

2 SSB 5038 - H COMM AMD
3 By Committee on Local Government

4 ADOPTED AS AMENDED 3/3/94

5 Strike everything after the enacting clause and insert the
6 following:

7 "NEW SECTION. **Sec. 1.** The purpose of chapter . . . , Laws of 1994
8 (this act) is to establish a flexible process by which local
9 governments enter into service agreements that will establish which
10 jurisdictions should provide various local government services and
11 facilities within specified geographic areas and how those services and
12 facilities will be financed.

13 NEW SECTION. **Sec. 2.** Unless the context clearly requires
14 otherwise, the definitions in this section apply throughout this
15 chapter.

16 (1) "City" means a city or town, including a city operating under
17 Title 35A RCW.

18 (2) "Governmental service" includes a service provided by local
19 government, and any facilities and equipment related to the provision
20 of such services, including but not limited to utility services, health
21 services, social services, law enforcement services, fire prevention
22 and suppression services, community development activities,
23 environmental protection activities, economic development activities,
24 and transportation services and facilities, but shall not include the
25 generation, conservation, or distribution of electrical energy nor
26 maritime shipping activities.

27 (3) "Regional service" means a governmental service established by
28 agreement among local governments that delineates the government entity
29 or entities responsible for the service provision and allows for that
30 delivery to extend over jurisdictional boundaries.

31 (4) "Local government" means a county, city, or special district.

32 (5) "Service agreement" means an agreement among counties, cities,
33 and special districts established pursuant to this chapter.

1 (6) "Special district" means a municipal or quasi-municipal
2 corporation in the state, other than a county, city, or school
3 district.

4 NEW SECTION. **Sec. 3.** A service agreement addressing children and
5 family services shall enhance coordination and shall be consistent with
6 the comprehensive plan developed under chapter . . . , Laws of 1994
7 (Engrossed Second Substitute House Bill No. 2319 or Second Substitute
8 Senate Bill No. 6174).

9 NEW SECTION. **Sec. 4.** (1) Agreements among local governments
10 concerning one or more governmental service should be established for
11 a designated geographic area as provided in this section.

12 (2) A service agreement must describe: (a) The governmental
13 service or services addressed by the agreement; (b) the geographic area
14 covered by the agreement; (c) which local government or local
15 governments are to provide each of the governmental services addressed
16 by the agreement within the geographic area covered by the agreement;
17 and (d) the term of the agreement, if any.

18 (3) A service agreement becomes effective when approved by: (a)
19 The county legislative authority of each county that includes territory
20 located within the geographic area covered by the agreement; (b) the
21 governing body or bodies of at least a simple majority of the total
22 number of cities that includes territory located within the geographic
23 area covered by the agreement, which cities include at least seventy-
24 five percent of the total population of all cities that includes
25 territory located within the geographic area covered by the agreement;
26 and (c) for each governmental service addressed by the agreement, the
27 governing body or bodies of at least a simple majority of the special
28 districts that include territory located within the geographic area
29 covered by the agreement and which provide the governmental service
30 within such territory. The participants may agree to use another
31 formula. An agreement pursuant to this section shall be effective upon
32 adoption by the county legislative authority following a public
33 hearing.

34 (4) A service agreement may cover a geographic area that includes
35 territory located in more than a single county.

1 NEW SECTION. **Sec. 5.** A service agreement may include, but is not
2 limited to, any or all of the following matters:

3 (1) A dispute resolution arrangement;

4 (2) How joint land-use planning and development regulations by the
5 county and a city or cities, or by two or more cities, may be
6 established, made binding, and enforced;

7 (3) How common development standards between the county and a city
8 or cities, or between two or more cities, may be established, made
9 binding, and enforced;

10 (4) How capital improvement plans of the county, cities, and
11 special districts shall be coordinated;

12 (5) How plans and policies adopted under chapter 36.70A RCW will be
13 implemented by the service agreement;

14 (6) A transfer of revenues between local governments in
15 relationship to their obligations for providing governmental services;

16 (7) The designation of additional area-wide governmental services
17 to be provided by the county.

18 NEW SECTION. **Sec. 6.** (1) The county legislative authority of
19 every county with a population of one hundred fifty thousand or more
20 shall convene a meeting on or before March 1, 1995, to develop a
21 process for the establishment of service agreements. Invitations to
22 attend this meeting shall be sent to the governing body of each city
23 located in the county, and to the governing body of each special
24 district located in the county that provides one or more of the
25 governmental services as defined in section 2(2) of this act.

26 The legislative authorities of counties of less than one hundred
27 fifty thousand population may utilize this chapter by adopting a
28 resolution stating their intent to do so. In that case or in the case
29 of counties whose populations reach one hundred fifty thousand after
30 March 1, 1995, this meeting shall be convened no later than sixty days
31 after the date the county adopts its resolution of intention or was
32 certified by the office of financial management as having a population
33 of one hundred fifty thousand or more.

34 (2) On or before January 1, 1997, a service agreement must be
35 adopted in each county under this chapter or a progress report must be
36 submitted to the appropriate committees of the legislature.

