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ENGROSSED SUBSTITUTE SENATE BILL 5268

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State of Washington

56th Legislature

1999 Regular Session

By Senate Committee on State & Local Government (originally sponsored by Senators Kohl-Welles, Long, Jacobsen, Hale, Gardner, Rossi, Thibaudeau, Prentice, Kline, Deccio, Costa, Patterson and B. Sheldon)

Read first time 02/25/1999.

1 AN ACT Relating to metropolitan park districts; amending RCW  
2 35.61.020, 35.61.030, 35.61.050, 35.61.120, 35.61.130, 35.61.132,  
3 35.61.150, 35.61.180, 35.61.200, 35.61.250, 35.61.290, and 84.52.010;  
4 and adding new sections to chapter 35.61 RCW.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 35.61 RCW  
7 to read as follows:

8 The definitions in this section apply throughout this chapter,  
9 unless the context clearly requires otherwise.

10 (1) "City" means both cities and towns, including code cities.

11 (2) "Ex officio board of park commissioners" means the board of  
12 park commissioners of a metropolitan park district, only including a  
13 city with a population of five hundred thousand or more within its  
14 boundaries, that is composed of only the members of a city legislative  
15 authority (including the elected mayor, if any, acting in the mayor's  
16 ordinary legislative capacity) acting ex officio and independently as  
17 provided under RCW 35.61.050(2).

18 (3) "Separately elected board of park commissioners" means a board  
19 of park commissioners of a metropolitan park district that is composed

1 of five separately elected commissioners as provided under RCW  
2 35.61.050(1) and 35.61.120(1).

3 (4) "Land or lands" refers to land, water, or air, or any of the  
4 rights therein or improvements thereon.

5 **Sec. 2.** RCW 35.61.020 and 1965 c 7 s 35.61.020 are each amended to  
6 read as follows:

7 (1) A ballot proposition authorizing the creation of a metropolitan  
8 park district shall be submitted by ordinance to the voters of a city  
9 with a population of at least five thousand at any general election, or  
10 at any special election which may be called for that purpose, ((or at  
11 any city election held in the city in all of the various voting  
12 precincts thereof, the city council or commission may,)) if the  
13 legislative authority of the city enacts such an ordinance after  
14 adopting a resolution proposing creation of a metropolitan park  
15 district or ((en)) if a petition ((of)) proposing creation of a  
16 metropolitan park district is submitted to the county auditor that has  
17 been signed by at least fifteen percent of the ((qualified electors of  
18 the)) registered voters residing in the city ((based upon the  
19 registration for the last preceding general city election, shall by  
20 ordinance, submit to the voters of the city the proposition of creating  
21 a metropolitan park district, the limits of which shall be)).

22 (2) If city voters approve the ballot proposition by a simple  
23 majority vote, a metropolitan park district shall be created that is  
24 coextensive with the limits of the city as now or hereafter  
25 established, inclusive of territory annexed to and forming a part of  
26 the city.

27 (3) Territory by virtue of its annexation to any city having  
28 heretofore created a park district shall be deemed to be ((within the  
29 limits of)) annexed to the metropolitan park district.

30 ((The city council or commission shall submit the proposition at a  
31 special election to be called therefor when the petition so requests.))

32 **Sec. 3.** RCW 35.61.030 and 1985 c 469 s 32 are each amended to read  
33 as follows:

34 (1) In submitting the question to the voters for their approval or  
35 rejection, the city council or commission shall pass an ordinance  
36 declaring its intention to submit the proposition of creating a  
37 metropolitan park district to the qualified voters of the city. The

1 ordinance shall be published once a week for two consecutive weeks in  
2 the official newspaper of the city(~~(, and the city council or~~  
3 ~~commission shall cause to be placed upon the ballot for the election,~~  
4 ~~at the proper place, the)~~). The proposition shall appear on the ballot  
5 of the next general municipal election unless the city legislative  
6 authority by ordinance submits it at an earlier special election.

