

SHB 2525 - S COMM AMD

By Committee on Economic Development, Trade & Innovation

ADOPTED 03/05/2010

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 35.57.010 and 2009 c 533 s 1 are each amended to read
4 as follows:

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

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

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

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

24 (e) At least ~~((two legislative authorities, one or more))~~ three
25 contiguous towns or cities with a combined population of at least one
26 hundred sixty thousand, each of which previously created a public
27 facilities district ~~((or districts))~~ under ~~((b) or (c))~~ (a) of this
28 subsection, may create an additional public facilities district
29 ~~((notwithstanding the fact that one or more of those towns or cities,~~
30 ~~with or without a county or counties, previously have created one or~~

1 ~~more public facilities districts within the geographic boundaries of~~
2 ~~the additional public facilities district. Those existing)).~~ The
3 previously created districts may continue their full corporate
4 existence and activities notwithstanding the creation and existence of
5 the additional district within ~~((all or part of))~~ the same geographic
6 area. ~~((Additional public facilities districts formed under this~~
7 ~~subsection may be comprised of a maximum of three contiguous towns or~~
8 ~~cities separately or in combination with a maximum of two contiguous~~
9 ~~counties.))~~

10 (2)(a) A public facilities district ~~((shall be))~~ is coextensive
11 with the boundaries of the city or town or contiguous group of cities
12 or towns that created the district.

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

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

36 (b) A public facilities district created by a contiguous group of
37 cities and towns ~~((shall))~~ must be governed by a board of directors
38 consisting of seven members selected as follows: (i) Three members

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

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

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

3 (d)(i) A public facilities district created under subsection (1)(e)
4 of this section (~~(may)~~) must provide, in the agreement providing for
5 its creation and operation, that the district must be governed by (~~a~~
6 ~~board of directors appointed under (b) or (c) of this subsection, or by~~
7 a)) an odd-numbered board of directors of not more than nine members
8 who are also members of the legislative authorities that created the
9 public facilities district or of the governing boards of the public
10 facilities districts (~~(or districts, or both,)~~) previously created by
11 those legislative authorities, or both.

12 (ii) A board of directors formed under this subsection must have an
13 equal number of members representing each city(~~(7)~~) or town(~~(7-or~~
14 ~~county)~~) participating in the public facilities district. If (~~a~~
15 ~~public facilities district is created by an even number of legislative~~
16 ~~authorities, the members representing or appointed by those legislative~~
17 ~~authorities shall appoint an additional board member)~~) there are
18 unfilled board member positions after each city or town has appointed
19 an equal number of board members, the members so appointed must appoint
20 a number of additional board members necessary to fill any remaining
21 positions. For a board formed under this subsection to (~~(approve)~~)
22 submit a proposition to the voters under RCW 82.14.048, ((the
23 ~~proposition must be approved by)~~) a majority of the members
24 representing or appointed by each legislative authority participating
25 in the public facilities district must agree to submit the proposition
26 to the voters; however, the board may not submit a proposition to the
27 voters prior to January 1, 2011.

28 (4) A public facilities district is a municipal corporation, an
29 independent taxing "authority" within the meaning of Article VII,
30 section 1 of the state Constitution, and a "taxing district" within the
31 meaning of Article VII, section 2 of the state Constitution.

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

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

7 **Sec. 2.** RCW 35.57.020 and 2009 c 533 s 2 are each amended to read
8 as follows:

9 (1)(a) (~~Except for a public facilities district created under RCW~~
10 ~~35.57.010(1)(e),~~) A public facilities district is authorized to
11 acquire, construct, own, remodel, maintain, equip, reequip, repair,
12 finance, and operate one or more regional centers. For purposes of
13 this chapter, "regional center" means a convention, conference, or
14 special events center, or any combination of facilities, and related
15 parking facilities, serving a regional population constructed,
16 improved, or rehabilitated after July 25, 1999, at a cost of at least
17 ten million dollars, including debt service. "Regional center" also
18 includes an existing convention, conference, or special events center,
19 and related parking facilities, serving a regional population, that is
20 improved or rehabilitated after July 25, 1999, where the costs of
21 improvement or rehabilitation are at least ten million dollars,
22 including debt service. A "special events center" is a facility,
23 available to the public, used for community events, sporting events,
24 trade shows, and artistic, musical, theatrical, or other cultural
25 exhibitions, presentations, or performances. A regional center is
26 conclusively presumed to serve a regional population if state and local
27 government investment in the construction, improvement, or
28 rehabilitation of the regional center is equal to or greater than ten
29 million dollars.

30 (b) A public facilities district created under RCW 35.57.010(1)(e):
31 (i) Is authorized, in addition to the authority granted under (a)
32 of this subsection, to acquire, construct, own, remodel, maintain,
33 equip, reequip, repair, finance, and operate one or more recreational
34 facilities other than a ski area;

35 (ii) If exercising its authority under (a) or (b)(i) of this
36 subsection, must obtain voter approval to fund each recreational
37 facility or regional center pursuant to RCW 82.14.048(3); and

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

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

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

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

16 (5) Notwithstanding the establishment of a career, civil, or merit
17 service system, a public facilities district may contract with a public
18 or private entity for the operation or management of its public
19 facilities.

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

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

31 (8) Any provision required to be submitted for voter approval under
32 this section, may not be submitted for voter approval prior to January
33 1, 2011."

ADOPTED 03/05/2010

1 On page 1, line 2 of the title, after "authorities;" strike the
2 remainder of the title and insert "and amending RCW 35.57.010 and
3 35.57.020."

EFFECT: Limits the creation of new, overlapping public facilities districts to only those created by three contiguous cities with a combined population of at least 160,000, each of which must have already established a public facilities district. Allows new, overlapping public facilities districts to construct regional centers and special events centers in addition to recreational facilities. Requires new, overlapping public facilities districts to specify the recreational facility or regional center to be funded in a sales and use tax proposal sent to the voters.

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