37 (3) In other counties that choose to utilize this chapter or whose
38 population reaches one hundred fifty thousand, the service agreement

1 must be adopted two years after the initial meeting provided for in
2 subsection (1) of this section is convened or a progress report must be
3 submitted to the appropriate committees of the legislature.

4 NEW SECTION. **Sec. 7.** It is the intent of the legislature to
5 permit the creation of a flexible process to establish service
6 agreements and to recognize that local governments possess broad
7 authority to shape a variety of government service agreements to meet
8 their local needs and circumstances. However, it is noted that in
9 general, cities are the unit of local government most appropriate to
10 provide urban governmental services and counties are the unit of local
11 government most appropriate to provide regional governmental services.

12 The process to establish service agreements should assure that all
13 directly affected local governments, and Indian tribes at their option,
14 are allowed to be heard on issues relevant to them.

15 NEW SECTION. **Sec. 8.** Nothing contained in this chapter alters the
16 duties, requirements, and authorities of cities and counties contained
17 in chapter 36.70A RCW.

18 NEW SECTION. **Sec. 9.** A new section is added to chapter 46.68 RCW
19 to read as follows:

20 Funds that are distributed to counties, cities, or towns pursuant
21 to this chapter may be transferred by the recipient county, city, or
22 town to another unit of local government pursuant to a government
23 service agreement as provided in sections 4 and 5 of this act.

24 NEW SECTION. **Sec. 10.** A new section is added to chapter 66.08 RCW
25 to read as follows:

26 Funds that are distributed to counties, cities, or towns pursuant
27 to this chapter may be transferred by the recipient county, city, or
28 town to another unit of government pursuant to a government service
29 agreement as provided in sections 4 and 5 of this act.

30 NEW SECTION. **Sec. 11.** A new section is added to chapter 82.14 RCW
31 to read as follows:

32 The rate of sales and use tax imposed by a city under RCW 82.14.030
33 (1) and (2) may be altered pursuant to a government service agreement
34 as provided in sections 4 and 5 of this act.

1 NEW SECTION. **Sec. 12.** A new section is added to chapter 82.14 RCW
2 to read as follows:

3 The percentage of a city's sales and use tax receipts that a county
4 receives under RCW 82.14.030 (1) and (2) may be altered pursuant to a
5 government service agreement as provided in sections 4 and 5 of this
6 act.

7 NEW SECTION. **Sec. 13.** A new section is added to chapter 82.14 RCW
8 to read as follows:

9 Funds that are distributed to counties or cities pursuant to RCW
10 82.14.200 or 82.14.210 may be transferred by the recipient county or
11 city to another unit of local government pursuant to a government
12 service agreement as provided in sections 4 and 5 of this act.

13 NEW SECTION. **Sec. 14.** A new section is added to chapter 82.44 RCW
14 to read as follows:

15 Funds that are distributed to cities or towns pursuant to RCW
16 82.44.150 may be transferred by the recipient city or town to another
17 unit of local government pursuant to a government service agreement as
18 provided in sections 4 and 5 of this act.

19 **Sec. 15.** RCW 3.62.070 and 1993 c 317 s 8 are each amended to read
20 as follows:

21 Except in traffic cases wherein bail is forfeited or a monetary
22 penalty paid to a violations bureau, and except in cases filed in
23 municipal departments established pursuant to chapter 3.46 RCW and
24 except in cases where a city has contracted with another city for such
25 services pursuant to chapter 39.34 RCW, in every criminal or traffic
26 infraction action filed by a city for an ordinance violation, the city
27 shall be charged a filing fee. Fees shall be determined pursuant to an
28 agreement as provided for in chapter 39.34 RCW, the interlocal
29 cooperation act, between the city and the county providing the court
30 service. In such criminal or traffic infraction actions the cost of
31 providing services necessary for the preparation and presentation of a
32 defense at public expense are not within the filing fee and shall be
33 paid by the city. In all other criminal or traffic infraction actions,
34 no filing fee shall be assessed or collected: PROVIDED, That in such
35 cases, for the purposes of RCW 3.62.010, four dollars or the agreed

1 filing fee of each fine or penalty, whichever is greater, shall be
2 deemed filing costs.

3 ~~((If, one hundred twenty days before the expiration of an existing
4 contract under this section, the city and the county are unable to
5 agree on terms for renewal, the matter shall be submitted to binding
6 arbitration.))~~ In the event no agreement is reached between a city and
7 the county providing the court service, either party may invoke binding
8 arbitration on the fee issue by notice to the other party. In the case
9 of establishing initial fees, the notice shall be thirty days. In the
10 case of renewal or proposed nonrenewal, the notice shall be given one
11 hundred twenty days prior to the expiration of the existing contract.
12 In the event that such issue is submitted to arbitration, the
13 arbitrator or arbitrators shall only consider those additional costs
14 borne by the county in providing district court services for such city.
15 The city and the county shall each select one arbitrator, the two of
16 whom shall pick a third arbitrator. The existing contract shall remain
17 in effect until a new agreement is reached or until an arbitration
18 award is made.

19 NEW SECTION. Sec. 16. Section 15 of this act shall take effect
20 January 1, 1995.

21 NEW SECTION. Sec. 17. Sections 1 through 8 of this act shall
22 constitute a new chapter in Title 36 RCW."

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