

2 **SHB 1189** - S AMD **S2700.3** - 357

3 By Senators Kohl-Wells, Kline, Hale, Long, Gardner and Patterson

4 ADOPTED AS AMENDED (FLR 396,398,399,402) - BILL FAILED 4/14/99

5 Strike everything after the enacting clause and insert the
6 following:

7 "NEW SECTION. **Sec. 1.** A new section is added to chapter 35.61 RCW
8 to read as follows:

9 The definitions in this section apply throughout this chapter,
10 unless the context clearly requires otherwise.

11 (1) "City" means both cities and towns, including code cities.

12 (2) "Ex officio board of park commissioners" means the board of
13 park commissioners of a metropolitan park district, only including a
14 city with a population of five hundred thousand or more within its
15 boundaries, that is composed of only the members of a city legislative
16 authority (including the elected mayor, if any, acting in the mayor's
17 ordinary legislative capacity) acting ex officio and independently as
18 provided under RCW 35.61.050(2).

19 (3) "Separately elected board of park commissioners" means a board
20 of park commissioners of a metropolitan park district that is composed
21 of five separately elected commissioners as provided under RCW
22 35.61.050(1) and 35.61.120(1).

23 (4) "Land or lands" refers to land, water, or air, or any of the
24 rights therein or improvements thereon.

25 **Sec. 2.** RCW 35.61.020 and 1965 c 7 s 35.61.020 are each amended to
26 read as follows:

27 (1) A ballot proposition authorizing the creation of a metropolitan
28 park district shall be submitted by ordinance to the voters of a city
29 with a population of at least five thousand at any general election, or
30 at any special election which may be called for that purpose, ((or at
31 any city election held in the city in all of the various voting
32 precincts thereof, the city council or commission may,)) if the
33 legislative authority of the city enacts such an ordinance after
34 adopting a resolution proposing creation of a metropolitan park
35 district or ((or)) if a petition ((of)) proposing creation of a

1 metropolitan park district is submitted to the county auditor that has
2 been signed by at least fifteen percent of the ((qualified electors of
3 the)) registered voters residing in the city ((based upon the
4 registration for the last preceding general city election, shall by
5 ordinance, submit to the voters of the city the proposition of creating
6 a metropolitan park district, the limits of which shall be)).

7 (2) If city voters approve the ballot proposition by a simple
8 majority vote, a metropolitan park district shall be created that is
9 coextensive with the limits of the city as now or hereafter
10 established, inclusive of territory annexed to and forming a part of
11 the city.

12 (3) Territory by virtue of its annexation to any city having
13 heretofore created a park district shall be deemed to be ((within the
14 limits of)) annexed to the metropolitan park district.

15 ((The city council or commission shall submit the proposition at a
16 special election to be called therefor when the petition so requests.))

17 **Sec. 3.** RCW 35.61.030 and 1985 c 469 s 32 are each amended to read
18 as follows:

19 ((In submitting the question to the voters for their approval or
20 rejection, the city council or commission shall pass an ordinance
21 declaring its intention to submit the proposition of creating a
22 metropolitan park district to the qualified voters of the city. The
23 ordinance shall be published once a week for two consecutive weeks in
24 the official newspaper of the city, and the city council or commission
25 shall cause to be placed upon the ballot for the election, at the
26 proper place, the)) (1) The ballot proposition authorizing the creation
27 of a metropolitan park district that is submitted to voters for their
28 approval or rejection shall appear on the ballot of the next general
29 election date specified under RCW 29.13.020 occurring sixty or more
30 days after the adoption of the last resolution proposing the creation
31 of the park district, or the date the county auditor certifies that the
32 petition proposing the creation of the park district contains
33 sufficient valid signatures.

34 (2) The legislative authority of a city placing on the ballot a
35 proposition ((which)) authorizing the creation of a metropolitan park
36 district shall ((be expressed in)), in the ordinance submitting the
37 question to the voters, choose and describe the composition of the

1 initial metropolitan park district commission that is proposed under
2 RCW 35.61.050. The proposition shall include the following terms:

3 1 "For the formation of a metropolitan park district."

4 1 "Against the formation of a metropolitan park district."

