement as provided in sections 3 and 4 of this act.

3 NEW SECTION. **Sec. 10.** A new section is added to chapter 82.14 RCW
4 to read as follows:

5 The rate of sales and use tax imposed by a city under RCW 82.14.030
6 (1) and (2) may be altered pursuant to a government service agreement
7 as provided in sections 3 and 4 of this act.

8 NEW SECTION. **Sec. 11.** A new section is added to chapter 82.14 RCW
9 to read as follows:

10 The percentage of a city's sales and use tax receipts that a county
11 receives under RCW 82.14.030 (1) and (2) may be altered pursuant to a
12 government service agreement as provided in sections 3 and 4 of this
13 act.

14 NEW SECTION. **Sec. 12.** A new section is added to chapter 82.14 RCW
15 to read as follows:

16 Funds that are distributed to counties or cities pursuant to RCW
17 82.14.200 or 82.14.210 may be transferred by the recipient county or
18 city to another unit of local government pursuant to a government
19 service agreement as provided in sections 3 and 4 of this act.

20 NEW SECTION. **Sec. 13.** A new section is added to chapter 82.44 RCW
21 to read as follows:

22 Funds that are distributed to cities or towns pursuant to RCW
23 82.44.150 may be transferred by the recipient city or town to another
24 unit of local government pursuant to a government service agreement as
25 provided in sections 3 and 4 of this act.

26 NEW SECTION. **Sec. 14.** Sections 1 through 7 of this act shall
27 constitute a new chapter in Title 36 RCW.

--- END ---