

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5038

Chapter 266, Laws of 1994

53rd Legislature
1994 Regular Session

LOCAL GOVERNMENT SERVICE AGREEMENTS

EFFECTIVE DATE: 6/9/94 - Except Section 15 which takes effect
1/1/95

Passed by the Senate March 5, 1994
YEAS 45 NAYS 0

JOEL PRITCHARD

President of the Senate

Passed by the House March 3, 1994
YEAS 84 NAYS 14

BRIAN EBERSOLE

**Speaker of the
House of Representatives**

Approved April 1, 1994

MIKE LOWRY

Governor of the State of Washington

CERTIFICATE

I, Marty Brown, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5038** as passed by the Senate and the House of Representatives on the dates hereon set forth.

MARTY BROWN

Secretary

FILED

April 1, 1994 - 2:14 p.m.

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5038

AS AMENDED BY THE HOUSE

Passed Legislature - 1994 Regular Session

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; amending
2 RCW 3.62.070; adding a new chapter to Title 36 RCW; adding a new
3 section to chapter 46.68 RCW; adding a new section to chapter 66.08
4 RCW; adding new sections to chapter 82.14 RCW; adding a new section to
5 chapter 82.44 RCW; and providing an effective date.

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

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

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

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

1 (2) "Governmental service" includes a service provided by local
2 government, and any facilities and equipment related to the provision
3 of such services, including but not limited to utility services, health
4 services, social services, law enforcement services, fire prevention
5 and suppression services, community development activities,
6 environmental protection activities, economic development activities,
7 and transportation services and facilities, but shall not include the
8 generation, conservation, or distribution of electrical energy nor
9 maritime shipping activities.

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

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

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

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

20 NEW SECTION. **Sec. 3.** A service agreement addressing children and
21 family services shall enhance coordination and shall be consistent with
22 the comprehensive plan developed under chapter . . . , Laws of 1994
23 (Engrossed Second Substitute House Bill No. 2319 or Second Substitute
24 Senate Bill No. 6174).

25 NEW SECTION. **Sec. 4.** (1) Agreements among local governments
26 concerning one or more governmental service should be established for
27 a designated geographic area as provided in this section.

28 (2) A service agreement must describe: (a) The governmental
29 service or services addressed by the agreement; (b) the geographic area
30 covered by the agreement; (c) which local government or local
31 governments are to provide each of the governmental services addressed
32 by the agreement within the geographic area covered by the agreement;
33 and (d) the term of the agreement, if any.

34 (3) A service agreement becomes effective when approved by: (a)
35 The county legislative authority of each county that includes territory
36 located within the geographic area covered by the agreement; (b) the
37 governing body or bodies of at least a simple majority of the total

1 number of cities that includes territory located within the geographic
2 area covered by the agreement, which cities include at least seventy-
3 five percent of the total population of all cities that includes
4 territory located within the geographic area covered by the agreement;
5 and (c) for each governmental service addressed by the agreement, the
6 governing body or bodies of at least a simple majority of the special
7 districts that include territory located within the geographic area
8 covered by the agreement and which provide the governmental service
9 within such territory. The participants may agree to use another
10 formula. An agreement pursuant to this section shall be effective upon
11 adoption by the county legislative authority following a public
12 hearing.

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

15 NEW SECTION. **Sec. 5.** A service agreement may include, but is not
16 limited to, any or all of the following matters:

17 (1) A dispute resolution arrangement;

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

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

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

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

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

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

32 NEW SECTION. **Sec. 6.** (1) The county legislative authority of
33 every county with a population of one hundred fifty thousand or more
34 shall convene a meeting on or before March 1, 1995, to develop a
35 process for the establishment of service agreements. Invitations to
36 attend this meeting shall be sent to the governing body of each city
37 located in the county, and to the governing body of each special

1 district located in the county that provides one or more of the
2 governmental services as defined in section 2(2) of this act.

3 The legislative authorities of counties of less than one hundred
4 fifty thousand population may utilize this chapter by adopting a
5 resolution stating their intent to do so. In that case or in the case
6 of counties whose populations reach one hundred fifty thousand after
7 March 1, 1995, this meeting shall be convened no later than sixty days
8 after the date the county adopts its resolution of intention or was
9 certified by the office of financial management as having a population
10 of one hundred fifty thousand or more.

