
HOUSE BILL 2251

State of Washington

65th Legislature

2018 Regular Session

By Representatives Halpern, Johnson, Young, and Ormsby

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1 AN ACT Relating to public facilities districts; amending RCW
2 35.57.010 and 35.57.020; creating new sections; and declaring an
3 emergency.

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

5 **Sec. 1.** RCW 35.57.010 and 2010 c 192 s 1 are each amended to
6 read as follows:

7 (1)(a) The legislative authority of any town or city located in a
8 county with a population of less than one million may create a public
9 facilities district.

10 (b) The legislative authorities of any contiguous group of towns
11 or cities located in a county or counties each with a population of
12 less than one million may enter an agreement under chapter 39.34 RCW
13 for the creation and joint operation of a public facilities district.

14 (c) The legislative authority of any town or city, or any
15 contiguous group of towns or cities, located in a county with a
16 population of less than one million and the legislative authority of
17 a contiguous county, or the legislative authority of the county or
18 counties in which the towns or cities are located, may enter into an
19 agreement under chapter 39.34 RCW for the creation and joint
20 operation of a public facilities district.

1 (d) The legislative authority of a city located in a county with
2 a population greater than one million may create a public facilities
3 district, when the city has a total population of less than one
4 hundred fifteen thousand but greater than eighty thousand and
5 commences construction of a regional center prior to July 1, 2008.

6 (e) At least three contiguous towns or cities with a combined
7 population of at least one hundred sixty thousand, each of which
8 previously created a public facilities district under (a) of this
9 subsection, may create an additional public facilities district. The
10 previously created districts may continue their full corporate
11 existence and activities notwithstanding the creation and existence
12 of the additional district within the same geographic area.

13 (2)(a) A public facilities district is coextensive with the
14 boundaries of the city or town or contiguous group of cities or towns
15 that created the district.

16 (b) A public facilities district created by an agreement between
17 a town or city, or a contiguous group of towns or cities, and a
18 contiguous county or the county in which they are located, is
19 coextensive with the boundaries of the towns or cities, and the
20 boundaries of the county or counties as to the unincorporated areas
21 of the county or counties. The boundaries do not include incorporated
22 towns or cities that are not parties to the agreement for the
23 creation and joint operation of the district.

24 (3)(a) A public facilities district created under subsection
25 (1)(a) or (d) of this section, by a single city or town shall be
26 governed by a board of directors consisting of five members selected
27 as follows: (i) Two members appointed by the legislative authority of
28 the city or town; and (ii) three members appointed by legislative
29 authority based on recommendations from local organizations. The
30 members appointed under (a)(i) of this subsection, shall not be
31 members of the legislative authority of the city or town. The members
32 appointed under (a)(ii) of this subsection, must be based on
33 recommendations received from local organizations that may include,
34 but are not limited to the local chamber of commerce, local economic
35 development council, and local labor council. The members shall serve
36 four-year terms. Of the initial members, one must be appointed for a
37 one-year term, one must be appointed for a two-year term, one must be
38 appointed for a three-year term, and the remainder must be appointed
39 for four-year terms.

1 (b) A public facilities district created under subsection (1)(b)
2 of this section, by a contiguous group of cities and towns must be
3 governed by a board of directors consisting of seven members selected
4 as follows: (i) Three members appointed by the legislative
5 authorities of the cities and towns; and (ii) four members appointed
6 by the legislative authorities of the cities and towns based on
7 recommendations from local organizations. The members appointed under
8 (b)(i) of this subsection shall not be members of the legislative
9 authorities of the cities and towns. The members appointed under
10 (b)(ii) of this subsection, must be based on recommendations received
11 from local organizations that include, but are not limited to the
12 local chamber of commerce, local economic development council, local
13 labor council, and a neighborhood organization that is directly
14 affected by the location of the regional center in their area. The
15 members of the board of directors must be appointed in accordance
16 with the terms of the agreement under chapter 39.34 RCW for the joint
17 operation of the district and shall serve four-year terms. Of the
18 initial members, one must be appointed for a one-year term, one must
19 be appointed for a two-year term, one must be appointed for a three-
20 year term, and the remainder must be appointed for four-year terms.

21 (c) A public facilities district created under subsection (1)(c)
22 of this section, by a town or city, or a contiguous group of towns or
23 cities, and a contiguous county or the county or counties in which
24 they are located, must be governed by a board of directors consisting
25 of seven members selected as follows: (i) Three members appointed by
26 the legislative authorities of the cities, towns, and county; and
27 (ii) four members appointed by the legislative authorities of the
28 cities, towns, and county based on recommendations from local
29 organizations. The members appointed under (c)(i) of this subsection
30 shall not be members of the legislative authorities of the cities,
31 towns, or county. The members appointed under (c)(ii) of this
32 subsection must be based on recommendations received from local
33 organizations that include, but are not limited to, the local chamber
34 of commerce, the local economic development council, the local labor
35 council, and a neighborhood organization that is directly affected by
36 the location of the regional center in their area. The members of the
37 board of directors must be appointed in accordance with the terms of
38 the agreement under chapter 39.34 RCW for the joint operation of the
39 district and shall serve four-year terms. Of the initial members, one
40 must be appointed for a one-year term, one must be appointed for a

1 two-year term, one must be appointed for a three-year term, and the
2 remainder must be appointed for four-year terms.

