

SENATE BILL REPORT

SB 5268

As Reported By Senate Committee On:
State & Local Government, February 24, 1999

Title: An act relating to metropolitan park districts.

Brief Description: Modifying provisions concerning metropolitan park districts.

Sponsors: Senators Kohl-Welles, Long, Jacobsen, Hale, Gardner, Rossi, Thibaudeau, Prentice, Kline, Deccio, Costa, Patterson and B. Sheldon.

Brief History:

Committee Activity: State & Local Government: 2/4/99, 2/24/99 [DPS, DNPS].

SENATE COMMITTEE ON STATE & LOCAL GOVERNMENT

Majority Report: That Substitute Senate Bill No. 5268 be substituted therefor, and the substitute bill do pass.

Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale, Haugen and Kline.

Minority Report: Do not pass substitute.

Signed by Senators Horn and McCaslin.

Staff: Eugene Green (786-7405)

Background: A metropolitan park district is authorized to manage parks, parkways and boulevards. One metropolitan park district, the Metropolitan Park District of Tacoma, currently exists in the state.

District Creation and Boundaries: Metropolitan park districts may be created in cities with a population of at least 5,000. One election is held to determine whether a park district should be created and to elect a board of park district commissioners if the district is in fact created. Five park district commissioners are elected at-large and serve six-year staggered terms.

The initial boundaries of a metropolitan park district are the city limits. The park district may later seek to annex adjacent territory.

District Management and Employees: The county treasurer serves as the ex-officio metropolitan park district treasurer without additional compensation. With the approval of the county treasurer, the metropolitan park district board may designate someone other than the county treasurer to act as the district treasurer. The district must obtain a bond if a treasurer other than the county treasurer is designated.

Property Tax Levies: A metropolitan park district may impose two separate regular property tax levies on all property located in the district: (1) a levy not to exceed \$0.50 per \$1,000

of assessed valuation; and (2) a levy not to exceed \$0.25 per \$1,000 of assessed valuation. As are other taxing district levies, the metropolitan park district levies are subject to the constitutional 1 percent limitation on property taxes.

Most of the 1 percent limit (i.e., \$9.50 of the \$10 per \$1,000 of assessed valuation) is segregated into two components: the state levy equal to \$3.60 per \$1,000 of assessed valuation; and local senior and junior levies to a combined total of \$5.90 per \$1,000 of assessed valuation. The metropolitan park district's two levies fall within the \$5.90 component. A few other levies may be imposed above the \$9.50 component but within the 1 percent property tax limitation (e.g., emergency medical services).

General tax levies within the \$5.90 component and the remainder component are to be proportionately reduced if the combined rate of regular property tax levies exceeds 1 percent of the true and fair value of the property. A metropolitan park district with a population of at least 150,000 is authorized to submit a ballot proposition seeking voter protection of all or part of the \$0.25 per \$1,000 of assessed valuation levy from proration in the \$5.90 component. The ballot must be approved by majority vote and can be effective for six years following voter approval. Even though protected from proration under this component, this levy is still subject to proration under the 1 percent limitation.

Summary of Substitute Bill: An alternative organizational structure for a metropolitan park district is established.

Clarification and Expansion of Authority: Parks and recreation facilities— includes parks, gymnasiums, playgrounds, swimming pools, field houses, beach houses, stadiums, golf courses, coliseums, sports facilities, zoos, aquariums, civic facilities, cultural facilities, theaters, interpretive facilities, museums, public campgrounds, natural areas, boat ramps, marinas, senior citizen centers, community centers, arboretums, bicycle and bridle paths, parkways, boulevards, and other parks and recreation facilities, including related administrative and support facilities.

District Creation and Boundaries: In a city with a population of at least 500,000, the city legislative authority may be designated as the governing body for the metropolitan park district when the creation of the metropolitan park district is considered by the voters. The park district commissioners are to be selected either by direct election or by designation of the city council or commission members. The selection method for the park district commissioners must be made at the time of the election concerning park district creation. The composition of the board of commissioners created before January 1, 1999, may not be changed once the district has been created. Provision is made for alteration of the composition of a park board for those metropolitan parks districts consisting of a city with a population of 500,000 or more.