5 (3) No earlier than at the next special election occurring at least
6 ninety days after the election resulting in the creation of the
7 district under RCW 35.61.050(2), there shall be placed before the
8 voters by the legislative authority a second, separate ballot
9 proposition authorizing the property tax levy for the metropolitan park
10 district. The property tax is authorized only if a majority of at
11 least three-fifths of the registered voters approve the proposition
12 authorizing the levy submitted at a general or special election, at
13 which election the number of persons voting "yes" on the proposition
14 shall constitute three-fifths of a number equal to forty percent of the
15 total number of voters voting in such taxing district at the last
16 preceding general election when the number of registered voters voting
17 on the proposition does not exceed forty percent of the total number of
18 voters voting in such taxing district in the last preceding general
19 election. Included in this ballot proposition shall be the statement
20 that (a) the revenues from the property tax may only be used to fund a
21 zoo; and (b) a stipulation that the city will maintain at least its
22 current funding for its zoo which may be measured by a set dollar
23 amount, a dollar amount to be adjusted by the consumer price index, or
24 a percentage of the general fund.

25 **Sec. 4.** RCW 35.61.050 and 1994 c 223 s 23 are each amended to read
26 as follows:

27 (1) Except as provided under subsection (2) of this section, five
28 park commissioners shall be elected at large as the initial members of
29 the board of park commissioners for the metropolitan park district at
30 the same election at which the ballot proposition is submitted to the
31 voters as to whether a metropolitan park district is to be formed(~~(,~~
32 ~~five park commissioners shall be elected)~~). The election of
33 metropolitan park commissioners shall be null and void if the
34 metropolitan park district is not created. Candidates shall run for
35 specific commission positions. ((No)) A primary shall not be held to
36 nominate candidates. The person receiving the greatest number of votes
37 for each position shall be elected as a metropolitan park commissioner.
38 The staggering of the terms of office shall occur as follows: ((+1))

1 (a) The two persons who are elected receiving the two greatest numbers
2 of votes shall be elected to six-year terms of office if the election
3 is held in an odd-numbered year or five-year terms of office if the
4 election is held in an even-numbered year; (~~((+2))~~) (b) the two persons
5 who are elected receiving the next two greatest numbers of votes shall
6 be elected to four-year terms of office if the election is held in an
7 odd-numbered year or three-year terms of office if the election is held
8 in an even-numbered year; and (~~((+3))~~) (c) the other person who is
9 elected shall be elected to a two-year term of office if the election
10 is held in an odd-numbered year or a one-year term of office if the
11 election is held in an even-numbered year.

12 The initial metropolitan park commissioners shall take office
13 immediately when they are elected and qualified, and for purposes of
14 computing their terms of office the terms shall be assumed to commence
15 on the first day of January in the year after they are elected.
16 Thereafter, all commissioners shall be elected to six-year terms of
17 office at general elections held in odd-numbered years.

18 All commissioners shall serve until their respective successors are
19 elected and qualified and assume office in accordance with RCW
20 29.04.170. Vacancies shall occur and shall be filled as provided in
21 chapter 42.12 RCW.

22 (2) The ballot proposition creating a new metropolitan park
23 district that only consists of a city with a population of five hundred
24 thousand or more may provide for the city's legislative authority
25 (including the elected mayor, if any, acting in the mayor's ordinary
26 legislative capacity) to act in an ex officio and independent capacity
27 as the board of commissioners for the metropolitan park district. An
28 election shall not be held to elect the initial metropolitan park
29 district commissioners if such an option is taken.

30 **Sec. 5.** RCW 35.61.120 and 1965 c 7 s 35.61.120 are each amended to
31 read as follows:

32 (1) The officers of a metropolitan park district shall be a board
33 of park commissioners consisting of five members unless the board is
34 composed as permitted under RCW 35.61.050(2). The board shall annually
35 elect one of their number as president and another of their number as
36 clerk of the board. The composition of a board under this subsection
37 that was created before January 1, 1999, may not be altered once the
38 metropolitan park district has been created.

1 (2) The composition of a board of metropolitan park district
2 commissioners established as permitted under RCW 35.61.050(2) may be
3 altered to a separately elected board of park commissioners once the
4 metropolitan park district has been created only by a majority vote of
5 the voters in the district, and then only if the potential for such an
6 alteration was stated in the resolution or petition to create the
7 district.

