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**HOUSE BILL 1458**

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**State of Washington 66th Legislature 2019 Regular Session**

**By** Representative Blake

AN ACT Relating to municipal police districts; amending RCW 41.56.030; and adding a new chapter to Title 35 RCW.

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

NEW SECTION. **Sec.**  The legislature finds that municipal police departments represent the largest general fund expense for most municipalities. It is the intent of the legislature to provide municipalities with greater flexibility to manage their responsibility to provide police services. This chapter details the creation, management, and dissolution of municipal police districts.

NEW SECTION. **Sec.**  The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Commission" means the governing body of a municipal police district.

(2) "Municipal police district" or "district" means a special purpose district whose boundaries are coextensive with two or more contiguous cities or towns that is a public body corporate and politic that has been created under this chapter to implement a municipal police district plan.

(3) "Municipal police district plan" or "plan" means a plan to develop and finance a municipal police district including, but not limited to, specific capital projects, all law enforcement services, and the preservation and maintenance of existing and future facilities.

(4) "Municipal police district planning committee" or "planning committee" means the advisory committee created under section 3 of this act to create and propose to cities or towns a municipal police district plan to design, finance, and develop a municipal police district.

NEW SECTION. **Sec.**  Municipal police district planning committees are advisory entities that are created, convened, and empowered as follows:

(1) Any two or more contiguous cities or towns may create a municipal police district planning committee. No city or town may participate in more than one created district.

(2) Each governing body of the cities or towns participating in planning under this chapter shall appoint to the planning committee: (a) One elected official; and (b) the chief of police of the city or town.

(3) Members of the planning committee may not receive compensation for attendance at planning committee meetings or for other services on behalf of the district, but may be reimbursed for travel and incidental expenses at the discretion of the governing body of their city or town.

(4) A planning committee may receive funding from the participating cities or towns as determined by the governing bodies of the cities and towns by interlocal agreement.

(5) The planning committee shall conduct its affairs and formulate a municipal police district plan as provided under section 4 of this act.

(6) The planning committee may dissolve itself at any time by a majority vote of the total membership of the planning committee. Any participating city or town may withdraw upon thirty calendar days' written notice to the other cities or towns.

NEW SECTION. **Sec.**  (1) A municipal police district planning committee shall adopt a municipal police district plan providing for the governance, design, financing, and development of law enforcement services.

(2) The planning committee may coordinate its activities with neighboring cities and towns, and other local governments that engage in law enforcement services.

(3) The planning committee shall:

(a) Create opportunities for public input in the development of the plan;

(b) Adopt a plan proposing the creation of a municipal police district and recommending governance, design, financing, and development of law enforcement service facilities and operations, including maintenance and preservation of facilities or systems; and

(c) Recommend a plan for financing the district. The financing plan must include: (i) A proposed budget for the first year of the district; (ii) the proposed funding that is required to be provided by each participating city or town; and (iii) the method for calculating each city's or town's financial contribution. The financing plan must be adopted by the governing bodies of the participating cities or towns by interlocal agreement.

(4) Once adopted, the municipal police district plan must be forwarded to the governing bodies of the participating cities or towns to initiate the election process under section 5 of this act.

(5) If the ballot measure is not approved, the planning committee may redefine the municipal police district, financing plan, and the ballot measure. The governing bodies of participating cities or towns may approve the new plan and ballot measure, and may then submit the revised proposition to the voters at a subsequent election or a special election. If a ballot measure is not approved by the voters by the third vote, the planning committee is dissolved.

NEW SECTION. **Sec.**  Upon receipt of the municipal police district plan under section 4 of this act, the governing bodies of two or more contiguous cities or towns may certify the plan to the ballot. The governing bodies of the cities or towns may draft a ballot title, give notice as required by law for ballot measures, and perform other duties as required to put the plan before the voters of the proposed district for their approval or rejection as a single ballot measure that both approves formation of the district and approves the plan. Districts may negotiate interlocal agreements necessary to implement the plan. The electorate is the voters voting within the boundaries of the proposed municipal police district. Sixty percent of the total persons voting on the single ballot measure to approve the plan and establish the district is required for approval. The district must act in accordance with the general election laws of the state. The district is liable for its proportionate share of the costs when the elections are held under RCW 29A.04.321 and 29A.04.330.