7 (2) The legislative authority of a city placing on the ballot a  
8 proposition ((which)) authorizing the creation of a metropolitan park  
9 district shall ((be expressed in)), in the ordinance submitting the  
10 question to the voters, choose and describe the composition of the  
11 initial metropolitan park district commission that is proposed under  
12 RCW 35.61.050. The proposition shall include the following terms:

13 l "For the formation of a metropolitan park district."

14 l "Against the formation of a metropolitan park district."

15 **Sec. 4.** RCW 35.61.050 and 1994 c 223 s 23 are each amended to read  
16 as follows:

17 (1) Except as provided under subsection (2) of this section, five  
18 park commissioners shall be elected at large as the metropolitan  
19 members of the board of park commissioners for the metropolitan park  
20 district at the same election at which the ballot proposition is  
21 submitted to the voters as to whether a metropolitan park district is  
22 to be formed(~~(, five park commissioners shall be elected)~~). The  
23 election of metropolitan park commissioners shall be null and void if  
24 the metropolitan park district is not created. Candidates shall run  
25 for specific commission positions. ((No)) A primary shall not be held  
26 to nominate candidates. The person receiving the greatest number of  
27 votes for each position shall be elected as a metropolitan park  
28 commissioner. The staggering of the terms of office shall occur as  
29 follows: ((+1)) (a) The two persons who are elected receiving the two  
30 greatest numbers of votes shall be elected to six-year terms of office  
31 if the election is held in an odd-numbered year or five-year terms of  
32 office if the election is held in an even-numbered year; ((+2)) (b)  
33 the two persons who are elected receiving the next two greatest numbers  
34 of votes shall be elected to four-year terms of office if the election  
35 is held in an odd-numbered year or three-year terms of office if the  
36 election is held in an even-numbered year; and ((+3)) (c) the other  
37 person who is elected shall be elected to a two-year term of office if

1 the election is held in an odd-numbered year or a one-year term of  
2 office if the election is held in an even-numbered year.

3 The initial metropolitan park commissioners shall take office  
4 immediately when they are elected and qualified, and for purposes of  
5 computing their terms of office the terms shall be assumed to commence  
6 on the first day of January in the year after they are elected.  
7 Thereafter, all commissioners shall be elected to six-year terms of  
8 office at general elections held in odd-numbered years.

9 All commissioners shall serve until their respective successors are  
10 elected and qualified and assume office in accordance with RCW  
11 29.04.170. Vacancies shall occur and shall be filled as provided in  
12 chapter 42.12 RCW.

13 (2) The ballot proposition creating a new metropolitan park  
14 district that only consists of a city with a population of five hundred  
15 thousand or more may provide for the city's legislative authority  
16 (including the elected mayor, if any, acting in the mayor's ordinary  
17 legislative capacity) to act in an ex officio and independent capacity  
18 as the board of commissioners for the metropolitan park district. An  
19 election shall not be held to elect the initial metropolitan park  
20 district commissioners if such an option is taken.

21 **Sec. 5.** RCW 35.61.120 and 1965 c 7 s 35.61.120 are each amended to  
22 read as follows:

23 (1) The officers of a metropolitan park district shall be a board  
24 of park commissioners consisting of five members unless the board is  
25 composed as permitted under RCW 35.61.050(2). The board shall annually  
26 elect one of their number as president and another of their number as  
27 clerk of the board. The composition of a board under this subsection  
28 that was created before January 1, 1999, may not be altered once the  
29 metropolitan park district has been created.

30 (2) The composition of a board of metropolitan park district  
31 commissioners established as permitted under RCW 35.61.050(2) may be  
32 altered to a separately elected board of park commissioners once the  
33 metropolitan park district has been created only by a majority vote of  
34 the voters in the district, and then only if the potential for such an  
35 alteration was stated in the resolution or petition to create the  
36 district.

1       **Sec. 6.** RCW 35.61.130 and 1969 c 54 s 1 are each amended to read  
2 as follows:

3       (1) A metropolitan park district has the right of eminent domain,  
4 and may purchase, acquire and condemn lands lying within or without the  
5 boundaries of (~~said~~) the park district, for public parks, parkways,  
6 boulevards, aviation landings and playgrounds, and may condemn such  
7 lands for any of the following purposes: (a) To widen, alter, and  
8 extend streets, avenues, boulevards, parkways, aviation landings and  
9 playgrounds(~~(  )~~); (b) to alter, enlarge, and extend existing  
10 parks(~~(  )~~); and (c) to acquire lands for the establishment of new  
11 parks, boulevards, parkways, aviation landings and playgrounds.

