

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 2557

Chapter 88, Laws of 2002

57th Legislature
2002 Regular Session

METROPOLITAN PARK DISTRICTS

EFFECTIVE DATE: 6/13/02

Passed by the House March 9, 2002
Yeas 84 Nays 10

FRANK CHOPP
Speaker of the House of Representatives

Passed by the Senate March 2, 2002
Yeas 26 Nays 20

BRAD OWEN
President of the Senate

Approved March 21, 2002

GARY LOCKE
Governor of the State of Washington

CERTIFICATE

I, Cynthia Zehnder, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 2557** as passed by the House of Representatives and the Senate on the dates hereon set forth.

CYNTHIA ZEHNDER
Chief Clerk

FILED

March 21, 2002 - 2:54 p.m.

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 2557

AS AMENDED BY THE SENATE

Passed Legislature - 2002 Regular Session

State of Washington 57th Legislature 2002 Regular Session

By House Committee on Natural Resources (originally sponsored by Representatives Lovick, Sump, Doumit, Buck, O'Brien, Pearson, Rockefeller, Ogden, McDermott, Mitchell, Boldt, Ericksen, Morell, Kenney and Jackley)

Read first time 01/30/2002. Referred to Committee on .

1 AN ACT Relating to metropolitan park districts; and amending RCW
2 35.61.010, 35.61.020, 35.61.030, 35.61.040, 35.61.050, 35.61.150, and
3 84.52.010.

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

5 **Sec. 1.** RCW 35.61.010 and 1994 c 81 s 60 are each amended to read
6 as follows:

7 (~~Cities of five thousand or more population and such contiguous~~
8 ~~property the residents of which may decide in favor thereof in the~~
9 ~~manner set forth in this chapter may create~~) A metropolitan park
10 district may be created for the management, control, improvement,
11 maintenance, and acquisition of parks, parkways, ((and)) boulevards,
12 and recreational facilities. A metropolitan park district may include
13 territory located in portions or all of one or more cities or counties,
14 or one or more cities and counties, when created or enlarged as
15 provided in this chapter.

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

1 (1) When proposed by citizen petition or by local government
2 resolution as provided in this section, a ballot proposition
3 authorizing the creation of a metropolitan park district shall be
4 submitted by resolution to the voters of the area proposed to be
5 included in the district at any general election, or at any special
6 election which may be called for that purpose(~~(, or at any city~~
7 election held in the city in all of the various voting precincts
8 thereof, the city council or commission may, or on petition of fifteen
9 percent of the qualified electors of the city based upon the
10 registration for the last preceding general city election, shall by
11 ordinance, submit to the voters of the city the proposition of creating
12 a metropolitan park district, the limits of which shall be coextensive
13 with the limits of the city as now or hereafter established, inclusive
14 of territory annexed to and forming a part of the city)).

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

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

32 Territory by virtue of its annexation to any city (~~having~~
33 heretofore created)) whose territory lies entirely within a park
34 district shall be deemed to be within the limits of the metropolitan
35 park district. (~~The city council or commission shall submit the~~
36 proposition at a special election to be called therefor when the
37 petition so requests.)) Such an extension of a park district's
38 boundaries shall not be subject to review by a boundary review board
39 independent of the board's review of the city annexation of territory.

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

3 (~~In submitting the question to the voters for their approval or
4 rejection, the city council or commission shall pass an ordinance
5 declaring its intention to submit the proposition of creating a
6 metropolitan park district to the qualified voters of the city. The
7 ordinance shall be published once a week for two consecutive weeks in
8 the official newspaper of the city, and the city council or commission
9 shall cause to be placed upon the ballot for the election, at the
10 proper place,~~)

11 (1) Except as provided in subsection (2) of this section for review
12 by a boundary review board, the ballot proposition authorizing creation
13 of a metropolitan park district that is submitted to voters for their
14 approval or rejection shall appear on the ballot of the next general
15 election or at the next special election date specified under RCW
16 29.13.020 occurring sixty or more days after the last resolution
17 proposing the creation of the park district is adopted or the date the
18 county auditor certifies that the petition proposing the creation of
19 the park district contains sufficient valid signatures. Where the
20 petition or copy thereof is filed with two or more county auditors in
21 the case of a proposed district in two or more counties, the county
22 auditors shall confer and issue a joint certification upon finding that
23 the required number of signatures on the petition has been obtained.

24 (2) Where the proposed district is located wholly or in part in a
25 county in which a boundary review board has been created, notice of the
26 proposal to create a metropolitan park district shall be filed with the
27 boundary review board as provided under RCW 36.93.090 and the special
28 election at which a ballot proposition authorizing creation of the park
29 district shall be held on the special election date specified under RCW
30 29.13.020 that is sixty or more days after the date the boundary review
31 board is deemed to have approved the proposal, approves the proposal,
32 or modifies and approves the proposal. The creation of a metropolitan
33 park district is not subject to review by a boundary review board if
34 the proposed district only includes one or more cities and in such
35 cases the special election at which a ballot proposition authorizing
36 creation of the park district shall be held as if a boundary review
37 board does not exist in the county or counties.