NEW SECTION. **Sec.**  If the voters approve the plan, including creation of a municipal police district, and the election results are certified, the district is formed on the effective date as set forth in the plan or the next January 1st or July 1st, whichever occurs first. A party challenging the procedure or the formation of a voter-approved district must file the challenge in writing by serving the prosecuting attorney of each county within, or partially within, the municipal police district and the attorney general within thirty days after the final certification of the election. Failure to challenge within that time forever bars further challenge of the district's valid formation.

NEW SECTION. **Sec.**  (1) A city or town that is contiguous to the boundary of a municipal police district is eligible for annexation by the district.

(2) An annexation is initiated by the adoption of a resolution by the governing body of a city or town requesting the annexation. The resolution requesting annexation must then be filed with the commission of the district that is requested to annex the city or town.

(3) Except as otherwise provided in the municipal police district plan, upon receipt of the resolution requesting annexation, the commission of the district may adopt a resolution amending its plan to establish terms and conditions of the requested annexation and submit the resolution and plan amendment to the municipal police district requesting annexation. An election to authorize the annexation may be held only if the governing body of the city or town seeking annexation adopts a resolution approving both the annexation and the related plan amendment.

(4)(a) An annexation is authorized if the voters in the city or town proposed to be annexed approve a single ballot measure approving the annexation and related plan amendment. The ballot measure is approved if sixty percent of the total persons voting on the single ballot measure vote to approve the measure.

(b) An annexation is effective on the date specified in the ballot measure. In the event the ballot measure does not specify an effective date, the effective date is on the subsequent January 1st or July 1st, whichever occurs first.

NEW SECTION. **Sec.**  (1) As provided in this section, a city or town may withdraw from a municipal police district or reannex to the municipal police district.

(2)(a) In order to withdraw from a district, the governing body of a city or town must adopt a resolution approving the withdrawal.

(b) After adoption of the resolution approving the withdrawal, the governing body of the city or town may draft a ballot title, give notice as required by law for ballot measures, and perform other duties as required to put the measure approving or not approving the withdrawal before the voters of the city or town. The ballot measure is approved if sixty percent of the total persons voting on the ballot measure vote to approve the withdrawal.

(c) A withdrawal under this section is effective at the end of the day on the thirty-first day of December in the year in which the ballot measure under (b) of this subsection is approved.

(3)(a) A city or town that has withdrawn from the boundaries of a municipal police district under this section may be reannexed into the district upon: (i) Adoption of a resolution by the commission proposing the reannexation; and (ii) adoption of a resolution by the city or town governing body approving the reannexation. After adoption of the resolutions proposing and approving the reannexation, the governing body of the city or town to be reannexed may draft a ballot title, give notice as required by law for ballot measures, and perform other duties as required to put the measure approving or not approving the reannexation before the voters of the city or town. The ballot measure is approved if sixty percent of the total persons voting on the ballot measure vote to approve the reannexation.

(b) A reannexation under this section shall be effective at the end of the day on the thirty-first day of December in the year in which the measure under (a) of this subsection is approved.

NEW SECTION. **Sec.**  (1) A municipal police district may be dissolved as provided in this section.

(2) A commission may initiate the dissolution of a municipal police district by adopting a resolution that proposes dissolution of the district. After adoption of the resolution proposing dissolution of the district, the commission may draft a ballot title, give notice as required by law for ballot measures, and perform other duties as required to put the measure approving the dissolution before the voters of the district. The ballot measure is approved if sixty percent of the total persons voting on the ballot measure vote to approve the dissolution. A dissolution under this subsection is effective at the end of the day on the thirty-first day of December in the year in which the dissolution measure is approved.

(3) A municipal police district is automatically dissolved if after the withdrawal of participating cities or towns there is only one remaining city or town in the district.

NEW SECTION. **Sec.**  The members of the planning committee who are elected officials shall serve as the commissioners of the district for a term of one year from the date the district is formed. Thereafter, the governing bodies of the participating cities and towns must each appoint one commissioner to the commission, each to serve a one-year term. Only elected officials of participating cities or towns are eligible to be appointed to serve as commissioners.