12       (2) The right of eminent domain shall be exercised and instituted  
13 pursuant to resolution of the board of metropolitan park commissioners  
14 and conducted in the same manner and under the same procedure as is or  
15 may be provided by law for the exercise of the power of eminent domain  
16 by (~~incorporated~~) cities (~~and towns~~) of the state of Washington in  
17 the acquisition of property rights(~~(  —PROVIDED~~(  )~~)~~). However, funds to  
18 pay for condemnation allowed by this section shall be raised only as  
19 specified in this chapter.

20       (3) The board of metropolitan park commissioners (~~shall have power~~  
21 ~~to~~) may employ counsel(~~(  )~~) and (~~to~~) regulate, manage, and control  
22 the parks, parkways, boulevards, streets, avenues, aviation landings  
23 and playgrounds under its control(~~(  —and to)~~).

24       (4) The board of metropolitan park commissioners may provide (~~for~~  
25 ~~park policemen,~~) for a secretary of the board of metropolitan park  
26 commissioners, and for all necessary employees, (~~to~~) and fix their  
27 salaries and duties. In a metropolitan park district governed under  
28 RCW 35.61.050(2), the city's mayor shall serve ex officio as the chief  
29 executive officer of the metropolitan park district unless otherwise  
30 provided by the board of metropolitan park district commissioners.

31       (5) The board of metropolitan park commissioners (~~shall have power~~  
32 ~~to~~) may improve, acquire, extend and maintain, open, and lay out(~~(  )~~)  
33 parks, parkways, boulevards, avenues, aviation landings and  
34 playgrounds, within or without the metropolitan park district(~~(  —and~~  
35 ~~to)~~).

36       (6) The board of metropolitan park commissioners may authorize,  
37 conduct, and manage the letting of boats, or other amusement apparatus,  
38 the operation of bath houses, the purchase and sale of foodstuffs or  
39 other merchandise, the giving of vocal or instrumental concerts or

1 other entertainments, the establishment and maintenance of aviation  
2 landings and playgrounds, and the provision, establishment, operation,  
3 maintenance, and improvement of recreational facilities all on property  
4 owned by itself or others.

5 (7) The board of metropolitan park commissioners may provide  
6 generally for the management and conduct of such forms of recreation or  
7 business as it shall judge desirable or beneficial for the public, or  
8 for the production of revenue for expenditure for parks and recreation  
9 purposes(~~and~~).

10 (8) The board of metropolitan park commissioners may pay out moneys  
11 for: (a) The maintenance and improvement of any such parks, parkways,  
12 boulevards, avenues, aviation landings and playgrounds as now exist, or  
13 the right to which may hereafter be acquired, within or without the  
14 limits of (~~said city and for~~) the metropolitan park district; (b) the  
15 purchase of lands within or without the limits of (~~said city~~) the  
16 metropolitan park district, whenever it deems the purchase to be for  
17 the benefit of the public and for the interest of the metropolitan park  
18 district, and for the maintenance and improvement thereof; and (~~for~~)  
19 (c) all expenses incidental to its duties(~~PROVIDED, That~~).  
20 However, all parks, boulevards, parkways, aviation landings and  
21 playgrounds shall be subject to the police regulations of the city or  
22 county within whose limits they lie.

23 (9) The board of metropolitan park commissioners may, if and to the  
24 extent provided by section 13 of this act, contract with any entity,  
25 public or private, including the city whose voters created the  
26 district, for all or any part of its staffing, operations, and  
27 services.

28 **Sec. 7.** RCW 35.61.132 and 1989 c 319 s 4 are each amended to read  
29 as follows:

30 (1) An ex officio board of metropolitan park district commissioners  
31 is authorized, by unanimous board decision and with the approval of the  
32 legislative authority of the city within which it is located, to convey  
33 any or all of its real or personal property to that city.