8 **Sec. 6.** RCW 35.61.130 and 1969 c 54 s 1 are each amended to read
9 as follows:

10 (1) Except as provided in subsection (2) of this section, a
11 metropolitan park district has the right of eminent domain, and may
12 purchase, acquire, and condemn lands lying within or without the
13 boundaries of (~~said~~) the park district, for public parks, parkways,
14 boulevards, (~~aviation landings~~) and playgrounds, and may condemn such
15 lands for any of the following purposes: (a) To widen, alter, and
16 extend streets, avenues, boulevards, parkways, (~~aviation landings~~)
17 and playgrounds(~~(7)~~); (b) to alter, enlarge, and extend existing
18 parks(~~(7)~~); and (c) to acquire lands for the establishment of new
19 parks, boulevards, parkways, (~~aviation landings~~) and playgrounds.

20 (2) A metropolitan park district formed after January 1, 1999, has
21 no power to condemn lands outside its boundaries.

22 (3) The right of eminent domain shall be exercised and instituted
23 pursuant to resolution of the board of metropolitan park commissioners
24 and conducted in the same manner and under the same procedure as is or
25 may be provided by law for the exercise of the power of eminent domain
26 by (~~incorporated~~) cities (~~and towns~~) of the state of Washington in
27 the acquisition of property rights(~~(: PROVIDED 7)~~). However, funds to
28 pay for condemnation allowed by this section shall be raised only as
29 specified in this chapter.

30 (4) The board of metropolitan park commissioners (~~shall have power~~
31 to) may employ counsel(~~(7)~~) and (~~to~~) regulate, manage, and control
32 the parks, parkways, boulevards, streets, avenues, (~~aviation~~
33 landings) and playgrounds under its control(~~(7 and to)~~).

34 (5) The board of metropolitan park commissioners may provide for
35 park (~~policemen~~) police, for a secretary of the board of metropolitan
36 park commissioners, and for all necessary employees, (~~to~~) and fix
37 their salaries and duties. In a metropolitan park district governed
38 under RCW 35.61.050(2), the city's mayor shall serve ex officio as the

1 chief executive officer of the metropolitan park district unless
2 otherwise provided by the board of metropolitan park district
3 commissioners.

4 (6) The board of metropolitan park commissioners (~~shall have power~~
5 to) may improve, acquire, extend and maintain, open, and lay out ((7))
6 parks, parkways, boulevards, avenues, ((aviation landings)) and
7 playgrounds, within or without the metropolitan park district ((7 and
8 to)).

9 (7) The board of metropolitan park commissioners may authorize,
10 conduct, and manage the letting of boats, or other amusement apparatus,
11 the operation of bath houses, the purchase and sale of foodstuffs or
12 other merchandise, the giving of vocal or instrumental concerts or
13 other entertainments, the establishment and maintenance of ((aviation
14 landings and)) playgrounds, and the provision, establishment,
15 operation, maintenance, and improvement of recreational facilities, all
16 on property owned by itself or others. However, the board of
17 metropolitan park commissioners may not authorize, establish, operate,
18 maintain, or improve a sports stadium to be used for any professional
19 sport.

20 (8) The board of metropolitan park commissioners may provide
21 generally for the management and conduct of such forms of recreation or
22 business as it shall judge desirable or beneficial for the public, or
23 for the production of revenue for expenditure for parks and recreation
24 purposes ((7 and)).

25 (9) The board of metropolitan park commissioners may pay out moneys
26 for: (a) The maintenance and improvement of any such public parks,
27 parkways, boulevards, avenues, ((aviation landings)) and playgrounds as
28 now exist, or the right to which may hereafter be acquired, within or
29 without the limits of ((said city and for)) the metropolitan park
30 district; (b) the purchase of lands within or without the limits of
31 ((said city)) the metropolitan park district, whenever it deems the
32 purchase to be for the benefit of the public and for the interest of
33 the metropolitan park district, and for the maintenance and improvement
34 thereof; and ((for)) (c) all expenses incidental to its duties ((7
35 PROVIDED, That)). However, all parks, boulevards, parkways, ((aviation
36 landings)) and playgrounds shall be subject to the police regulations
37 of the city or county within whose limits they lie.

1 **Sec. 7.** RCW 35.61.132 and 1989 c 319 s 4 are each amended to read
2 as follows:

3 (1) An ex officio board of metropolitan park district commissioners
4 is authorized, by unanimous board decision and with the approval of the
5 legislative authority of the city within which it is located, to convey
6 any or all of its real or personal property to that city.