3 (d)~~((i))~~ A public facilities district created under subsection
4 (1)(e) of this section ~~((must provide, in the agreement providing for
5 its creation and operation, that the district))~~ must:

6 (i) Be governed by an odd-numbered board of directors of not more
7 than nine members ~~((who are also))~~. The members of the board may not
8 be members of the legislative authorities that created the public
9 facilities district or members of the governing boards of the public
10 facilities districts previously created by those legislative
11 authorities~~((, or both.))~~; and

12 ~~((A board of directors formed under this subsection must))~~
13 Have an equal number of members representing each city or town
14 participating in the public facilities district. If there are
15 unfilled board member positions after each city or town has appointed
16 an equal number of board members, the members so appointed must
17 appoint a number of additional board members necessary to fill any
18 remaining positions. ~~((For a board formed under this subsection to
19 submit a proposition to the voters under RCW 82.14.048, a majority of
20 the members representing or appointed by each legislative authority
21 participating in the public facilities district must agree to submit
22 the proposition to the voters; however, the board may not submit a
23 proposition to the voters prior to January 1, 2011.))~~

24 (4) A public facilities district is a municipal corporation, an
25 independent taxing "authority" within the meaning of Article VII,
26 section 1 of the state Constitution, and a "taxing district" within
27 the meaning of Article VII, section 2 of the state Constitution.

28 (5) A public facilities district constitutes a body corporate and
29 possesses all the usual powers of a corporation for public purposes
30 as well as all other powers that may now or hereafter be specifically
31 conferred by statute, including, but not limited to, the authority to
32 hire employees, staff, and services, to enter into contracts, and to
33 sue and be sued.

34 (6) A public facilities district may acquire and transfer real
35 and personal property by lease, sublease, purchase, or sale. No
36 direct or collateral attack on any public facilities district
37 purported to be authorized or created in conformance with this
38 chapter may be commenced more than thirty days after creation by the
39 city and/or county legislative authority.

1 **Sec. 2.** RCW 35.57.020 and 2010 c 192 s 2 are each amended to
2 read as follows:

3 (1)(a) A public facilities district is authorized to acquire,
4 construct, own, remodel, maintain, equip, reequip, repair, finance,
5 and operate one or more regional centers. For purposes of this
6 chapter, "regional center" means a convention, conference, or special
7 events center, or any combination of facilities, and related parking
8 facilities, serving a regional population constructed, improved, or
9 rehabilitated after July 25, 1999, at a cost of at least ten million
10 dollars, including debt service. "Regional center" also includes an
11 existing convention, conference, or special events center, and
12 related parking facilities, serving a regional population, that is
13 improved or rehabilitated after July 25, 1999, where the costs of
14 improvement or rehabilitation are at least ten million dollars,
15 including debt service. A "special events center" is a facility,
16 available to the public, used for community events, sporting events,
17 trade shows, and artistic, musical, theatrical, or other cultural
18 exhibitions, presentations, or performances. A regional center is
19 conclusively presumed to serve a regional population if state and
20 local government investment in the construction, improvement, or
21 rehabilitation of the regional center is equal to or greater than ten
22 million dollars.

23 (b) A public facilities district created under RCW
24 35.57.010(1)(e):

25 (i) Is authorized, in addition to the authority granted under (a)
26 of this subsection, to acquire, construct, own, remodel, maintain,
27 equip, reequip, repair, finance, and operate one or more recreational
28 facilities other than a ski area;

29 (ii) ~~((If exercising its authority under (a) or (b)(i) of this~~
30 ~~subsection, must obtain voter approval to fund each recreational~~
31 ~~facility or regional center pursuant to RCW 82.14.048(3))~~ May
32 ascertain the order projects are executed through the use of an
33 advisory ballot that reflects the preference of the voting public;
34 and

35 (iii) Possesses all of the powers with respect to recreational
36 facilities other than a ski area that all public facilities districts
37 possess with respect to regional centers under subsections (3), (4),
38 and (7) of this section.

1 (2) A public facilities district may enter into contracts with
2 any city or town for the purpose of exercising any powers of a
3 community renewal agency under chapter 35.81 RCW.

4 (3) A public facilities district may impose charges and fees for
5 the use of its facilities, and may accept and expend or use gifts,
6 grants, and donations for the purpose of a regional center.

7 (4) A public facilities district may impose charges, fees, and
8 taxes authorized in RCW 35.57.040, and use revenues derived therefrom
9 for the purpose of paying principal and interest payments on bonds
10 issued by the public facilities district to construct a regional
11 center.

12 (5) Notwithstanding the establishment of a career, civil, or
13 merit service system, a public facilities district may contract with
14 a public or private entity for the operation or management of its
15 public facilities.

16 (6) A public facilities district is authorized to use the
17 supplemental alternative public works contracting procedures set
18 forth in chapter 39.10 RCW in connection with the design,
19 construction, reconstruction, remodel, or alteration of any regional
20 center.

21 (7) A city or town in conjunction with any special agency,
22 authority, or other district established by a county or any other
23 governmental agency is authorized to use the supplemental alternative
24 public works contracting procedures set forth in chapter 39.10 RCW in
25 connection with the design, construction, reconstruction, remodel, or
26 alteration of any regional center funded in whole or in part by a
27 public facilities district.

28 (8) Any provision required to be submitted for voter approval
29 under this section, may not be submitted for voter approval prior to
30 January 1, 2011.

31 NEW SECTION. **Sec. 3.** This act applies to any additional public
32 facilities district created under RCW 35.57.010(1)(e) before, on, or
33 after the effective date of this section.

34 NEW SECTION. **Sec. 4.** Beginning five years after the effective
35 date of this section, an additional regional public facilities
36 district created under RCW 35.57.010(1)(e) prior to January 1, 2007,
37 may be dissolved by the passage of a resolution by any one of the
38 contiguous towns or cities that created it.

1 NEW SECTION. **Sec. 5.** This act is necessary for the immediate
2 preservation of the public peace, health, or safety, or support of
3 the state government and its existing public institutions, and takes
4 effect immediately.

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