

2 HB 2365 - S COMM AMD

3 By Committee on Government Operations

4 ADOPTED 3/1/96

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

7 "Sec. 1. RCW 36.83.010 and 1985 c 400 s 2 are each amended to read
8 as follows:

9 The legislative authority of a county may establish one or more
10 service districts within the county for the purpose of providing and
11 funding capital and maintenance costs for any bridge or road
12 improvement or for providing and funding capital costs for any state
13 highway improvement a county or a road district has the authority to
14 provide. A service district may not include any area within the
15 corporate limits of a city or town unless the city or town governing
16 body adopts a resolution approving inclusion of the area within its
17 limits. A service district is a quasi municipal corporation, an
18 independent taxing "authority" within the meaning of Article VII,
19 section 1 of the state Constitution, and a "taxing district" within the
20 meaning of Article VII, section 2 of the state Constitution.

21 A service district shall constitute a body corporate and shall
22 possess all the usual powers of a corporation for public purposes as
23 well as all other powers that may now or hereafter be specifically
24 conferred by statute, including, but not limited to, the authority to
25 hire employees, staff, and services, to enter into contracts, to
26 acquire, hold, and dispose of real and personal property, and to sue
27 and be sued. All projects constructed by a service district pursuant
28 to the provisions of this chapter shall be competitively bid and
29 contracted.

30 A board of three commissioners appointed by the county legislative
31 authority or county executive pursuant to this chapter shall be the
32 governing body of a service district. The county treasurer shall act
33 as the ex officio treasurer of the service district. The electors of
34 a service district are all registered voters residing within the
35 district.

1 **Sec. 2.** RCW 36.83.020 and 1983 c 130 s 2 are each amended to read
2 as follows:

3 (1) A county legislative authority proposing to establish a service
4 district(~~(, or to modify the boundaries of an existing service~~
5 ~~district, or to dissolve an existing service district,)~~) shall conduct
6 a hearing at the time and place specified in a notice published at
7 least once, not less than ten days prior to the hearing, in a newspaper
8 of general circulation within the proposed service district. This
9 notice shall be in addition to any other notice required by law to be
10 published. The notice shall(~~(, where applicable,)~~) specify the
11 functions or activities proposed to be provided or funded(~~(, or the~~
12 ~~additional functions or activities proposed to be provided or funded,)~~)
13 by the service district. Additional notice of the hearing may be given
14 by mail, posting within the proposed service district, or in any manner
15 the county legislative authority deems necessary to notify affected
16 persons. All hearings shall be public and the county legislative
17 authority shall hear objections from any person affected by the
18 formation, modification of the boundaries, or dissolution of the
19 service district.

20 (2) Following the hearing held pursuant to subsection (1) of this
21 section, the county legislative authority may establish a service
22 district(~~(, modify the boundaries or functions of an existing service~~
23 ~~district, or dissolve an existing service district,)~~) if the county
24 legislative authority finds the action to be in the public interest and
25 adopts an ordinance or resolution providing for the ((~~action~~))
26 establishment of the service district. The ((~~ordinance~~)) legislation
27 establishing a service district shall specify the functions or
28 activities to be exercised or funded and establish the boundaries of
29 the service district. Functions or activities proposed to be provided
30 or funded by the service district may not be expanded beyond those
31 specified in the notice of hearing, ((~~unless additional notices are~~
32 ~~made, further hearings on the expansion are held, and further~~
33 ~~determinations are made that it is in the public interest to so expand~~
34 ~~the functions or activities proposed to be provided or funded~~)) except
35 as provided in subsection (4) of this section.

36 (3) At any time prior to the county legislative authority
37 establishing a service district pursuant to this section, all further
38 proceedings shall be terminated upon the filing of a verified
39 declaration of termination signed by ((~~the owners of real property~~

1 ~~consisting of at least sixty percent of the assessed valuation in)) a~~
2 majority of the registered voters of the proposed service district.

3 (4) With the approval of the county legislative authority, the
4 governing body of a service district may modify the boundaries of,
5 expand or otherwise modify the functions of, or dissolve the service
6 district after providing notice and conducting a public hearing or
7 hearings in the manner provided in subsection (1) of this section. The
8 governing body must make a determination that the proposed action is in
9 the public interest and adopt a resolution providing for the action.