34 (2) Except as set forth in subsection (3) of this section, every  
35 metropolitan park district may, by unanimous decision of its board of  
36 park commissioners, sell, exchange, or otherwise dispose of any real or  
37 personal property acquired for park or recreational purposes when such  
38 property is declared surplus for park or other recreational purposes:

1 PROVIDED, That where the property is acquired by donation or dedication  
2 for park or recreational purposes, the consent of the donor or  
3 dedicator, his or her heirs, successors, or assigns is first obtained  
4 if the consent of the donor is required in the instrument conveying the  
5 property to the metropolitan park district. In the event the donor or  
6 dedicator, his or her heirs, successors, or assigns cannot be located  
7 after a reasonable search, the metropolitan park district may petition  
8 the superior court in the county where the property is located for  
9 approval of the sale. If sold, all sales shall be by public bids and  
10 sale made only to the highest and best bidder.

11 (3) In addition to the conditions contained in subsection (2) of  
12 this section, a metropolitan park district with an ex officio board of  
13 park commissioners shall not declare surplus its real property acquired  
14 for park or recreational purposes without first having offered to  
15 donate that property to the city within which it is located.

16 **Sec. 8.** RCW 35.61.150 and 1998 c 121 s 1 are each amended to read  
17 as follows:

18 (1) Except as provided in subsection (2) of this section,  
19 metropolitan park commissioners shall perform their duties and may  
20 provide, by resolution passed by the commissioners, for the payment of  
21 compensation to each of its commissioners at a rate of up to seventy  
22 dollars for each day or portion of a day devoted to the business of the  
23 district. However, the compensation for each commissioner must not  
24 exceed six thousand seven hundred twenty dollars per year. Any  
25 commissioner may waive all or any portion of his or her compensation  
26 payable under this subsection as to any month or months during his or  
27 her term of office, by a written waiver filed with the clerk of the  
28 board. The waiver, to be effective, must be filed any time after the  
29 commissioner's election and prior to the date on which the compensation  
30 would otherwise be paid. The waiver shall specify the month or period  
31 of months for which it is made.

32 (2) Metropolitan park commissioners who serve in an ex officio  
33 capacity shall perform their duties as park commissioners without  
34 additional compensation. However, the city treasurer may not charge a  
35 greater amount for treasury services than permitted the county  
36 treasurer for similar services under RCW 36.29.020.

1       **Sec. 9.** RCW 35.61.180 and 1987 c 203 s 1 are each amended to read  
2 as follows:

3       (~~The county treasurer of the county within which all, or the major~~  
4 ~~portion, of the district lies shall be the ex officio treasurer of a~~  
5 ~~metropolitan park district, but shall receive no compensation other~~  
6 ~~than his or her regular salary for receiving and disbursing the funds~~  
7 ~~of a metropolitan park district.)) (1) The treasurer of a metropolitan  
8 park district shall be the city treasurer of the most populated city  
9 included in the district's boundaries. The city treasurer, when acting  
10 as the treasurer of a metropolitan park district, shall receive no  
11 compensation other than his or her regular salary for acting as the  
12 treasurer of the metropolitan park district.~~

13       (2) Notwithstanding the provisions of subsection (1) of this  
14 section, a metropolitan park district may designate someone other than  
15 the ((county)) city treasurer who has experience in financial or fiscal  
16 affairs to act as the district treasurer if the board has received the  
17 approval of the ((county)) city treasurer to designate this person. If  
18 the board designates someone other than the ((county)) city treasurer  
19 to act as the district treasurer, the board shall purchase a bond from  
20 a surety company operating in the state that is sufficient to protect  
21 the district from loss. A district treasurer so designated shall  
22 possess all powers relating to the metropolitan park district that are  
23 possessed by the city treasurer, other than the authority to collect  
24 property taxes.

25       (3) Notwithstanding RCW 35.61.210, general taxes of the  
26 metropolitan park district shall be distributed to the treasurer of the  
27 metropolitan park district by the county treasurer as is done for  
28 cities.

