

EHB 1086 - S COMM AMD

By Committee on Local Government, Land Use & Tribal Affairs

ADOPTED 04/07/2023

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

3 "NEW SECTION. **Sec. 1.** The legislature finds that office of
4 financial management forecasts are showing state population growth of
5 more than 2.2 million people by the year 2050. In the face of this
6 dramatic growth, the legislature finds that it is more important than
7 ever to help preserve, maintain, and enhance local parks, trails, and
8 open spaces that are key contributors to the state's quality of life.

9 The legislature further finds that local parks and recreation
10 agencies confronted with this growth are still dealing with severe
11 budget impacts brought on by the COVID-19 pandemic and facing a
12 pending economic slowdown, even as the utilization of parks, open
13 spaces, and trails has spiked up dramatically.

14 The legislature finds that local parks agencies desperately need
15 additional funding and tools to address the significant growth in use
16 and to better empower nonprofit and service organizations to make a
17 positive impact in their communities.

18 The legislature finds that community service organizations can
19 help local agencies bring people together in a way that fosters an
20 ethic of service, builds cohesion among residents, and provides more
21 free and accessible outdoor recreation opportunities, particularly in
22 underserved communities.

23 The legislature finds that increased use of volunteers, and
24 agreements with community service organizations, can help smaller
25 agencies stretch local dollars further and take on bigger projects
26 than they otherwise would be able to.

27 The legislature finds that one way to incentivize these types of
28 agreements with community service organizations is by modernizing the
29 state laws around contracting with such organizations, which have not
30 been updated since 1988.

31 The legislature further finds that years of inflation and growth
32 should be taken into account in updating these state laws, which

1 currently restrict many local agencies to a \$25,000 per year limit
2 for all community service organization contracts.

3 Therefore, it is the intent of the legislature to modernize the
4 state laws around contracting with community service organizations in
5 a manner that accounts for three and a half decades of growth and
6 inflationary costs, so that local parks agencies can operate with
7 more reasonable and up-to-date limits that are in keeping with
8 today's budget and cost realities. Doing so will provide local
9 agencies one additional tool to address maintenance backlogs,
10 preserve quality open spaces, and better serve communities
11 experiencing inequities and lacking access to parks and recreation
12 facilities and programs that support healthy living. The legislature
13 therefore intends to increase the dollar limit from \$25,000 to
14 \$75,000 for smaller agencies. It is the intent of the legislature
15 that this limit apply annually to all contracts entered into by an
16 agency under RCW 35.21.278 in any one year, and that this limit not
17 be interpreted to apply on a per contract basis so as to allow any
18 number of individual contracts of up to \$75,000.

19 It is the intent of the legislature that this authority be used
20 to provide additional opportunities for public service organizations
21 to meaningfully participate in the betterment of their community,
22 rather than as a way for local agencies to advantage nonprofits over
23 other businesses in public contracting.

24 **Sec. 2.** RCW 35.21.278 and 2019 c 352 s 7 are each amended to
25 read as follows:

26 (1) Without regard to competitive bidding laws for public works,
27 a county, city, town, school district, metropolitan park district,
28 park and recreation district, port district, or park and recreation
29 service area may contract with a chamber of commerce, a service
30 organization, a community, youth, or athletic association, or other
31 similar association located and providing service in the immediate
32 neighborhood, for drawing design plans, making improvements to a
33 park, school playground, public square, other public spaces, or port
34 habitat site, installing equipment or artworks, or providing
35 maintenance services for such a project, or for a facility or
36 facilities as a community or neighborhood project, or for an
37 environmental justice stewardship or sustainability project, and may
38 reimburse the contracting association its expense. The contracting
39 association may use volunteers to whom no wage or salary compensation

1 is paid in the project and provide the volunteers with clothing or
2 tools; meals or refreshments; accident/injury insurance coverage; and
3 reimbursement of their expenses. The consideration to be received by
4 the public entity through the value of the improvements, artworks,
5 equipment, or maintenance shall have a value at least equal to
6 (~~three~~) two times that of the payment to the contracting
7 association. All payments made by a public entity under the authority
8 of this section for all such contracts in any one year shall not
9 exceed (~~twenty-five thousand dollars~~) \$75,000 or two dollars per
10 resident within the boundaries of the public entity, whichever is
11 greater.

12 (2) A county, city, town, school district, metropolitan park
13 district, park and recreation district, or park and recreation
14 service area may ratify an agreement, which qualifies under
15 subsection (1) of this section and was made before June 9, 1988.

16 (3) Without regard to competitive bidding laws for public works,
17 a school district, institution of higher education, or other
18 governmental entity that includes training programs for students may
19 contract with a community service organization, nonprofit
20 organization, or other similar entity, to build tiny houses for low-
21 income housing, if the students participating in the building of the
22 tiny houses are in:

23 (a) Training in a community and technical college construction or
24 construction management program;

25 (b) A career and technical education program;

26 (c) A state-recognized apprenticeship preparation program; or

27 (d) Training under a construction career exploration program for
28 high school students administered by a nonprofit organization."

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29 On page 1, line 2 of the title, after "organizations;" strike the
30 remainder of the title and insert "amending RCW 35.21.278; and
31 creating a new section."

EFFECT: Authorizes a local government to contract with community
service organizations for:

Improvements for other public spaces in addition to existing locations; and

Maintenance services for an environmental justice stewardship or sustainability project.

Decreases the threshold for monetary value of work completed community service organization to receive reimbursement for expenses. The value of work must be at least twice as much as the reimbursement payment to the community service organization.

Removes provision increasing the limit on the yearly value of contracts that can be provided by smaller local government jurisdictions to community service organizations without competitive bidding. The yearly total payments made to community service organizations under the exemption cannot exceed the greater of \$75,000 or \$2 per resident in the jurisdiction.

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