
SENATE BILL 6234

State of Washington

55th Legislature

1998 Regular Session

By Senators Wood, Kohl, Prentice, Long, Jacobsen, Winsley, Thibaudeau, Schow and Rossi

Read first time . Referred to Committee on .

1 AN ACT Relating to revising administrative provisions of
2 metropolitan park districts; amending RCW 35.61.010, 35.61.020,
3 35.61.030, 35.61.050, 35.61.130, 35.61.150, 35.61.180, 35.61.200,
4 35.61.210, 35.61.290, and 84.52.010; and adding new sections to chapter
5 35.61 RCW.

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

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

9 Cities of five thousand or more population and such contiguous
10 property the residents of which may decide in favor thereof in the
11 manner set forth in this chapter may create a metropolitan park
12 district for the management, control, improvement, maintenance, and
13 acquisition of parks, parkways, ((and)) boulevards, zoos, aquariums,
14 and other recreational, civic, cultural, and interpretive facilities,
15 including administrative and support facilities.

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

1 At any general election, or at any special election which may be
2 called for that purpose, or at any city election held in the city in
3 all of the various voting precincts thereof, the city (~~council or~~
4 ~~commission~~) legislative authority may, or on petition of fifteen
5 percent of the qualified electors of the city based upon the
6 registration for the last preceding general city election, shall by
7 ordinance, submit to the voters of the city the proposition of creating
8 a metropolitan park district, the limits of which shall be coextensive
9 with the limits of the city as now or hereafter established, inclusive
10 of territory annexed to and forming a part of the city.

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

14 The city (~~council or commission~~) legislative authority shall
15 submit the proposition at a special election to be called therefor when
16 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~~) legislative authority
21 shall pass an ordinance declaring its intention to submit the
22 proposition of creating a metropolitan park district to the qualified
23 voters of the city. The ordinance shall be published once a week for
24 two consecutive weeks in the official newspaper of the city, and the
25 city (~~council or commission~~) legislative authority shall cause to be
26 placed upon the ballot for the election, at the proper place, the
27 proposition which shall be expressed in the following terms:

28 l "For the formation of a metropolitan park district."

29 l "Against the formation of a metropolitan park district."

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

32 All of the commissioners in the metropolitan park district shall be
33 selected under one of the two methods described in this section. The
34 city legislative authority shall determine in the ordinance described
35 in RCW 35.61.030 which method of selecting commissioners is to be
36 proposed.

1 (1) At the same election at which the proposition is submitted to
2 the voters as to whether a metropolitan park district is to be formed,
3 five metropolitan park commissioners shall be elected. The election of
4 metropolitan park commissioners shall be null and void if the
5 metropolitan park district is not created. Candidates shall run for
6 specific commission positions. No primary shall be held to nominate
7 candidates. The person receiving the greatest number of votes for each
8 position shall be elected as a commissioner. The staggering of the
9 terms of office shall occur as follows: (~~(+1)~~) (a) The two persons
10 who are elected receiving the two greatest numbers of votes shall be
11 elected to six-year terms of office if the election is held in an odd-
12 numbered year or five-year terms of office if the election is held in
13 an even-numbered year; (~~(+2)~~) (b) the two persons who are elected
14 receiving the next two greatest numbers of votes shall be elected to
15 four-year terms of office if the election is held in an odd-numbered
16 year or three-year terms of office if the election is held in an even-
17 numbered year; and (~~(+3)~~) (c) the other person who is elected shall be
18 elected to a two-year term of office if the election is held in an odd-
19 numbered year or a one-year term of office if the election is held in
20 an even-numbered year. The initial commissioners shall take office
21 immediately when they are elected and qualified, and for purposes of
22 computing their terms of office the terms shall be assumed to commence
23 on the first day of January in the year after they are elected.
24 Thereafter, all commissioners shall be elected to six-year terms of
25 office. All commissioners shall serve until their respective
26 successors are elected and qualified and assume office in accordance
27 with RCW 29.04.170. Vacancies shall occur and shall be filled as
28 provided in chapter 42.12 RCW.