7 (2) Except as set forth in subsection (3) of this section, every
8 metropolitan park district may, by unanimous decision of its board of
9 park commissioners, sell, exchange, or otherwise dispose of any real or
10 personal property acquired for park or recreational purposes when such
11 property is declared surplus for park or other recreational purposes:
12 PROVIDED, That where the property is acquired by donation or dedication
13 for park or recreational purposes, the consent of the donor or
14 dedicator, his or her heirs, successors, or assigns is first obtained
15 if the consent of the donor is required in the instrument conveying the
16 property to the metropolitan park district. In the event the donor or
17 dedicator, his or her heirs, successors, or assigns cannot be located
18 after a reasonable search, the metropolitan park district may petition
19 the superior court in the county where the property is located for
20 approval of the sale. If sold, all sales shall be by public bids and
21 sale made only to the highest and best bidder.

22 (3) In addition to the conditions contained in subsection (2) of
23 this section, a metropolitan park district with an ex officio board of
24 park commissioners shall not declare surplus its real property acquired
25 for park or recreational purposes without first having offered to
26 donate that property to the city within which it is located.

27 **Sec. 8.** RCW 35.61.150 and 1998 c 121 s 1 are each amended to read
28 as follows:

29 (1) Except as provided in subsection (2) of this section,
30 metropolitan park commissioners shall perform their duties and may
31 provide, by resolution passed by the commissioners, for the payment of
32 compensation to each of its commissioners at a rate of up to seventy
33 dollars for each day or portion of a day devoted to the business of the
34 district. However, the compensation for each commissioner must not
35 exceed six thousand seven hundred twenty dollars per year. Any
36 commissioner may waive all or any portion of his or her compensation
37 payable under this subsection as to any month or months during his or
38 her term of office, by a written waiver filed with the clerk of the

1 board. The waiver, to be effective, must be filed any time after the
2 commissioner's election and prior to the date on which the compensation
3 would otherwise be paid. The waiver shall specify the month or period
4 of months for which it is made.

5 (2) Metropolitan park commissioners who serve in an ex officio
6 capacity shall perform their duties as park commissioners without
7 additional compensation.

8 **Sec. 9.** RCW 35.61.180 and 1987 c 203 s 1 are each amended to read
9 as follows:

10 ~~((The county treasurer of the county within which all, or the major~~
11 ~~portion, of the district lies shall be the ex officio treasurer of a~~
12 ~~metropolitan park district, but shall receive no compensation other~~
13 ~~than his or her regular salary for receiving and disbursing the funds~~
14 ~~of a metropolitan park district.))~~ (1) The treasurer of a metropolitan
15 park district shall be the city treasurer of the most populous city
16 included in the district's boundaries. The city treasurer, when acting
17 as the treasurer of a metropolitan park district, shall receive no
18 compensation other than his or her regular salary for acting as the
19 treasurer of a metropolitan park district. The city treasurer may not
20 charge a greater amount for treasury services than permitted for the
21 county treasurer for similar services under RCW 36.29.020.

22 (2) The treasurer of a metropolitan park district with an ex
23 officio board of park commissioners established under RCW 35.61.050(2)
24 shall be the city treasurer. The city treasurer shall possess and may
25 exercise all powers with respect to the metropolitan park district that
26 are possessed by a county treasurer with respect to a county, other
27 than the authority to collect property taxes. The city treasurer, when
28 acting as the treasurer of a metropolitan park district, shall receive
29 no compensation other than his or her regular salary for acting as the
30 treasurer of the metropolitan park district. The city treasurer may
31 not charge a greater amount for treasury services than permitted for
32 the county treasurer for similar services under RCW 36.29.020.

33 (3) Notwithstanding the provisions of subsection (1) of this
34 section, a metropolitan park district with a separately elected board
35 of park commissioners may designate someone other than the ((county))
36 city treasurer who has experience in financial or fiscal affairs to act
37 as the district treasurer if the board has received the approval of the
38 ((county)) city treasurer to designate this person. If the board of

1 metropolitan park commissioners designates someone other than the
2 ~~((county))~~ city treasurer to act as the district treasurer, the board
3 shall purchase a bond from a surety company operating in the state that
4 is sufficient to protect the district from loss. A district treasurer
5 so designated shall possess all powers relating to the metropolitan
6 park district that are possessed by the city treasurer.

