

ESHB 2125 - S AMD 291

By Senators Fairley, Swecker

PULLED 04/17/2009

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

3 "Sec. 1. RCW 43.167.010 and 2007 c 501 s 3 are each amended to
4 read as follows:

5 (1) The residents, property owners, employees, or business owners
6 of an impacted community may propose formation of a community
7 preservation and development authority. The proposal to form ~~((a~~
8 ~~community preservation and development))~~ an authority must be presented
9 in writing to the ~~((appropriate legislative committee in both the house~~
10 ~~of representatives and the senate))~~ local legislative authority or
11 authorities. The proposal must contain proposed general geographic
12 boundaries that will be used to define the community for the purposes
13 of the authority. Proposals ~~((presented after January 1, 2008,))~~ must
14 identify ~~((in its proposal))~~ one or more stable revenue sources that
15 (a) have a nexus with the multiple publicly funded facilities that have
16 adversely impacted the community, and (b) can be used to support future
17 operating or capital projects that will be identified in the strategic
18 plan required under RCW 43.167.030.

19 (2) Formation of the community preservation and development
20 authority is subject to local legislative authorization by ~~((statute))~~
21 ordinance. Prior to authorizing the formation of an authority, the
22 ~~((legislature))~~ local legislative authority or authorities must find
23 that (a) the area within the proposal's geographic boundaries meets the
24 ~~((definition))~~ needs of the "impacted community" ~~((contained in section~~
25 ~~2(4) of this act))~~; and (b) those persons that have brought forth the
26 proposal are members of the impacted community ~~((as defined in section~~
27 ~~2(1) of this act))~~; and, if the authority were approved, would ~~((meet~~
28 ~~the definition of))~~ be the general membership constituency ~~((contained~~
29 ~~in section 2(3) of this act))~~ of the authority. For proposals brought
30 after January 1, 2008, the ~~((legislature))~~ local legislative authority

1 or authorities must also find that the community has identified one or
2 more stable revenue sources as required in subsection (1) of this
3 section. The ~~((legislature))~~ local legislative authority or
4 authorities may then act to authorize the establishment of the
5 ~~((community preservation and development))~~ authority ~~((in law))~~ by
6 ordinance.

7 (3) The affairs of a community preservation and development
8 authority shall be managed by a board of directors, consisting of the
9 following members:

10 (a) Two members who own, operate, or represent businesses within
11 the community;

12 (b) Two members who reside in the community;

13 (c) Two members who are involved in providing nonprofit community
14 or social services within the community;

15 ~~((e))~~ (d) Two members who are involved in the arts and
16 entertainment within the community;

17 ~~((d))~~ (e) Two members with knowledge of the community's culture
18 and history; ~~((and~~

19 ~~(e))~~ (f) One member who is involved in a nonprofit or public
20 planning organization that directly serves the impacted community; and

21 (g) Two representatives of the local legislative authority or
22 authorities, as ex officio members.

23 (4) No member of the board shall hold office for more than four
24 years. Board positions shall be numbered one through ~~((nine))~~
25 thirteen, and the terms staggered shall be as follows:

26 (a) Board members elected to positions one through five shall serve
27 two-year terms, and if reelected, may serve no more than one additional
28 two-year term.

29 (b) Board members initially elected to positions six through
30 ~~((nine))~~ eleven shall serve a three-year term only.

31 (c) Board members elected to positions six through ~~((nine))~~ eleven
32 after the initial three-year term shall serve two-year terms, and if
33 reelected, may serve no more than one additional two-year term.

34 (d) Board members twelve and thirteen shall serve until replaced by
35 the local legislative authority or authorities.

36 (5) ~~((With respect to an authority's))~~ The initial board of
37 directors ~~((: The state legislative delegation))~~ of an authority shall
38 be established through the election process established in this

1 subsection. Two or more members of the local legislative authority or
2 authorities, and those proposing formation of the authority, shall
3 jointly establish a committee to develop a list of candidates to stand
4 for election (~~once~~) after the authority has received legislative
5 approval as (~~established~~) provided in subsection (2) of this section.
6 (~~For the purpose of developing the list and identifying those persons~~
7 ~~who meet the criteria in subsection (3)(a) through (e) of this section,~~
8 ~~community shall mean the proposed geographic boundaries as set out in~~
9 ~~the proposal.~~) The (~~board of~~) initial directors shall be elected by
10 the constituency during a meeting convened for that purpose by two or
11 more members of the (~~state~~) local legislative (~~delegation~~)
12 authority or authorities.

13 (6) (~~With respect to subsequent elections of an authority's board~~
14 ~~of directors~~) Subsequent directors shall be determined through the
15 election process established in this subsection. A list of candidates
16 shall be developed by the authority's existing (~~board of~~) directors
17 and the election shall be held during the annual local town hall
18 meeting as required in RCW 43.167.030.