29 (2) Each of the city council members or city commissioners shall
30 act ex officio as a commissioner of the metropolitan park district.
31 The terms of the metropolitan park district commissioners shall be
32 concurrent with their city council or city commission terms. A vacancy
33 on the metropolitan park district commission shall be filled by the new
34 city council member or commissioner for the corresponding city council
35 or city commission position where the vacancy occurred.

36 **Sec. 5.** RCW 35.61.130 and 1969 c 54 s 1 are each amended to read
37 as follows:

1 (1) A metropolitan park district has the right of eminent domain,
2 and may purchase, acquire and condemn lands lying within or without the
3 boundaries of (~~said~~) the park district, for public parks, parkways,
4 boulevards, aviation landings (~~and~~), playgrounds, zoos, aquariums,
5 and other recreational, civic, cultural, and interpretive facilities,
6 including administrative and support facilities, and may condemn such
7 lands to widen, alter, and extend streets, avenues, boulevards,
8 parkways, aviation landings (~~and~~), playgrounds, zoo, aquariums, and
9 other recreational, civic, cultural, and interpretive facilities,
10 including administrative and support facilities, to enlarge and extend
11 existing parks, and to acquire lands for the establishment of new
12 parks, boulevards, parkways, aviation landings (~~and~~), playgrounds,
13 zoos, aquariums, and other recreational, civic, cultural, and
14 interpretive facilities, including administrative and support
15 facilities. The right of eminent domain shall be exercised and
16 instituted pursuant to resolution of the board of metropolitan park
17 commissioners and conducted in the same manner and under the same
18 procedure as is or may be provided by law for the exercise of the power
19 of eminent domain by incorporated cities and towns of the state of
20 Washington in the acquisition of property rights(~~(:—PROVIDED,~~
21 ~~HOWEVER,)~~). However, funds to pay for condemnation allowed by this
22 section shall be raised only as specified in this chapter.

23 (2) The board of metropolitan park commissioners shall have power
24 to employ counsel, and to regulate, manage, and control the parks,
25 parkways, boulevards, streets, avenues, aviation landings (~~and~~),
26 playgrounds, zoos, aquariums, and other recreational, civic, cultural,
27 and interpretive facilities, including administrative and support
28 facilities, on property owned by itself or others under its control,
29 and to provide for park (~~police~~) police, for a secretary of the
30 board of metropolitan park commissioners, and for all necessary
31 employees, to fix their salaries and duties. The board of metropolitan
32 park commissioners shall have power to improve, acquire, extend and
33 maintain, open, and lay out, parks, parkways, boulevards, avenues,
34 aviation landings (~~and~~), playgrounds, zoos, aquariums, and other
35 recreational, civic, cultural, and interpretive facilities, including
36 administrative and support facilities, on property owned by itself or
37 others, within or without the park district, and to authorize, conduct,
38 and manage the letting of boats, or other amusement apparatus, the
39 operation of bath houses, the purchase and sale of foodstuffs or other

1 merchandise, the giving of vocal or instrumental concerts or other
2 entertainments, the establishment and maintenance of aviation landings
3 ~~((and))~~, playgrounds, zoos, aquariums, and other recreational, civic,
4 cultural, and interpretive facilities, including administrative and
5 support facilities, on property owned by itself or others, and
6 generally the management and conduct of such forms of recreation or
7 business as it shall judge desirable or beneficial for the public, or
8 for the production of revenue for expenditure for park purposes; and
9 may pay out moneys for the maintenance and improvement of any such
10 parks, parkways, boulevards, avenues, aviation landings ~~((and))~~,
11 playgrounds, zoos, aquariums, and other recreational, civic, cultural,
12 and interpretive facilities, including administrative and support
13 facilities, on property owned by itself or others as now exist, or the
14 rights to which may hereafter be acquired, within or without the limits
15 of ~~((said))~~ the city and for the purchase of lands, rights in lands,
16 and other property within or without the limits of ~~((said))~~ the city,
17 whenever it deems the purchase to be for the benefit of the public and
18 for the interest of the park district, and for the maintenance and
19 improvement thereof and for all expenses incidental to its duties(~~(+~~
20 ~~PROVIDED, That))~~). However, all parks, boulevards, parkways, aviation
21 landings ((and)), playgrounds, zoos, aquariums, and other recreational,
22 civic, cultural, and interpretive facilities, including administrative
23 and support facilities, on property owned by itself or others shall be
24 subject to the police regulations of the city within whose limits they
25 lie.