7 (4) Notwithstanding RCW 35.61.210, general taxes of the
8 metropolitan park district shall be distributed to the treasurer of the
9 metropolitan park district by the county treasurer as is done for
10 cities.

11 **Sec. 10.** RCW 35.61.200 and 1983 c 167 s 56 are each amended to
12 read as follows:

13 Any coupons for the payment of interest on metropolitan park
14 district bonds shall be considered for all purposes as warrants drawn
15 upon the metropolitan park district fund against which the bonds were
16 issued, and when presented after maturity to the treasurer of the
17 ~~((county having custody of the fund))~~ metropolitan park district. If
18 there are no funds in the treasury to pay the coupons, the ~~((county))~~
19 metropolitan park district treasurer shall endorse ~~((said))~~ the coupons
20 as presented for payment, in the same manner as county warrants are
21 endorsed, and thereafter the coupon shall bear interest at the same
22 rate as the bond to which it was attached. If there are no funds in
23 the treasury to make payment on a bond not having coupons, the interest
24 payment shall continue bearing interest at the bond rate until it is
25 paid, unless otherwise provided in the proceedings authorizing the sale
26 of the bonds.

27 **Sec. 11.** RCW 35.61.250 and 1985 c 416 s 4 are each amended to read
28 as follows:

29 (1) The territory adjoining a metropolitan park district with a
30 separately elected board of park commissioners may be annexed to and
31 become a part ~~((thereof upon))~~ of the metropolitan park district under
32 a petition and ((an)) election ((held pursuant thereto)) method of
33 annexation. The petition shall define the territory proposed to be
34 annexed and must be signed by twenty-five registered voters, resident
35 within the territory proposed to be annexed, unless the territory is
36 within the limits of another city when it must be signed by twenty
37 percent of the registered voters residing within the territory proposed

1 to be annexed. The petition must be addressed to the board of park
2 commissioners requesting that the question be submitted to the legal
3 voters of the territory proposed to be annexed, whether they will be
4 annexed and become a part of the metropolitan park district.

5 (2) A metropolitan park district with an ex officio board of park
6 commissioners as provided under RCW 35.61.050(2) may not annex
7 territory under the provisions of RCW 35.61.250 through 35.61.280 and
8 shall maintain boundaries identical with those of the city in which it
9 is located, including any territory annexed by the city.

10 **Sec. 12.** RCW 35.61.290 and 1985 c 416 s 5 are each amended to read
11 as follows:

12 (1)(a) Except as set forth in (b) of this subsection, any city
13 within or comprising any metropolitan park district may turn over to
14 the park district any lands, facilities, equipment, or interests in any
15 lands, facilities, or equipment which it may own, or any street,
16 avenue, or public place within the city for playground, park or parkway
17 purposes, and thereafter its control and management shall vest in the
18 board of metropolitan park commissioners(~~:(—PROVIDED,—That)).~~
19 However, the police regulations of ((such)) the city, or the county
20 should the premises be outside the city limits, shall apply to all such
21 premises.

22 (b) A metropolitan park district created with an ex officio board
23 of park commissioners shall never become the owner of a park that, at
24 the time of creation of the district, was owned by the city in which
25 the metropolitan park district was created. Additionally, the
26 legislative authority of a city in which a metropolitan park district
27 with an ex officio board of park commissioners is created may not
28 contract with that district for overall management and operation of any
29 city parks and recreation facilities or lease any city parks and
30 recreation facilities to that district except for a zoo and an aquarium
31 including related administrative and support facilities. For such
32 contracts the city legislative authority must first hold a public
33 hearing on the proposed lease or proposed management and operation by
34 the metropolitan park district. At least ten days prior to the
35 hearing, there shall be published a public notice setting forth the
36 date, time, and place of the hearing, at least once in a local
37 newspaper of general circulation. Notice of the hearing shall also be
38 mailed or otherwise delivered to all who would be entitled to notice of

1 a special meeting of the city legislative authority under RCW
2 42.30.080. The notice shall identify the parks and recreation
3 facilities involved. The terms and conditions under which the city
4 proposes to lease to the metropolitan park district or contract with
5 the metropolitan park district for management and operation shall be
6 available upon request from and after the date of publication of the
7 hearing notice and at the hearing, but after the public hearing the
8 city legislative authority may amend the proposed terms and conditions
9 at open public meetings.