19 **Sec. 2.** RCW 43.167.020 and 2007 c 501 s 4 are each amended to read
20 as follows:

21 (1) A community preservation and development authority shall have
22 the power to:

23 (a) Accept gifts, grants, loans, or other aid from public or
24 private entities; (~~and~~

25 ~~(b) Exercise such additional powers as may be authorized by law)~~)

26 (b) Employ and appoint such agents, attorneys, officers, and
27 employees as may be necessary to implement the purposes and duties of
28 an authority;

29 (c) Contract and enter into partnerships with individuals,
30 associations, corporations, and local, state, and federal governments;

31 (d) Buy, own, lease, and sell real and personal property;

32 (e) Hold in trust, improve, and develop land;

33 (f) Invest, deposit, and reinvest its funds; and

34 (g) Exercise additional powers as may be authorized by law.

35 (2) A community preservation and development authority (~~shall~~
36 ~~have~~) has no power of eminent domain nor any power to levy taxes or
37 special assessments.

1 (3) A community preservation and development authority that accepts
2 public funds under subsection (1)(a) of this section:

3 (a) Is subject in all respects to Article VIII, section 5 or 7, as
4 appropriate, of the state Constitution, and to RCW 42.17.128; and

5 (b) May not use the funds to support or oppose a candidate, ballot
6 proposition, political party, or political committee.

7 **Sec. 3.** RCW 43.167.030 and 2007 c 501 s 5 are each amended to read
8 as follows:

9 A community preservation and development authority shall have the
10 duty to:

11 (1) Establish specific geographic boundaries for the authority
12 within its bylaws based on the general geographic boundaries
13 established in the proposal submitted and approved by the legislature;

14 (2) Solicit input from members of its community and develop a
15 strategic preservation and development plan to restore and promote the
16 health, safety, and economic well-being of the impacted community and
17 to restore and preserve its cultural and historical identity;

18 (3) Include within the strategic plan a prioritized list of
19 projects identified and supported by the community, including capital
20 or operating components that address one or more of the purposes under
21 (~~section 1(3) of this act~~) this chapter;

22 (4) Establish funding mechanisms to support projects and programs
23 identified in the strategic plan including but not limited to grants
24 and loans;

25 (5) Use gifts, grants, loans, and other aid from public or private
26 entities to carry out projects identified in the strategic plan
27 including, but not limited to, those that: (a) Enhance public safety;
28 (b) reduce community blight; (c) provide ongoing mitigation of the
29 adverse effects of multiple publicly funded projects on the impacted
30 community; and (d) address other purposes consistent with this chapter;
31 and

32 (6) Demonstrate ongoing accountability for its actions by:

33 (a) Reporting to the appropriate committees of the legislature and
34 the local legislative authority or authorities, one year after
35 formation and every biennium thereafter, on the authority's strategic
36 plan, activities, accomplishments, and any recommendations for
37 statutory changes;

1 (b) Reporting any changes in the authority's geographic boundaries
2 to the appropriate committees of the legislature when the legislature
3 next convenes in regular session and immediately to the local
4 legislative authority or authorities;

5 (c) Convening a local town hall meeting with its constituency on an
6 annual basis to: (i) Report its activities and accomplishments from
7 the previous year; (ii) present and receive input from members of the
8 impacted community regarding its proposed strategic plan and activities
9 for the upcoming year; and (iii) hold board member elections as
10 necessary; and

11 (d) Maintaining books and records as appropriate for the conduct of
12 its affairs.

13 **Sec. 4.** RCW 43.167.050 and 2007 c 501 s 8 are each amended to read
14 as follows:

15 Prior to making siting, design, and construction decisions for
16 future major public facilities, public works projects, or capital
17 projects with significant public funding, state and local government
18 agencies (~~may~~) must:

19 (1) Communicate and consult with the community preservation and
20 development authority and impacted community, including assessing the
21 compatibility of the proposed project with the strategic plan adopted
22 by the authority; and

23 (2) Make reasonable efforts to ensure that negative, cumulative
24 effects of multiple projects upon the impacted community are
25 minimized."

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26 On page 1, line 2 of the title, after "authorities;" strike the
27 remainder of the title and insert "and amending RCW 43.167.010,
28 43.167.020, 43.167.030, and 43.167.050."

EFFECT: Instead of proposing an authority to the state legislature, which then approves or denies the authority, proposals and responsibility for approval or denial must go to a local legislative authority or authorities. Also strikes intent and findings sections, prevents an authority from incurring debts or lending its funds or property, and removes the requirement that entities involved in major capital projects fully communicate and consult with the authority.

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