26 (3) The board of metropolitan park commissioners has the power to
27 contract with any entity, public and private, including the city that
28 created the district, for all such operations and services.

29 **Sec. 6.** RCW 35.61.150 and 1965 c 7 s 35.61.150 are each amended to
30 read as follows:

31 Metropolitan park commissioners shall perform their duties as such
32 without compensation therefor.

33 **Sec. 7.** RCW 35.61.180 and 1987 c 203 s 1 are each amended to read
34 as follows:

35 (1) For cities with a population up to one hundred fifty thousand,
36 the county treasurer of the county within which all, or the major
37 portion, of the district lies shall be the ex officio treasurer of a

1 metropolitan park district, but shall receive no compensation other
2 than his or her regular salary for receiving and disbursing the funds
3 of a metropolitan park district.

4 A metropolitan park district may designate someone other than the
5 county treasurer who has experience in financial or fiscal affairs to
6 act as the district treasurer if the board has received the approval of
7 the county treasurer to designate this person. If the board designates
8 someone other than the county treasurer to act as the district
9 treasurer, the board shall purchase a bond from a surety company
10 operating in the state that is sufficient to protect the district from
11 loss.

12 (2) For cities with a population greater than one hundred fifty
13 thousand, the city treasurer is the ex officio treasurer of the
14 metropolitan park district, but receives no compensation other than his
15 or her regular salary for receiving and disbursing the funds of the
16 metropolitan park district.

17 The metropolitan park district may designate someone other than the
18 city treasurer who has experience in financial or fiscal affairs to act
19 as the district treasurer. If the board designates someone other than
20 the city treasurer to act as the district treasurer, the board shall
21 purchase a bond from a surety company operating in the state that is
22 sufficient to protect the district from loss.

23 **Sec. 8.** RCW 35.61.200 and 1983 c 167 s 56 are each amended to read
24 as follows:

25 Any coupons for the payment of interest on metropolitan park
26 district bonds shall be considered for all purposes as warrants drawn
27 upon the metropolitan park district fund against which the bonds were
28 issued, and when presented after maturity to the treasurer of the
29 metropolitan park district of the county having custody of the fund.
30 If there are no funds in the treasury to pay the coupons, the
31 ~~((county))~~ treasurer of the metropolitan park district shall endorse
32 ~~((said))~~ the coupons as presented for payment, in the same manner as
33 county warrants are endorsed, and thereafter the coupon shall bear
34 interest at the same rate as the bond to which it was attached. If
35 there are no funds in the treasury to make payment on a bond not having
36 coupons, the interest payment shall continue bearing interest at the
37 bond rate until it is paid, unless otherwise provided in the
38 proceedings authorizing the sale of the bonds.

1 **Sec. 9.** RCW 35.61.210 and 1997 c 3 s 205 (Referendum Bill No. 47)
2 are each amended to read as follows:

3 The board of metropolitan park commissioners may levy or cause to
4 be levied a general tax on all the property located in ((said)) the
5 park district each year not to exceed fifty cents per thousand dollars
6 of assessed value of the property in such park district. In addition,
7 the board of metropolitan park commissioners may levy or cause to be
8 levied a general tax on all property located in ((said)) the park
9 district each year not to exceed twenty-five cents per thousand dollars
10 of assessed valuation. Although park districts are authorized to
11 impose two separate regular property tax levies, the levies shall be
12 considered to be a single levy for purposes of the limitation provided
13 for in chapter 84.55 RCW.

