

HOUSE BILL REPORT

EHB 2830

*As Passed House
February 15, 1992*

Title: An act relating to metropolitan municipal corporations.

Brief Description: Authorizing certain counties to assume functions of metropolitan municipal corporations by ordinance or resolution.

Sponsor(s): Representatives Nelson, Miller, Heavey, Wilson, Appelwick, Jacobsen, R. Fisher, Van Luven, H. Sommers, Paris, Jones, Zellinsky, Anderson, Leonard, Forner, D. Sommers, Schmidt, Sprenkle, G. Fisher, Brumsickle, Lisk, O'Brien, Chandler, Edmondson, Morton, Bowman, Tate, Valle, Rust, Brough and Wineberry.

Brief History:

Reported by House Committee on:
Local Government, February 7, 1992, DP;
Passed House, February 15, 1992, 85-9.

**HOUSE COMMITTEE ON
LOCAL GOVERNMENT**

Majority Report: *Do pass.* Signed by 15 members: Representatives Haugen, Chair; Cooper, Vice Chair; Ferguson, Ranking Minority Member; Mitchell, Assistant Ranking Minority Member; Bray; Edmondson; Franklin; Horn; Nealey; Nelson; Rayburn; Roland; Wood; Wynne; and Zellinsky.

Staff: Steve Lundin (786-7127).

Background: Metropolitan municipal corporations (metros) may be formed to provide a variety of public facilities and services. The metropolitan council of a metro is a federated body consisting of members of the county legislative authority of the county in which the metro is located, officials of cities within the metro, and other appointed officials.

Legislation was enacted in 1977 allowing a county with a population of 500,000 or more in which a metro exists to assume the powers of the metro if a ballot proposition authorizing the assumption is approved by the voters of both: (1) the central city; and (2) the remainder of the

metro outside of the central city. This dual voter approval requirement is the same as to create a metro.

The Federal District Court of western Washington recently held that the scheme of representation on the metropolitan council of the Metropolitan Municipal Corporation of Seattle (Seattle Metro) violates the "one person, one vote" doctrine that was established by the United States Supreme Court under the Equal Protection Clause of the 14th Amendment to the United States Constitution. The judge ruled that the violation of the "one person, one vote" doctrine must be remedied by April 3, 1992.

King County submitted two separate ballot propositions relating to Seattle Metro to its voters at the November 1991 general election. First, a charter amendment was submitted that would have increased the size of the King County Council from nine to 13 members, provided for two committees of the council with membership including city officials, and required that action by the full council on any subject within the preview of such a committee must be approval by a two-thirds vote of the full council. The charter amendment was conditioned on the county assuming Seattle Metro under the second proposition. Second, a proposal for the county to assume Seattle Metro was submitted to the voters of the county.

The charter amendment was approved, but the proposition to assume Seattle Metro was defeated by not obtaining approval in both portions of the county. Voters approved the proposition in Seattle, but not the remainder of the county. However, the vote received majority approval countywide if the separate votes were combined.

Summary of Bill: An alternative procedure is provided for a county with a population of 1 million or more to assume the rights, powers, functions, and obligations of a metro within its boundaries.

Under this alternative procedure, the county could by ordinance or resolution cause the assumption after holding a public hearing on the matter. Where the county has a home rule charter, the powers that are assumed shall vest in the executive and legislative branches of the county as defined in the charter.

A county that assumes the functions of a metro under this new procedure shall:

- o Establish two or more intergovernmental committees to review and recommend to the county legislative authority the countywide comprehensive plan and elements of other

plans for both the incorporated and unincorporated areas of the county. The committee shall include members representing special districts, cities, the county and the unincorporated areas of the county. The number of central city members, other component city members, and unincorporated area members must be in proportion to their populations. The county must adopt a procedure for the selection of unincorporated area members using community councils and neighborhood associations;

- o Approve any matter relating to the county's exercise of metro functions by a two-thirds vote of the county council, until a charter amendment is approved altering the size of the county council and providing for a super-majority vote by the council on matters relating to its exercise of metro functions;
- o Establish a transition committee to advise the county legislative authority on the transition to county performance of metro functions. This committee shall include members representing cities, special purpose districts, and citizens with interest and expertise in metro functions and administration;
- o Ensure that revenues authorized solely for metro purposes are preserved and retained separate from other county funds and expended only for metro purposes;
- o Preserve the existing internal administrative structure of the metro for a period of two years from the date of the assumption; and
- o Conduct a process for consulting citizens of the unincorporated areas of the county to analyze governance issues in such areas and report to the governor and legislature any conclusions within one year from the effective date of the assumption of the metro functions.

Fiscal Note: Not requested.

Effective Date: The bill contains an emergency clause and takes effect immediately.

Testimony For: The voters throughout King County approved the assumption by a simple majority vote. County council members are directly elected by voters. They represent all voters fairly. The county has resubmitted the charter amendment this fall increasing the size of the council and creating committees with city representatives. This solves the federal court's problem with the metro council. Any federation is questionable legally and will be challenged. We need resolution of the metro issue to keep federal moneys

and allow ballot propositions to be submitted to finance high capacity transit. The negotiations will continue. This is a vehicle.

Testimony Against: Cities need representation. Good arguments can be made that a federation comprised of primarily appointed members meets the federal court's requirements. People don't trust the county. The county councilmembers should be non-partisan officials. All the county councilmembers should be forced to be re-elected at the same election. The rural areas oppose merger.

Witnesses: (Pro): Bruce Laing, King County Council; Lincoln Ferris, Municipal League; Jerry Sheehan, ACLU; Greg Nichols, King County Council; Elizabeth Springer, Port Watch; and Craig Gannett, citizen. (Con): Terry Luken, Bellevue City Council; Bob Mack, Citizens for Regional Reform Now; Norm Rice, Mayor of Seattle; and Bob Roegner, Mayor of Auburn.