10 (2) At any time that any such metropolitan park district is unable,
11 through lack of sufficient funds, to provide for the continuous
12 operation, maintenance, and improvement of the parks and playgrounds
13 and other properties or facilities owned by it or under its control,
14 and the legislative body of any city within or comprising such
15 metropolitan park district shall determine that an emergency exists
16 requiring the financial aid of such city to be extended in order to
17 provide for such continuous operation, maintenance, and/or improvement
18 of parks, playgrounds facilities, other properties, and programs of
19 such park district within its limits, ((such)) the city may grant or
20 loan to ((such)) the metropolitan park district such of its available
21 funds, or such funds which it may lawfully procure and make available,
22 as it shall find necessary to provide for such continuous operation and
23 maintenance and, pursuant thereto, any ((such)) city and the board of
24 park commissioners of ((such)) the metropolitan park district are
25 authorized and empowered to enter into an agreement embodying such
26 terms and conditions of any such grant or loan as may be mutually
27 agreed upon.

28 (3) The board of metropolitan park commissioners may accept public
29 streets of the city and grounds for public purposes when donated for
30 park, playground, boulevard and park purposes.

31 ((+2)) (4) Counties may turn over to ((the)) a metropolitan park
32 district any park and recreation lands and parks and recreation
33 facilities and equipment or interests in any lands, facilities, or
34 equipment that they own, and the board of metropolitan park
35 commissioners may accept such lands and equipment or interests in any
36 lands, facilities, or equipment.

37 NEW SECTION. Sec. 13. A new section is added to chapter 35.61 RCW
38 to read as follows:

1 (1)(a) A metropolitan park district governed under RCW 35.61.050(2)
2 may contract with a nonprofit corporation or other public organization,
3 including the city whose voters created the district, for the overall
4 management and operation of any parks and recreation facilities,
5 including a zoo and an aquarium for which the district has a management
6 and operations contract under RCW 35.61.290(1)(b). No such contract
7 for the overall management and operation of any parks and recreation
8 facilities by a nonprofit corporation or other public organization
9 shall have an initial term or any renewal term longer than thirty years
10 but may be renewed by the ex officio board of park commissioners upon
11 the expiration of an initial or any renewal term.

12 (b) A metropolitan park district governed under RCW 35.61.050(2)
13 may, however, grant and may authorize the managing and operating entity
14 to grant to any nonprofit corporation or other public or private
15 organization franchises or concessions that further the public use and
16 enjoyment of parks and recreation facilities, and may contract and may
17 authorize the managing and operating entity to contract with any public
18 or private organization for such specific services as are routinely so
19 procured by the city whose voters created the district.

20 (2) Before approving each initial and any renewal contract with a
21 nonprofit corporation for the overall management and operation of any
22 parks and recreation facilities, the ex officio board of metropolitan
23 park commissioners shall hold a public hearing on the proposed
24 management and operation by such a nonprofit corporation. At least ten
25 days prior to the hearing, there shall be published a public notice
26 setting forth the date, time, and place of the hearing, at least once
27 in a local newspaper of general circulation. Notice of the hearing
28 shall also be mailed or otherwise delivered to all who would be
29 entitled to notice of a special meeting of the board under RCW
30 42.30.080. The notice shall identify the parks and recreation
31 facilities involved and the nonprofit corporation proposed for
32 management and operation under contract with the metropolitan park
33 district. The terms and conditions under which the metropolitan park
34 district proposes to contract with the nonprofit corporation for
35 management and operation shall be available upon request from and after
36 the date of publication of the hearing notice and at the hearing, but
37 after the public hearing the board of metropolitan park commissioners
38 may amend the proposed terms and conditions at open public meetings.

1 (3) A metropolitan park district governed under RCW 35.61.050(2)
2 shall contract with the city whose voters created the district to carry
3 out all of the metropolitan park district's management and operations
4 except for the management and operation of parks and recreation
5 facilities for which the metropolitan park district has a contract with
6 another public agency or a nonprofit corporation under subsection (1)
7 or (2) of this section. The contract with the city may provide for its
8 termination if the metropolitan park district commissioners approve a
9 contract with another entity under subsection (1) or (2) of this
10 section.