14 The board is hereby authorized to levy a general tax in excess of
15 its regular property tax levy or levies when authorized so to do at a
16 special election conducted in accordance with and subject to all the
17 requirements of the Constitution and laws of the state now in force or
18 hereafter enacted governing the limitation of tax levies. The board is
19 hereby authorized to call a special election for the purpose of
20 submitting to the qualified voters of the park district a proposition
21 to levy a tax in excess of the seventy-five cents per thousand dollars
22 of assessed value herein specifically authorized. The manner of
23 submitting any such proposition, of certifying the same, and of giving
24 or publishing notice thereof, shall be as provided by law for the
25 submission of propositions by cities or towns.

26 The board shall include in its general tax levy for each year a
27 sufficient sum to pay the interest on all outstanding bonds and may
28 include a sufficient amount to create a sinking fund for the redemption
29 of all outstanding bonds. The levy shall be certified to the proper
30 county officials for collection the same as other general taxes and
31 when collected, the general tax shall be placed in a separate fund in
32 the office of the ((county)) treasurer of the metropolitan park
33 district to be known as the "metropolitan park district fund" and paid
34 out on warrants.

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

37 (1) Any city within or comprising any metropolitan park district
38 may turn over to the park district any lands, facilities, equipment, or

1 interests in any lands, facilities, or equipment therein which it may
2 own, or any street, avenue, or public place within the city for
3 playground, park (~~(or)~~), parkway (~~(purposes)~~), zoo, aquarium, or other
4 recreational, civic, cultural, and interpretive facilities, including
5 administrative and support purposes, and thereafter its control and
6 management shall vest in the board of metropolitan park
7 commissioners (~~(:—PROVIDED, That)~~). However, the police regulations of
8 such city shall apply to all such premises.

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

26 The board of metropolitan park commissioners may accept public
27 streets of the city and grounds for public purposes when donated for
28 park, playground, boulevard, and park purposes.

29 (2) Counties may turn over to the park district any park (~~(and)~~)
30 recreation lands, zoo, aquarium, and interpretive, civic, cultural, and
31 interpretive facilities, including administrative and support
32 facilities and equipment or interests to any lands, facilities, or
33 equipment therein that they own, and the board of metropolitan park
34 commissioners may accept such lands and equipment or interests to any
35 lands, facilities, or equipment therein.

36 **Sec. 11.** RCW 84.52.010 and 1995 2nd sp.s. c 13 s 4 are each
37 amended to read as follows:

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

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

14 When a county assessor finds that the aggregate rate of tax levy on
15 any property, that is subject to the limitations set forth in RCW
16 84.52.043 or 84.52.050, exceeds the limitations provided in either of
17 these sections, the assessor shall recompute and establish a
18 consolidated levy in the following manner:

19 (1) The full certified rates of tax levy for state, county, county
20 road district, and city or town purposes shall be extended on the tax
21 rolls in amounts not exceeding the limitations established by law;
22 however any state levy shall take precedence over all other levies and
23 shall not be reduced for any purpose other than that required by RCW
24 84.55.010. If, as a result of the levies imposed under RCW 84.52.069,
25 84.34.230, the portion of the levy by a metropolitan park district that
26 was protected under RCW 84.52.120, and 84.52.105, the combined rate of
27 regular property tax levies that are subject to the one percent
28 limitation exceeds one percent of the true and fair value of any
29 property, then these levies shall be reduced as follows: (a) The
30 portion of the levy by a metropolitan park district that is protected
31 under RCW 84.52.120 shall be reduced until the combined rate no longer
32 exceeds one percent of the true and fair value of any property or shall
33 be eliminated; (b) for a county with a population of greater than one
34 million, the remaining levy for a metropolitan park district shall be
35 reduced until the combined rate no longer exceeds one percent; (c) if
36 the combined rate of regular property tax levies that are subject to
37 the one percent limitation still exceeds one percent of the true and
38 fair value of any property, then the levies imposed under RCW
39 84.34.230, 84.52.105, and any portion of the levy imposed under RCW

1 84.52.069 that is in excess of thirty cents per thousand dollars of
2 assessed value, shall be reduced on a pro rata basis until the combined
3 rate no longer exceeds one percent of the true and fair value of any
4 property or shall be eliminated; and ~~((e))~~ (d) if the combined rate
5 of regular property tax levies that are subject to the one percent
6 limitation still exceeds one percent of the true and fair value of any
7 property, then the thirty cents per thousand dollars of assessed value
8 of tax levy imposed under RCW 84.52.069 shall be reduced until the
9 combined rate no longer exceeds one percent of the true and fair value
10 of any property or eliminated.