10 NEW SECTION. Sec. 3. A new section is added to chapter 36.83 RCW
11 to read as follows:

12 If the county legislative authority establishes a road and bridge
13 service district, it shall promptly appoint three persons who are
14 residents of the territory included in that service district to serve
15 as the commissioners of the service district. For counties having an
16 elected executive, the executive shall appoint those commissioners
17 subject to confirmation by the legislative authority of the county.
18 The commissioners first appointed shall be designated to serve for
19 terms of one, two, and three years, respectively, from the date of
20 their appointment. Thereafter, service district commissioners shall be
21 appointed for a term of office of five years. Vacancies must be filled
22 for any unexpired term in the same manner as the original appointment.
23 No member of the legislative authority of the county in which a service
24 district is created may be a commissioner of that service district,
25 except that, if the boundaries of the service district are included
26 within or coterminous with the boundaries of a county commissioner or
27 council district, the county commissioner or councilmember elected from
28 that commissioner or council district may be appointed to serve as a
29 commissioner of the service district. A commissioner shall hold office
30 until his or her successor has been appointed and qualified, unless
31 sooner removed from office for cause in accordance with this chapter or
32 removed by referendum in accordance with section 4 of this act. A
33 certificate of the appointment or reappointment of any commissioner
34 must be filed with the county auditor, and such certificate is
35 conclusive evidence of the due and proper appointment of the
36 commissioner. The commissioners of the service district shall receive
37 no compensation for their services, in any capacity, but are entitled

1 to reimbursement for reasonable and necessary expenses, including
2 travel expenses, incurred in the discharge of their duties.

3 The powers of each service district are vested in the commissioners
4 of the service district. Two commissioners constitute a quorum of the
5 service district for the purpose of conducting its business and
6 exercising its powers and for all other purposes. The commissioners of
7 the service district shall organize itself and select its chair, vice-
8 chair, and secretary, who shall serve one-year terms but may be
9 selected for additional terms. When the office of any officer becomes
10 vacant, the commissioners of the service district shall select a new
11 officer from among the commissioners for the balance of the term of
12 office.

13 NEW SECTION. **Sec. 4.** A new section is added to chapter 36.83 RCW
14 to read as follows:

15 Any registered voter residing within the boundaries of the road and
16 bridge service district may file a referendum petition to call an
17 election to retain any or all commissioners. Any referendum petition
18 to call such election shall be filed with the county auditor no later
19 than one year before the end of a commissioner's term. Within ten days
20 of the filing of a petition, the county auditor shall confer with the
21 petitioner concerning form and style of the petition, issue an
22 identification number for the petition, and write a ballot title for
23 the measure. The ballot title shall be posed as a question: "Shall
24 (name of commissioner) be retained as a road and bridge service
25 district commissioner?" and the question shall be posed separately for
26 each commissioner. The petitioner shall be notified of the
27 identification number and ballot title within this ten-day period.

28 After this notification, the petitioner shall have thirty days in
29 which to secure on petition forms the signatures of not less than
30 twenty-five percent of the registered voters residing within the
31 boundaries of the service district and file the signed petitions with
32 the county auditor. Each petition form shall contain the ballot title.
33 The county auditor shall verify the sufficiency of the signatures on
34 the petitions. If sufficient valid signatures are properly submitted,
35 the county auditor shall submit the referendum measure to the
36 registered voters residing in the service district in a special
37 election no later than one hundred twenty days after the signed

1 petition has been filed with the county auditor. The special election
2 may be conducted by mail ballot as provided for in chapter 29.36 RCW.

3 The office of any commissioner for whom there is not a majority
4 vote to retain shall be declared vacant.

5 NEW SECTION. **Sec. 5.** A new section is added to chapter 36.83 RCW
6 to read as follows:

7 For neglect of duty or misconduct in office, a commissioner of a
8 service district may be removed by the county legislative authority
9 after conducting a hearing. The commissioner must be given a copy of
10 the charges at least ten days prior to the hearing and must have an
11 opportunity to be heard in person or by counsel. If a commissioner is
12 removed, a record of the proceedings, together with the charges and
13 findings, must be filed in the office of the county auditor.

14 NEW SECTION. **Sec. 6.** A new section is added to chapter 36.83 RCW
15 to read as follows:

16 Any road or bridge improvements financed in whole by funds of a
17 service district, including but not limited to proceeds of bonds issued
18 by a service district, shall be owned by that service district.
19 Improvements financed jointly by a service district and the county or
20 city within which the improvements are located may be owned jointly by
21 the service district and that county or city pursuant to an interlocal
22 agreement.

23 NEW SECTION. **Sec. 7.** A new section is added to chapter 36.83 RCW
24 to read as follows:

25 If a service district is formed, there shall be created in the
26 office of the county treasurer, as ex officio treasurer of the service
27 district, a local service district fund with such accounts as the
28 treasurer may find convenient or as the state auditor or the governing
29 body of the service district may direct, into which shall be deposited
30 all revenues received by or on behalf of the service district from tax
31 levies, gifts, donations and any other source. The fund shall be
32 designated "(name of county) (road/bridge) service district No. . . .
33 fund."

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4 On page 1, line 1 of the title, after "districts;" strike the
5 remainder of the title and insert "amending RCW 36.83.010 and
6 36.83.020; and adding new sections to chapter 36.83 RCW."

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