The boundaries for a metropolitan park district governed by the city legislative authority are coterminous with the city limits, including any later annexed property. A metropolitan park district with separately elected commissioners may annex property according to statutory procedures. City or county police regulations apply to park district premises outside the jurisdictional limits.

District Management and Employees: A metropolitan park district board governed by a city legislative authority may contract with any public or nonprofit entity (including the city creating the district) for all of its operations and services. No private entity may have a contract for the overall management and operation of any park and recreation facility. The managing organization may appoint the chief executive officer with the park district's approval.

Employees of a metropolitan park district governed by the city legislative authority may be included in a city's personnel system and civil service and retirement plans if they were previously employed by the city and were members of its retirement plan.

For a metropolitan park district governed by a city legislative authority, the city treasurer serves as the ex-officio metropolitan park district treasurer without additional compensation. For a metropolitan park district with elected commissioners, the treasurer of the district is the city treasurer of the most densely populated city of the district.

The board of a metropolitan park district may no longer provide for park police.

Property and Initiative and Referendum: A metropolitan park district with an ex officio board of commissioners is: (1) prohibited from owning any present city parks; (2) authorized, with permission of the city, to convey any or all of its real or personal property to that city; and (3) prohibited from declaring surplus its real property without first having offered to donate that property to the city. The voters of such metropolitan park district are given the powers of initiative and referendum both as to the disposition of real property by the district and as to any other matters within the scope and function of the district to the same extent as is allowed within the city.

Property Tax Levies: The levy reduction provisions that keep the combined rate of regular property taxes from exceeding 1 percent of the true and fair value of any property are altered to insure that a levy imposed by a metropolitan park district governed by a city legislative authority may not cause the emergency medical services levy, county conservation futures levy, or low income housing levy to be reduced.

Substitute Bill Compared to Original Bill: The substitute bill made the following changes: (1) no private entity may have a contract for the overall management of a district with ex officio board members; (2) the only employees of a district with ex officio board members that may be included in the city's retirement system are those who were previously employed by the city and are members of the retirement system; (3) the treasurer of a park district with ex officio board members must be the city treasurer; the treasurer of a park district with an elected board is the city treasurer; (4) a district with an ex officio board is prohibited from owning any present city park; (5) a district with an ex officio board is prohibited from declaring property to be surplus without first offering to donate the property to the city; (6) the voters of a district with an ex officio board are given the powers of initiative and referendum on questions concerning the disposition of real property by the district and all other matters to the same extent as the city; and (7) the board of a metropolitan park district may no longer provide for park police.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For (Original Bill): This is a viable tool for addressing the needs of our city and citizens. The Zoo Society has been working on this legislation for the past three years. We need enhanced maintenance and expansion of Seattle's existing parks and recreational facilities, including improvements to the Woodland Park Zoo. The need grows as the population grows. This bill eliminates the need for an additional bureaucracy, while Seattle maintains control over our parks. However, it would allow us to contract for greater participation in the daily operations of the zoo, for example, from the private and nonprofit sector.–

Testimony Against (Original Bill): The Seattle City Council and the mayor would be allowed to reconstitute themselves as a 'metropolitan park district' and as such, without any restraint by the city charter, or any power in the public of initiative and referendum assured by the Seattle City Charter, the mayor and city council could impose taxes and incur debt, wheel and deal with park property, turn all or part of the park facilities over to private operators and corporations, evade civil service, rip off district funds, and let private transferees skip out of collective bargaining agreements. Only the provision for an election would stand between special interests, who crave park property, and getting at it.–

Testified: PRO: Robin Appleford, Gary Johnson, Phil Nudelman, Woodland Park Zoo; Susan Crowley, City of Seattle; John Barber, Open Space Advocates (with amendments); CON: Jorgen Bader, Seattle Community Council; Blake Howe; Frederica Merrell, Jefferson Park Alliance; Daniel Stecher, Protect Our Parks Initiative 42; Charles Hand, Westcrest Defense Fund.