29       **Sec. 10.** RCW 35.61.200 and 1983 c 167 s 56 are each amended to  
30 read as follows:

31       Any coupons for the payment of interest on metropolitan park  
32 district bonds shall be considered for all purposes as warrants drawn  
33 upon the metropolitan park district fund against which the bonds were  
34 issued, and when presented after maturity to the treasurer of the  
35 ~~((county having custody of the fund)) metropolitan park district.~~ If  
36 there are no funds in the treasury to pay the coupons, the ~~((county))~~  
37 metropolitan park district treasurer shall endorse ((said)) the coupons  
38 as presented for payment, in the same manner as county warrants are



1 endorsed, and thereafter the coupon shall bear interest at the same  
2 rate as the bond to which it was attached. If there are no funds in  
3 the treasury to make payment on a bond not having coupons, the interest  
4 payment shall continue bearing interest at the bond rate until it is  
5 paid, unless otherwise provided in the proceedings authorizing the sale  
6 of the bonds.

7 **Sec. 11.** RCW 35.61.250 and 1985 c 416 s 4 are each amended to read  
8 as follows:

9 (1) The territory adjoining a metropolitan park district with a  
10 separately elected board of park commissioners may be annexed to and  
11 become a part ((thereof upon)) of the metropolitan park district under  
12 a petition and ((an)) election ((held pursuant thereto)) method of  
13 annexation. The petition shall define the territory proposed to be  
14 annexed and must be signed by twenty-five registered voters, resident  
15 within the territory proposed to be annexed, unless the territory is  
16 within the limits of another city when it must be signed by twenty  
17 percent of the registered voters residing within the territory proposed  
18 to be annexed. The petition must be addressed to the board of park  
19 commissioners requesting that the question be submitted to the legal  
20 voters of the territory proposed to be annexed, whether they will be  
21 annexed and become a part of the metropolitan park district.

22 (2) A metropolitan park district with an ex officio board of park  
23 commissioners as provided under RCW 35.61.050(2) may not annex  
24 territory under the provisions of RCW 35.61.250 through 35.61.280 and  
25 shall maintain boundaries identical with those of the city in which it  
26 is located, including any territory annexed by the city.

27 **Sec. 12.** RCW 35.61.290 and 1985 c 416 s 5 are each amended to read  
28 as follows:

29 (1)(a) Except as set forth in (b) of this subsection, any city  
30 within or comprising any metropolitan park district may turn over to  
31 the park district any lands, facilities, equipment, or interests in any  
32 lands, facilities, or equipment which it may own, or any street,  
33 avenue, or public place within the city for playground, park or parkway  
34 purposes, and thereafter its control and management shall vest in the  
35 board of metropolitan park commissioners((:—PROVIDED, That)).  
36 However, the police regulations of ((such)) the city, or the county

1 should the premises be outside the city limits, shall apply to all such  
2 premises.

3 (b) A metropolitan park district created with an ex officio board  
4 of park commissioners shall never become the owner of a park that, at  
5 the time of creation of the district, was owned by the city in which  
6 the metropolitan park district was created. Additionally, the  
7 legislative authority of a city in which a metropolitan park district  
8 with an ex officio board of park commissioners is created may contract  
9 with that district for overall management and operation of any city  
10 parks and recreation facilities or lease any city parks and recreation  
11 facilities to that district only after the city legislative authority  
12 holds a public hearing on the proposed lease or proposed management and  
13 operation by the metropolitan park district. At least ten days prior  
14 to the hearing, there shall be published a public notice setting forth  
15 the date, time, and place of the hearing, at least once in a local  
16 newspaper of general circulation. Notice of the hearing shall also be  
17 mailed or otherwise delivered to all who would be entitled to notice of  
18 a special meeting of the city legislative authority under RCW  
19 42.30.080. The notice shall identify the parks and recreation  
20 facilities involved. The terms and conditions under which the city  
21 proposes to lease to the metropolitan park district or contract with  
22 the metropolitan park district for management and operation shall be  
23 available upon request from and after the date of publication of the  
24 hearing notice and at the hearing, but after the public hearing the  
25 city legislative authority may amend the proposed terms and conditions  
26 at open public meetings.