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

15 (a) First, the certified property tax levy rates of those junior
16 taxing districts authorized under RCW 36.68.525, 36.69.145, and
17 67.38.130 shall be reduced on a pro rata basis or eliminated;

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

21 (c) Third, if the consolidated tax levy rate still exceeds these
22 limitations, the certified property tax levy rates of all other junior
23 taxing districts, other than fire protection districts, library
24 districts, the first fifty cent per thousand dollars of assessed
25 valuation levies for metropolitan park districts, and the first fifty
26 cent per thousand dollars of assessed valuation levies for public
27 hospital districts, shall be reduced on a pro rata basis or eliminated;

28 (d) Fourth, if the consolidated tax levy rate still exceeds these
29 limitations, the certified property tax levy rates authorized to fire
30 protection districts under RCW 52.16.140 and 52.16.160 shall be reduced
31 on a pro rata basis or eliminated; and

32 (e) Fifth, if the consolidated tax levy rate still exceeds these
33 limitations, the certified property tax levy rates authorized for fire
34 protection districts under RCW 52.16.130, library districts,
35 metropolitan park districts under their first fifty cent per thousand
36 dollars of assessed valuation levy, and public hospital districts under
37 their first fifty cent per thousand dollars of assessed valuation levy,
38 shall be reduced on a pro rata basis or eliminated.

1 In determining whether the aggregate rate of tax levy on any
2 property, that is subject to the limitations set forth in RCW
3 84.52.050, exceeds the limitations provided in that section, the
4 assessor shall use the hypothetical state levy, as apportioned to the
5 county under RCW 84.48.080, that was computed under RCW 84.48.080
6 without regard to the reduction under RCW 84.55.012.

7 NEW SECTION. **Sec. 12.** A new section is added to chapter 35.61 RCW
8 to read as follows:

9 RCW 35.61.250 through 35.61.280 and 35.61.360 only apply to
10 metropolitan park districts with boards of metropolitan park
11 commissioners elected under RCW 35.61.050(1).

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

14 The boundaries of a metropolitan park district whose board of
15 commissioners is selected under RCW 35.61.050(2) is coterminous with
16 the boundaries of the city in which it has been established including
17 any annexations that occur during or after the establishment of 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 Where a metropolitan park district contracts with a nonprofit
22 corporation or other public or private organization to manage its
23 operations, the chief executive officer may be appointed by the
24 managing organization. In such instance, the appointment shall be
25 effective only upon a majority vote confirmation of the commissioners
26 of the metropolitan park district. If provided by such a contract, the
27 director may be removed by the managing organization, after
28 consultation with the commissioners of the metropolitan park district,
29 upon filing a statement of reasons for the removal with the
30 commissioners of the metropolitan park district. The chief executive
31 officer shall not be a member of the civil service that a metropolitan
32 park district may establish under RCW 35.61.140.

33 NEW SECTION. **Sec. 15.** A new section is added to chapter 35.61 RCW
34 to read as follows:

1 Notwithstanding any provisions to the contrary contained in a city
2 charter, and to the extent provided by the city under an appropriate
3 legislative enactment, employees of a metropolitan park district may be
4 included in the personnel system or civil service and retirement plans
5 of a city that shares territory with the metropolitan park district.
6 The city and metropolitan park district are each authorized to pay the
7 parts of the expense of operating and maintaining the personnel system
8 or civil service and retirement system and to contribute to the
9 retirement fund on behalf of employees those sums as may be agreed upon
10 between the legislative authorities of the city and the metropolitan
11 park district.

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