11 (4) The nonprofit corporation or other public organization with
12 responsibility for overall management or operation of any parks and
13 recreation facilities may in carrying out that responsibility manage
14 and supervise employees of the metropolitan park district governed
15 under RCW 35.61.050(2) and may hire, fire, and otherwise discipline
16 those employees. A civil service established under RCW 35.61.140 may
17 include such management and supervision by persons not employed by the
18 metropolitan park district.

19 NEW SECTION. **Sec. 14.** A new section is added to chapter 35.61 RCW
20 to read as follows:

21 (1) Notwithstanding any provisions to the contrary contained in a
22 city charter, and to the extent provided by the city under an
23 appropriate legislative enactment, some or all employees of a
24 metropolitan park district with an ex officio board of park
25 commissioners may be included in the retirement plan of a city that
26 shares territory with the metropolitan park district if they were
27 previously employed by the city and were members of its retirement
28 plan. The city and metropolitan park district are each authorized to
29 pay the parts of the expense of operating and maintaining the
30 retirement system and to contribute to the retirement fund on behalf of
31 employees those sums as may be agreed upon between the legislative
32 authorities of the city and the metropolitan park district, but a
33 proportionate share of system expenses must be borne by or on behalf of
34 the metropolitan park district employees.

35 (2) In a metropolitan park district with an ex officio board of
36 park commissioners, neither the chief executive officer nor officers
37 chiefly responsible for operating a facility or program, as designated

1 by the board of metropolitan park commissioners, shall be members of
2 the civil service that may be established under RCW 35.61.140.

3 **Sec. 15.** RCW 84.52.010 and 1995 2nd sp.s. c 13 s 4 are each
4 amended to read as follows:

5 Except as is permitted under RCW 84.55.050, all taxes shall be
6 levied or voted in specific amounts.

7 The rate percent of all taxes for state and county purposes, and
8 purposes of taxing districts coextensive with the county, shall be
9 determined, calculated and fixed by the county assessors of the
10 respective counties, within the limitations provided by law, upon the
11 assessed valuation of the property of the county, as shown by the
12 completed tax rolls of the county, and the rate percent of all taxes
13 levied for purposes of taxing districts within any county shall be
14 determined, calculated and fixed by the county assessors of the
15 respective counties, within the limitations provided by law, upon the
16 assessed valuation of the property of the taxing districts
17 respectively.

18 When a county assessor finds that the aggregate rate of tax levy on
19 any property, that is subject to the limitations set forth in RCW
20 84.52.043 or 84.52.050, exceeds the limitations provided in either of
21 these sections, the assessor shall recompute and establish a
22 consolidated levy in the following manner:

23 (1) The full certified rates of tax levy for state, county, county
24 road district, and city or town purposes shall be extended on the tax
25 rolls in amounts not exceeding the limitations established by law;
26 however any state levy shall take precedence over all other levies and
27 shall not be reduced for any purpose other than that required by RCW
28 84.55.010. If, as a result of the levies imposed under RCW 84.52.069,
29 84.34.230, the portion of the levy by a metropolitan park district that
30 was protected under RCW 84.52.120, and 84.52.105, the combined rate of
31 regular property tax levies that are subject to the one percent
32 limitation exceeds one percent of the true and fair value of any
33 property, then these levies shall be reduced as follows: (a) The
34 portion of the levy by a metropolitan park district that is protected
35 under RCW 84.52.120 shall be reduced until the combined rate no longer
36 exceeds one percent of the true and fair value of any property or shall
37 be eliminated; (b) if the combined rate of regular property tax levies
38 subject to the one percent limitation in a county containing a

1 metropolitan park district governed under RCW 35.61.050(2) still
2 exceeds one percent of the true and fair value of any property, then
3 the remaining levy for that metropolitan park district shall be reduced
4 until the combined rate no longer exceeds one percent or shall be
5 eliminated; (c) if the combined rate of regular property tax levies
6 that are subject to the one percent limitation still exceeds one
7 percent of the true and fair value of any property, then the levies
8 imposed under RCW 84.34.230, 84.52.105, and any portion of the levy
9 imposed under RCW 84.52.069 that is in excess of thirty cents per
10 thousand dollars of assessed value, shall be reduced on a pro rata
11 basis until the combined rate no longer exceeds one percent of the true
12 and fair value of any property or shall be eliminated; and ((+e)) (d)
13 if the combined rate of regular property tax levies that are subject to
14 the one percent limitation still exceeds one percent of the true and
15 fair value of any property, then the thirty cents per thousand dollars
16 of assessed value of tax levy imposed under RCW 84.52.069 shall be
17 reduced until the combined rate no longer exceeds one percent of the
18 true and fair value of any property or eliminated.