27 (2) At any time that any such metropolitan park district is unable,  
28 through lack of sufficient funds, to provide for the continuous  
29 operation, maintenance, and improvement of the parks and playgrounds  
30 and other properties or facilities owned by it or under its control,  
31 and the legislative body of any city within or comprising such  
32 metropolitan park district shall determine that an emergency exists  
33 requiring the financial aid of such city to be extended in order to  
34 provide for such continuous operation, maintenance, and/or improvement  
35 of parks, playgrounds facilities, other properties, and programs of  
36 such park district within its limits, ((such)) the city may grant or  
37 loan to ((such)) the metropolitan park district such of its available  
38 funds, or such funds which it may lawfully procure and make available,  
39 as it shall find necessary to provide for such continuous operation and

1 maintenance and, pursuant thereto, any (~~such~~) city and the board of  
2 park commissioners of (~~such~~) the metropolitan park district are  
3 authorized and empowered to enter into an agreement embodying such  
4 terms and conditions of any such grant or loan as may be mutually  
5 agreed upon.

6 (3) The board of metropolitan park commissioners may accept public  
7 streets of the city and grounds for public purposes when donated for  
8 park, playground, boulevard and park purposes.

9 (~~(2)~~) (4) Counties may turn over to (~~the~~) a metropolitan park  
10 district any park and recreation lands and parks and recreation  
11 facilities and equipment or interests in any lands, facilities, or  
12 equipment that they own, and the board of metropolitan park  
13 commissioners may accept such lands and equipment or interests in any  
14 lands, facilities, or equipment.

15 NEW SECTION. Sec. 13. A new section is added to chapter 35.61 RCW  
16 to read as follows:

17 (1) A metropolitan park district governed under RCW 35.61.050(2)  
18 may contract with a nonprofit corporation or other public or private  
19 organization, including the city whose voters created the district, to  
20 manage or carry out any of its operations, except that no for-profit  
21 entity may have a contract for the overall management and operation of  
22 any parks and recreation facilities. No such contract for the overall  
23 management and operation of any park and recreation facility shall have  
24 an initial term or any renewal term longer than thirty years but may be  
25 renewed by the ex officio board of park commissioners upon the  
26 expiration of an initial or any renewal term. A metropolitan park  
27 district governed under RCW 35.61.050(2) may, however, grant and may  
28 authorize the managing and operating entity to grant to any nonprofit  
29 corporation or other public or private organization franchises or  
30 concessions that further the public use and enjoyment of parks and  
31 recreation facilities.

32 (2) Before approving each initial and any renewal contract with a  
33 nonprofit corporation for the overall management and operation of any  
34 parks and recreation facilities, the ex officio board of metropolitan  
35 park commissioners shall hold a public hearing on the proposed  
36 management and operation by such a nonprofit corporation. At least ten  
37 days prior to the hearing, there shall be published a public notice  
38 setting forth the date, time, and place of the hearing, at least once

1 in a local newspaper of general circulation. Notice of the hearing  
2 shall also be mailed or otherwise delivered to all who would be  
3 entitled to notice of a special meeting of the board under RCW  
4 42.30.080. The notice shall identify the parks and recreation  
5 facilities involved and the nonprofit corporation proposed for  
6 management and operation under contract with the metropolitan park  
7 district. The terms and conditions under which the metropolitan park  
8 district proposes to contract with the nonprofit corporation for  
9 management and operation shall be available upon request from and after  
10 the date of publication of the hearing notice and at the hearing, but  
11 after the public hearing the board of metropolitan park commissioners  
12 may amend the proposed terms and conditions at open public meetings.

13 (3) A metropolitan park district governed under RCW 35.61.050(2)  
14 shall contract with the city whose voters created the district to carry  
15 out all of the metropolitan park district's management and operations  
16 except for the management and operation of parks and recreation  
17 facilities for which the metropolitan park district has a contract with  
18 another public agency or a nonprofit corporation under subsection (1)  
19 or (2) of this section. The contract with the city may provide for its  
20 termination if the metropolitan park district commissioners approve a  
21 contract with another entity under subsection (1) or (2) of this  
22 section.