NEW SECTION. **Sec.**  The commission of the district is responsible for the execution of the voter-approved plan. Participating cities or towns shall review the plan every ten years. The commission may:

(1) Enter into agreements with federal, state, local, and regional entities and departments as necessary to accomplish district purposes and protect the district's investments;

(2) Accept gifts, grants, or other contributions of funds that will support the purposes and programs of the district;

(3) Monitor and audit the progress and execution of district projects to protect the investment of the public and annually make public its findings;

(4) Pay for services and enter into leases and contracts, including professional service contracts;

(5) Hire, manage, and terminate employees; and

(6) Exercise powers and perform duties as the commission determines necessary to carry out the purposes, functions, and projects of the district in accordance with the municipal police district plan and applicable laws.

NEW SECTION. **Sec.**  The commission shall appoint a person to fill the position of chief of the municipal police district and shall notify the governing bodies of each participating city or town of its appointment. The appointment is only effective after each participating city or town adopts a resolution approving of the person appointed by the commission. In the event of a vacancy in the position of chief of police, the commission shall appoint an interim chief to fill the position until a permanent appointment is made by the commission and approved by resolution of the governing body of each participating city or town.

NEW SECTION. **Sec.**  (1) Except as otherwise provided in the municipal police district plan, all powers, duties, and functions of a participating city or town pertaining to law enforcement services shall be transferred to the municipal police district on its creation date or on the effective date that a city or town is subsequently annexed into a district.

(2)(a) Except as otherwise provided in the municipal police district plan, and on the creation date of the municipal police district or on the effective date that a city or town is subsequently annexed into a district, all reports, documents, surveys, books, records, files, papers, or written material in the possession of the participating cities or towns pertaining to law enforcement services powers, functions, and duties shall be delivered to the municipal police district; all real property and personal property including cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the participating cities or towns in carrying out the fire protection and emergency services powers, functions, and duties shall be transferred to the municipal police district; and all funds, credits, or other assets held by the participating cities or towns in connection with law enforcement powers, functions, and duties shall be transferred and credited to the municipal police district.

(b) Except as otherwise provided in the municipal police district plan, whenever any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the governing body of the participating city or town shall make a determination as to the proper allocation.

(3) Except as otherwise provided in the municipal police district plan, all rules and all pending business before the participating cities or towns pertaining to the powers, functions, and duties transferred shall be continued and acted upon by the municipal police district, and all existing contracts and obligations shall remain in full force and shall be performed by the municipal police district.

(4) The transfer of the powers, duties, functions, and personnel of the participating cities or towns shall not affect the validity of any act performed before creation of the municipal police district.

(5)(a) Subject to (c) of this subsection, all employees of the police departments of participating cities or towns are transferred to the jurisdiction of the municipal police district on its creation date or on the effective date that a city or town is subsequently annexed into a district. Upon transfer, unless an agreement for different terms of transfer is reached between the collective bargaining representatives of the transferring employees and the participating cities or towns, an employee is entitled to the employee rights, benefits, and privileges to which he or she would have been entitled as an employee of a participating city or town, including rights to:

(i) Compensation at least equal to the level at the time of transfer;

(ii) Retirement, vacation, sick leave, and any other accrued benefit;

(iii) Promotion and service time accrual; and

(iv) The length or terms of probationary periods, including no requirement for an additional probationary period if one had been completed before the transfer date.

(b) If any or all of the participating cities or towns provide for civil service in their police departments, the collective bargaining representatives of the transferring employees and the participating cities or towns must negotiate regarding the establishment of a civil service system within the district. This subsection does not apply if none of the participating cities or towns provide for civil service.

(c) Nothing contained in this section may be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until the agreement has expired or until the bargaining unit has been modified as provided by law.

NEW SECTION. **Sec.**  Sections 1 through 13 of this act constitute a new chapter in Title 35 RCW.

**Sec.**  RCW 41.56.030 and 2018 c 253 s 6 are each amended to read as follows:

As used in this chapter:

(1) "Adult family home provider" means a provider as defined in RCW 70.128.010 who receives payments from the medicaid and state-funded long-term care programs.

(2) "Bargaining representative" means any lawful organization which has as one of its primary purposes the representation of employees in their employment relations with employers.

(3) "Child care subsidy" means a payment from the state through a child care subsidy program established pursuant to RCW 74.12.340, 45 C.F.R. Sec. 98.1 through 98.17, or any successor program.

(4) "Collective bargaining" means the performance of the mutual obligations of the public employer and the exclusive bargaining representative to meet at reasonable times, to confer and negotiate in good faith, and to execute a written agreement with respect to grievance procedures and collective negotiations on personnel matters, including wages, hours and working conditions, which may be peculiar to an appropriate bargaining unit of such public employer, except that by such obligation neither party shall be compelled to agree to a proposal or be required to make a concession unless otherwise provided in this chapter.