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

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

19 NEW SECTION. **Sec. 7.** It is the intent of the legislature to
20 permit the creation of a flexible process to establish service
21 agreements and to recognize that local governments possess broad
22 authority to shape a variety of government service agreements to meet
23 their local needs and circumstances. However, it is noted that in
24 general, cities are the unit of local government most appropriate to
25 provide urban governmental services and counties are the unit of local
26 government most appropriate to provide regional governmental services.

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

30 NEW SECTION. **Sec. 8.** Nothing contained in this chapter alters the
31 duties, requirements, and authorities of cities and counties contained
32 in chapter 36.70A RCW.

33 NEW SECTION. **Sec. 9.** A new section is added to chapter 46.68 RCW
34 to read as follows:

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

1 town to another unit of local government pursuant to a government
2 service agreement as provided in sections 4 and 5 of this act.

3 NEW SECTION. **Sec. 10.** A new section is added to chapter 66.08 RCW
4 to read as follows:

5 Funds that are distributed to counties, cities, or towns pursuant
6 to this chapter may be transferred by the recipient county, city, or
7 town to another unit of government pursuant to a government service
8 agreement as provided in sections 4 and 5 of this act.

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

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

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

16 The percentage of a city's sales and use tax receipts that a county
17 receives under RCW 82.14.030 (1) and (2) may be altered pursuant to a
18 government service agreement as provided in sections 4 and 5 of this
19 act.

20 NEW SECTION. **Sec. 13.** A new section is added to chapter 82.14 RCW
21 to read as follows:

22 Funds that are distributed to counties or cities pursuant to RCW
23 82.14.200 or 82.14.210 may be transferred by the recipient county or
24 city to another unit of local government pursuant to a government
25 service agreement as provided in sections 4 and 5 of this act.

26 NEW SECTION. **Sec. 14.** A new section is added to chapter 82.44 RCW
27 to read as follows:

28 Funds that are distributed to cities or towns pursuant to RCW
29 82.44.150 may be transferred by the recipient city or town to another
30 unit of local government pursuant to a government service agreement as
31 provided in sections 4 and 5 of this act.

32 **Sec. 15.** RCW 3.62.070 and 1993 c 317 s 8 are each amended to read
33 as follows:

1 Except in traffic cases wherein bail is forfeited or a monetary
2 penalty paid to a violations bureau, and except in cases filed in
3 municipal departments established pursuant to chapter 3.46 RCW and
4 except in cases where a city has contracted with another city for such
5 services pursuant to chapter 39.34 RCW, in every criminal or traffic
6 infraction action filed by a city for an ordinance violation, the city
7 shall be charged a filing fee. Fees shall be determined pursuant to an
8 agreement as provided for in chapter 39.34 RCW, the interlocal
9 cooperation act, between the city and the county providing the court
10 service. In such criminal or traffic infraction actions the cost of
11 providing services necessary for the preparation and presentation of a
12 defense at public expense are not within the filing fee and shall be
13 paid by the city. In all other criminal or traffic infraction actions,
14 no filing fee shall be assessed or collected: PROVIDED, That in such
15 cases, for the purposes of RCW 3.62.010, four dollars or the agreed
16 filing fee of each fine or penalty, whichever is greater, shall be
17 deemed filing costs.

18 ~~((If, one hundred twenty days before the expiration of an existing~~
19 ~~contract under this section, the city and the county are unable to~~
20 ~~agree on terms for renewal, the matter shall be submitted to binding~~
21 ~~arbitration.)) In the event no agreement is reached between a city and
22 the county providing the court service, either party may invoke binding
23 arbitration on the fee issue by notice to the other party. In the case
24 of establishing initial fees, the notice shall be thirty days. In the
25 case of renewal or proposed nonrenewal, the notice shall be given one
26 hundred twenty days prior to the expiration of the existing contract.
27 In the event that such issue is submitted to arbitration, the
28 arbitrator or arbitrators shall only consider those additional costs
29 borne by the county in providing district court services for such city.
30 The city and the county shall each select one arbitrator, the two of
31 whom shall pick a third arbitrator. The existing contract shall remain
32 in effect until a new agreement is reached or until an arbitration
33 award is made.~~

34 NEW SECTION. Sec. 16. Section 15 of this act shall take effect
35 January 1, 1995.

36 NEW SECTION. Sec. 17. Sections 1 through 8 of this act shall
37 constitute a new chapter in Title 36 RCW.

Passed the Senate March 5, 1994.

Passed the House March 3, 1994.

Approved by the Governor April 1, 1994.

Filed in Office of Secretary of State April 1, 1994.