23 (4) The nonprofit corporation or other public organization with  
24 responsibility for overall management or operation of any parks and  
25 recreation facilities may in carrying out that responsibility manage  
26 and supervise employees of the metropolitan park district governed  
27 under RCW 35.61.050(2) and may hire, fire, and otherwise discipline  
28 those employees. A civil service established under RCW 35.61.140 may  
29 include such management and supervision by persons not employed by the  
30 metropolitan park district.

31 NEW SECTION. **Sec. 14.** A new section is added to chapter 35.61 RCW  
32 to read as follows:

33 (1) Notwithstanding any provisions to the contrary contained in a  
34 city charter, and to the extent provided by the city under an  
35 appropriate legislative enactment, some or all employees of a  
36 metropolitan park district with an ex officio board of park  
37 commissioners may be included in the retirement plan of a city that  
38 shares territory with the metropolitan park district if they were

1 previously employed by the city and were members of its retirement  
2 plan. The city and metropolitan park district are each authorized to  
3 pay the parts of the expense of operating and maintaining the  
4 retirement system and to contribute to the retirement fund on behalf of  
5 employees those sums as may be agreed upon between the legislative  
6 authorities of the city and the metropolitan park district, but a  
7 proportionate share of system expenses must be borne by or on behalf of  
8 the metropolitan park district employees.

9 (2) In a metropolitan park district with an ex officio board of  
10 park commissioners, neither the chief executive officer nor officers  
11 chiefly responsible for operating a facility or program, as designated  
12 by the board of metropolitan park commissioners, shall be members of  
13 the civil service that may be established under RCW 35.61.140.

14 **Sec. 15.** RCW 84.52.010 and 1995 2nd sp.s. c 13 s 4 are each  
15 amended to read as follows:

16 Except as is permitted under RCW 84.55.050, all taxes shall be  
17 levied or voted in specific amounts.

18 The rate percent of all taxes for state and county purposes, and  
19 purposes of taxing districts coextensive with the county, shall be  
20 determined, calculated and fixed by the county assessors of the  
21 respective counties, within the limitations provided by law, upon the  
22 assessed valuation of the property of the county, as shown by the  
23 completed tax rolls of the county, and the rate percent of all taxes  
24 levied for purposes of taxing districts within any county shall be  
25 determined, calculated and fixed by the county assessors of the  
26 respective counties, within the limitations provided by law, upon the  
27 assessed valuation of the property of the taxing districts  
28 respectively.

29 When a county assessor finds that the aggregate rate of tax levy on  
30 any property, that is subject to the limitations set forth in RCW  
31 84.52.043 or 84.52.050, exceeds the limitations provided in either of  
32 these sections, the assessor shall recompute and establish a  
33 consolidated levy in the following manner:

34 (1) The full certified rates of tax levy for state, county, county  
35 road district, and city or town purposes shall be extended on the tax  
36 rolls in amounts not exceeding the limitations established by law;  
37 however any state levy shall take precedence over all other levies and  
38 shall not be reduced for any purpose other than that required by RCW

1 84.55.010. If, as a result of the levies imposed under RCW 84.52.069,  
2 84.34.230, the portion of the levy by a metropolitan park district that  
3 was protected under RCW 84.52.120, and 84.52.105, the combined rate of  
4 regular property tax levies that are subject to the one percent  
5 limitation exceeds one percent of the true and fair value of any  
6 property, then these levies shall be reduced as follows: (a) The  
7 portion of the levy by a metropolitan park district that is protected  
8 under RCW 84.52.120 shall be reduced until the combined rate no longer  
9 exceeds one percent of the true and fair value of any property or shall  
10 be eliminated; (b) if the combined rate of regular property tax levies  
11 subject to the one percent limitation in a county containing a  
12 metropolitan park district governed under RCW 35.61.050(2) still  
13 exceeds one percent of the true and fair value of any property, then  
14 the remaining levy for that metropolitan park district shall be reduced  
15 until the combined rate no longer exceeds one percent or shall be  
16 eliminated; (c) if the combined rate of regular property tax levies  
17 that are subject to the one percent limitation still exceeds one  
18 percent of the true and fair value of any property, then the levies  
19 imposed under RCW 84.34.230, 84.52.105, and any portion of the levy  
20 imposed under RCW 84.52.069 that is in excess of thirty cents per  
21 thousand dollars of assessed value, shall be reduced on a pro rata  
22 basis until the combined rate no longer exceeds one percent of the true  
23 and fair value of any property or shall be eliminated; and ((+e+)) (d)  
24 if the combined rate of regular property tax levies that are subject to  
25 the one percent limitation still exceeds one percent of the true and  
26 fair value of any property, then the thirty cents per thousand dollars  
27 of assessed value of tax levy imposed under RCW 84.52.069 shall be  
28 reduced until the combined rate no longer exceeds one percent of the  
29 true and fair value of any property or eliminated.