(5) "Commission" means the public employment relations commission.

(6) "Executive director" means the executive director of the commission.

(7) "Family child care provider" means a person who: (a) Provides regularly scheduled care for a child or children in the home of the provider or in the home of the child or children for periods of less than twenty-four hours or, if necessary due to the nature of the parent's work, for periods equal to or greater than twenty-four hours; (b) receives child care subsidies; and (c) under chapter 43.216 RCW, is either licensed by the state or is exempt from licensing.

(8) "Individual provider" means an individual provider as defined in RCW 74.39A.240(3) who, solely for the purposes of collective bargaining, is a public employee as provided in RCW 74.39A.270.

(9) "Institution of higher education" means the University of Washington, Washington State University, Central Washington University, Eastern Washington University, Western Washington University, The Evergreen State College, and the various state community colleges.

(10)(a) "Language access provider" means any independent contractor who provides spoken language interpreter services, whether paid by a broker, language access agency, or the respective department:

(i) For department of social and health services appointments, department of children, youth, and families appointments, medicaid enrollee appointments, or who provided these services on or after January 1, 2011, and before June 10, 2012;

(ii) For department of labor and industries authorized medical and vocational providers, or who provided these services on or after January 1, 2016, and before July 1, 2018; or

(iii) For state agencies, or who provided these services on or after January 1, 2016, and before July 1, 2018.

(b) "Language access provider" does not mean a manager or employee of a broker or a language access agency.

(11) "Public employee" means any employee of a public employer except any person (a) elected by popular vote, or (b) appointed to office pursuant to statute, ordinance or resolution for a specified term of office as a member of a multimember board, commission, or committee, whether appointed by the executive head or body of the public employer, or (c) whose duties as deputy, administrative assistant or secretary necessarily imply a confidential relationship to (i) the executive head or body of the applicable bargaining unit, or (ii) any person elected by popular vote, or (iii) any person appointed to office pursuant to statute, ordinance or resolution for a specified term of office as a member of a multimember board, commission, or committee, whether appointed by the executive head or body of the public employer, or (d) who is a court commissioner or a court magistrate of superior court, district court, or a department of a district court organized under chapter 3.46 RCW, or (e) who is a personal assistant to a district court judge, superior court judge, or court commissioner. For the purpose of (e) of this subsection, no more than one assistant for each judge or commissioner may be excluded from a bargaining unit.

(12) "Public employer" means any officer, board, commission, council, or other person or body acting on behalf of any public body governed by this chapter, or any subdivision of such public body. For the purposes of this section, the public employer of district court or superior court employees for wage-related matters is the respective county legislative authority, or person or body acting on behalf of the legislative authority, and the public employer for nonwage-related matters is the judge or judge's designee of the respective district court or superior court.

(13) "Uniformed personnel" means: (a) Law enforcement officers as defined in RCW 41.26.030 employed by the governing body of any city ((~~or~~)), town, or municipal police district with a population of two thousand five hundred or more and law enforcement officers employed by the governing body of any county with a population of ten thousand or more; (b) correctional employees who are uniformed and nonuniformed, commissioned and noncommissioned security personnel employed in a jail as defined in RCW 70.48.020(9), by a county with a population of seventy thousand or more, and who are trained for and charged with the responsibility of controlling and maintaining custody of inmates in the jail and safeguarding inmates from other inmates; (c) general authority Washington peace officers as defined in RCW 10.93.020 employed by a port district in a county with a population of one million or more; (d) security forces established under RCW 43.52.520; (e) firefighters as that term is defined in RCW 41.26.030; (f) employees of a port district in a county with a population of one million or more whose duties include crash fire rescue or other firefighting duties; (g) employees of fire departments of public employers who dispatch exclusively either fire or emergency medical services, or both; (h) employees in the several classes of advanced life support technicians, as defined in RCW 18.71.200, who are employed by a public employer; or (i) court marshals of any county who are employed by, trained for, and commissioned by the county sheriff and charged with the responsibility of enforcing laws, protecting and maintaining security in all county-owned or contracted property, and performing any other duties assigned to them by the county sheriff or mandated by judicial order.

NEW SECTION. **Sec.**  If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

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