38 (3) The petition proposing the creation of a metropolitan park
39 district, or the resolution submitting the question to the voters,

1 shall choose and describe the composition of the initial board of
2 commissioners of the district that is proposed under RCW 35.61.050 and
3 shall choose a name for the district. The proposition ((which)) shall
4 ((be expressed in)) include the following terms:

5 1 "For the formation of a metropolitan park district to be governed
6 by [insert board composition described in ballot proposition]."

7 1 "Against the formation of a metropolitan park district."

8 **Sec. 4.** RCW 35.61.040 and 1965 c 7 s 35.61.040 are each amended to
9 read as follows:

10 If ((at an election)) a majority of the voters voting ((thereon))
11 on the ballot proposition authorizing the creation of the metropolitan
12 park district vote in favor of the formation of a metropolitan park
13 district, the metropolitan park district shall ((then)) be ((and

14 become)) created as a municipal corporation effective immediately upon
15 certification of the election results and its name shall be
16 (("Metropolitan Park District of (inserting the name of the
17 city).") that designated in the ballot proposition.

18 **Sec. 5.** RCW 35.61.050 and 1994 c 223 s 23 are each amended to read
19 as follows:

20 (1) The resolution or petition submitting the ballot proposition
21 shall designate the composition of the board of metropolitan park
22 commissioners from among the alternatives provided under subsections
23 (2) through (4) of this section. The ballot proposition shall clearly
24 describe the designated composition of the board.

25 (2) The commissioners of the district may be selected by election,
26 in which case at the same election at which the proposition is
27 submitted to the voters as to whether a metropolitan park district is
28 to be formed, five park commissioners shall be elected. The election
29 of park commissioners shall be null and void if the metropolitan park
30 district is not created. Candidates shall run for specific commission
31 positions. No primary shall be held to nominate candidates. The
32 person receiving the greatest number of votes for each position shall
33 be elected as a commissioner. The staggering of the terms of office
34 shall occur as follows: ((+1)) (a) The two persons who are elected
35 receiving the two greatest numbers of votes shall be elected to six-

1 year terms of office if the election is held in an odd-numbered year or
2 five-year terms of office if the election is held in an even-numbered
3 year; ~~((+2))~~ (b) the two persons who are elected receiving the next
4 two greatest numbers of votes shall be elected to four-year terms of
5 office if the election is held in an odd-numbered year or three-year
6 terms of office if the election is held in an even-numbered year; and
7 ~~((+3))~~ (c) the other person who is elected shall be elected to a two-
8 year term of office if the election is held in an odd-numbered year or
9 a one-year term of office if the election is held in an even-numbered
10 year. The initial commissioners shall take office immediately when
11 they are elected and qualified, and for purposes of computing their
12 terms of office the terms shall be assumed to commence on the first day
13 of January in the year after they are elected. Thereafter, all
14 commissioners shall be elected to six-year terms of office. All
15 commissioners shall serve until their respective successors are elected
16 and qualified and assume office in accordance with RCW 29.04.170.
17 Vacancies shall occur and shall be filled as provided in chapter 42.12
18 RCW.

19 (3) In a district wholly located within a city or within the
20 unincorporated area of a county, the governing body of such city or
21 legislative authority of such county may be designated to serve in an
22 ex officio capacity as the board of metropolitan park commissioners,
23 provided that when creation of the district is proposed by citizen
24 petition, the city or county approves by resolution such designation.

25 (4) Where the proposed district is located within more than one
26 city, more than one county, or any combination of cities and counties,
27 each city governing body and county legislative authority may be
28 designated to collectively serve ex officio as the board of
29 metropolitan park commissioners through selection of one or more
30 members from each to serve as the board, provided that when creation of
31 the district is proposed by citizen petition, each city governing body
32 and county legislative authority approve by resolution such
33 designation. Within six months of the date of certification of
34 election results approving creation of the district, the size and
35 membership of the board shall be determined through interlocal
36 agreement of each city and county. The interlocal agreement shall
37 specify the method for filling vacancies on the board.

38 (5) Metropolitan park districts created by a vote of the people
39 prior to the effective date of this act may not change the composition

1 and method of selection of their governing authority without approval
2 of the voters. Should such a change be desired, the board of park
3 commissioners shall submit a ballot proposition to the voters of the
4 metropolitan park district.

5 **Sec. 6.** RCW 35.61.150 and 1998 c 121 s 1 are each amended to read
6 as follows:

7 Metropolitan park commissioners selected by election according to
8 RCW 35.61.050(2) shall perform their duties and may provide, by
9 resolution passed by the commissioners, for the payment of compensation
10 to each of its commissioners at a rate of up to seventy dollars for
11 each day or portion of a day devoted to the business of the district.
12 However, the compensation for each commissioner must not exceed six
13 thousand seven hundred twenty dollars per year.

14 Any commissioner may waive all or any portion of his or her
15 compensation payable under this section as to any month or months
16 during his or her term of office, by a written waiver filed with the
17 clerk of the board. The waiver, to be effective, must be filed any
18 time after the commissioner's election and prior to the date on which
19 the compensation would otherwise be paid. The waiver shall specify the
20 month or period of months for which it is made.