30 (2) The certified rates of tax levy subject to these limitations by  
31 all junior taxing districts imposing taxes on such property shall be  
32 reduced or eliminated as follows to bring the consolidated levy of  
33 taxes on such property within the provisions of these limitations:

34 (a) First, the certified property tax levy rates of those junior  
35 taxing districts authorized under RCW 36.68.525, 36.69.145, and  
36 67.38.130 shall be reduced on a pro rata basis or eliminated;

37 (b) Second, if the consolidated tax levy rate still exceeds these  
38 limitations, the certified property tax levy rates of flood control  
39 zone districts shall be reduced on a pro rata basis or eliminated;

1 (c) Third, if the consolidated tax levy rate still exceeds these  
2 limitations, the certified property tax levy rates of all other junior  
3 taxing districts, other than fire protection districts, library  
4 districts, the first fifty cent per thousand dollars of assessed  
5 valuation levies for metropolitan park districts, and the first fifty  
6 cent per thousand dollars of assessed valuation levies for public  
7 hospital districts, shall be reduced on a pro rata basis or eliminated;

8 (d) Fourth, if the consolidated tax levy rate still exceeds these  
9 limitations, the certified property tax levy rates authorized to fire  
10 protection districts under RCW 52.16.140 and 52.16.160 shall be reduced  
11 on a pro rata basis or eliminated; and

12 (e) Fifth, if the consolidated tax levy rate still exceeds these  
13 limitations, the certified property tax levy rates authorized for fire  
14 protection districts under RCW 52.16.130, library districts,  
15 metropolitan park districts under their first fifty cent per thousand  
16 dollars of assessed valuation levy, and public hospital districts under  
17 their first fifty cent per thousand dollars of assessed valuation levy,  
18 shall be reduced on a pro rata basis or eliminated.

19 In determining whether the aggregate rate of tax levy on any  
20 property, that is subject to the limitations set forth in RCW  
21 84.52.050, exceeds the limitations provided in that section, the  
22 assessor shall use the hypothetical state levy, as apportioned to the  
23 county under RCW 84.48.080, that was computed under RCW 84.48.080  
24 without regard to the reduction under RCW 84.55.012.

25 NEW SECTION. **Sec. 16.** A new section is added to chapter 35.61 RCW  
26 to read as follows:

27 Notwithstanding any other provision of this chapter, but without  
28 eliminating or overriding the requirements for unanimous board action  
29 and consent under RCW 35.61.132, the voters of a metropolitan park  
30 district governed under RCW 35.61.050(2) have the power to initiate and  
31 refer to themselves legislation to prevent or authorize the disposition  
32 of specified real property of the district. The powers of initiative  
33 and referendum within this subject area shall be exercised in the same  
34 manner and with the same effect as permitted for the voters of the city  
35 with which the metropolitan park district shares its boundaries.

36 NEW SECTION. **Sec. 17.** A new section is added to chapter 35.61 RCW  
37 to read as follows:

1       Notwithstanding any other provision of this chapter, but without  
2 eliminating or overriding the requirements for unanimous board action  
3 and consent contained in RCW 35.61.132 for the disposition of property,  
4 the voters of a metropolitan park district governed under RCW  
5 35.61.050(2) shall have the power, within the scope of the functions of  
6 such a metropolitan park district, to initiate and refer to themselves  
7 legislation to the same extent and on the same matters as do the voters  
8 of the city with which the metropolitan park district shares its  
9 boundaries. These powers of initiative and referendum shall be  
10 exercised in the same manner and with the same effect as permitted for  
11 the voters of that city.

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