19 (2) The certified rates of tax levy subject to these limitations by
20 all junior taxing districts imposing taxes on such property shall be
21 reduced or eliminated as follows to bring the consolidated levy of
22 taxes on such property within the provisions of these limitations:

23 (a) First, the certified property tax levy rates of those junior
24 taxing districts authorized under RCW 36.68.525, 36.69.145, and
25 67.38.130 shall be reduced on a pro rata basis or eliminated;

26 (b) Second, if the consolidated tax levy rate still exceeds these
27 limitations, the certified property tax levy rates of flood control
28 zone districts shall be reduced on a pro rata basis or eliminated;

29 (c) Third, if the consolidated tax levy rate still exceeds these
30 limitations, the certified property tax levy rates of all other junior
31 taxing districts, other than fire protection districts, library
32 districts, the first fifty cent per thousand dollars of assessed
33 valuation levies for metropolitan park districts created before January
34 1, 1999, and the first fifty cent per thousand dollars of assessed
35 valuation levies for public hospital districts, shall be reduced on a
36 pro rata basis or eliminated;

37 (d) Fourth, if the consolidated tax levy rate still exceeds these
38 limitations, the certified property tax levy rates authorized to fire

1 protection districts under RCW 52.16.140 and 52.16.160 shall be reduced
2 on a pro rata basis or eliminated; and

3 (e) Fifth, if the consolidated tax levy rate still exceeds these
4 limitations, the certified property tax levy rates authorized for fire
5 protection districts under RCW 52.16.130, library districts,
6 metropolitan park districts created before January 1, 1999, under their
7 first fifty cent per thousand dollars of assessed valuation levy, and
8 public hospital districts under their first fifty cent per thousand
9 dollars of assessed valuation levy, shall be reduced on a pro rata
10 basis or eliminated.

11 In determining whether the aggregate rate of tax levy on any
12 property, that is subject to the limitations set forth in RCW
13 84.52.050, exceeds the limitations provided in that section, the
14 assessor shall use the hypothetical state levy, as apportioned to the
15 county under RCW 84.48.080, that was computed under RCW 84.48.080
16 without regard to the reduction under RCW 84.55.012.

17 NEW SECTION. **Sec. 16.** A new section is added to chapter 35.61 RCW
18 to read as follows:

19 Notwithstanding any other provision of this chapter, but without
20 eliminating or overriding the requirements for unanimous board action
21 and consent contained in RCW 35.61.132 for the disposition of property,
22 the voters of a metropolitan park district governed under RCW
23 35.61.050(2) shall have the power, within the scope of the functions of
24 such a metropolitan park district, to initiate and refer to themselves
25 legislation to the same extent and on the same matters as do the voters
26 of the city with which the metropolitan park district shares its
27 boundaries. These powers of initiative and referendum shall be
28 exercised in the same manner and with the same effect as permitted for
29 the voters of that city.

30 NEW SECTION. **Sec. 17.** Nothing in this act shall be construed to
31 affect any terms, conditions, or practices contained in a collective
32 bargaining agreement in effect on the effective date of this act."

1 **SHB 1189** - S AMD - 357

2 By Senators Kohl-Wells, Kline, Hale, Long, Gardner and Patterson

3 ADOPTED AS AMENDED (FLR 402) BILL FAILED 4/14/99

4 On page 1, line 1 of the title, after "districts;" strike the
5 remainder of the title and insert "amending RCW 35.61.020, 35.61.030,
6 35.61.050, 35.61.120, 35.61.130, 35.61.132, 35.61.150, 35.61.180,
7 35.61.200, 35.61.250, 35.61.290, and 84.52.010; adding new sections to
8 chapter 35.61 RCW; and creating a new section."

--- END ---