21 **Sec. 7.** RCW 84.52.010 and 1995 2nd sp.s. c 13 s 4 are each amended
22 to read as follows:

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

25 The rate percent of all taxes for state and county purposes, and
26 purposes of taxing districts coextensive with the county, shall be
27 determined, calculated and fixed by the county assessors of the
28 respective counties, within the limitations provided by law, upon the
29 assessed valuation of the property of the county, as shown by the
30 completed tax rolls of the county, and the rate percent of all taxes
31 levied for purposes of taxing districts within any county shall be
32 determined, calculated and fixed by the county assessors of the
33 respective counties, within the limitations provided by law, upon the
34 assessed valuation of the property of the taxing districts
35 respectively.

36 When a county assessor finds that the aggregate rate of tax levy on
37 any property, that is subject to the limitations set forth in RCW

1 84.52.043 or 84.52.050, exceeds the limitations provided in either of
2 these sections, the assessor shall recompute and establish a
3 consolidated levy in the following manner:

4 (1) The full certified rates of tax levy for state, county, county
5 road district, and city or town purposes shall be extended on the tax
6 rolls in amounts not exceeding the limitations established by law;
7 however any state levy shall take precedence over all other levies and
8 shall not be reduced for any purpose other than that required by RCW
9 84.55.010. If, as a result of the levies imposed under RCW 84.52.069,
10 84.34.230, the portion of the levy by a metropolitan park district that
11 was protected under RCW 84.52.120, and 84.52.105, the combined rate of
12 regular property tax levies that are subject to the one percent
13 limitation exceeds one percent of the true and fair value of any
14 property, then these levies shall be reduced as follows: (a) The
15 portion of the levy by a metropolitan park district that is protected
16 under RCW 84.52.120 shall be reduced until the combined rate no longer
17 exceeds one percent of the true and fair value of any property or shall
18 be eliminated; (b) if the combined rate of regular property tax levies
19 that are subject to the one percent limitation still exceeds one
20 percent of the true and fair value of any property, then the levies
21 imposed under RCW 84.34.230, 84.52.105, and any portion of the levy
22 imposed under RCW 84.52.069 that is in excess of thirty cents per
23 thousand dollars of assessed value, shall be reduced on a pro rata
24 basis until the combined rate no longer exceeds one percent of the true
25 and fair value of any property or shall be eliminated; and (c) if the
26 combined rate of regular property tax levies that are subject to the
27 one percent limitation still exceeds one percent of the true and fair
28 value of any property, then the thirty cents per thousand dollars of
29 assessed value of tax levy imposed under RCW 84.52.069 shall be reduced
30 until the combined rate no longer exceeds one percent of the true and
31 fair value of any property or eliminated.

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

36 (a) First, the certified property tax levy rates of those junior
37 taxing districts authorized under RCW 36.68.525, 36.69.145, and
38 67.38.130 shall be reduced on a pro rata basis or eliminated;

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

4 (c) Third, if the consolidated tax levy rate still exceeds these
5 limitations, the certified property tax levy rates of all other junior
6 taxing districts, other than fire protection districts, library
7 districts, the first fifty cent per thousand dollars of assessed
8 valuation levies for metropolitan park districts, and the first fifty
9 cent per thousand dollars of assessed valuation levies for public
10 hospital districts, shall be reduced on a pro rata basis or eliminated;

11 (d) Fourth, if the consolidated tax levy rate still exceeds these
12 limitations, the first fifty cent per thousand dollars of assessed
13 valuation levies for metropolitan park districts created on or after
14 January 1, 2002, shall be reduced on a pro rata basis or eliminated;

15 (e) Fifth, if the consolidated tax levy rate still exceeds these
16 limitations, the certified property tax levy rates authorized to fire
17 protection districts under RCW 52.16.140 and 52.16.160 shall be reduced
18 on a pro rata basis or eliminated; and

19 (~~((e) Fifth))~~ (f) Sixth, if the consolidated tax levy rate still
20 exceeds these limitations, the certified property tax levy rates
21 authorized for fire protection districts under RCW 52.16.130, library
22 districts, metropolitan park districts created before January 1, 2002,
23 under their first fifty cent per thousand dollars of assessed valuation
24 levy, and public hospital districts under their first fifty cent per
25 thousand dollars of assessed valuation levy, shall be reduced on a pro
26 rata basis or eliminated.

27 In determining whether the aggregate rate of tax levy on any
28 property, that is subject to the limitations set forth in RCW
29 84.52.050, exceeds the limitations provided in that section, the
30 assessor shall use the hypothetical state levy, as apportioned to the
31 county under RCW 84.48.080, that was computed under RCW 84.48.080
32 without regard to the reduction under RCW 84.55.012.

Passed the House March 9, 2002.

Passed the Senate March 2, 2002.

Approved by the Governor March 21, 2002.

Filed in Office of Secretary of State March 21, 2002.