

CERTIFICATION OF ENROLLMENT  
**SUBSTITUTE SENATE BILL 5138**

Chapter 215, Laws of 2017

65th Legislature  
2017 Regular Session

METROPOLITAN PARK DISTRICTS--VARIOUS CHANGES

EFFECTIVE DATE: 7/23/2017

Passed by the Senate April 13, 2017  
Yeas 45 Nays 4

CYRUS HABIB

**President of the Senate**

Passed by the House April 5, 2017  
Yeas 55 Nays 42

FRANK CHOPP

**Speaker of the House of Representatives**

Approved May 5, 2017 10:44 AM

JAY INSLEE

**Governor of the State of Washington**

CERTIFICATE

I, Hunter G. Goodman, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5138** as passed by Senate and the House of Representatives on the dates hereon set forth.

HUNTER G. GOODMAN

**Secretary**

FILED

May 5, 2017

**Secretary of State  
State of Washington**

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**SUBSTITUTE SENATE BILL 5138**

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AS AMENDED BY THE HOUSE

Passed Legislature - 2017 Regular Session

**State of Washington                      65th Legislature                      2017 Regular Session**

**By Senate Local Government** (originally sponsored by Senators Palumbo, Kuderer, Fain, Billig, and Rossi)

READ FIRST TIME 01/27/17.

1            AN ACT Relating to metropolitan park districts; and amending RCW  
2 35.61.020, 35.61.100, 35.61.120, 35.61.210, 35.61.290, 35.61.040, and  
3 35.61.180.

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

5            **Sec. 1.** RCW 35.61.020 and 2002 c 88 s 2 are each amended to read  
6 as follows:

7            (1) When proposed by citizen petition or by local government  
8 resolution as provided in this section, a ballot proposition  
9 authorizing the creation of a metropolitan park district (~~shall~~)  
10 must be submitted by resolution to the voters of the area proposed to  
11 be included in the district at any general election, or at any  
12 special election which may be called for that purpose.

13            (2) The ballot proposition (~~shall~~) must be submitted if the  
14 governing body of each city in which all or a portion of the proposed  
15 district is located, and the legislative authority of each county in  
16 which all or a portion of the proposed district is located within the  
17 unincorporated portion of the county, each adopts a resolution  
18 submitting the proposition to create a metropolitan park district.

19            (3) As an alternative to the method provided under subsection (2)  
20 of this section, the ballot proposition (~~shall~~) must be submitted  
21 if a petition proposing creation of a metropolitan park district is

1 submitted to the county auditor of each county in which all or a  
2 portion of the proposed district is located that is signed by at  
3 least fifteen percent of the registered voters residing in the area  
4 to be included within the proposed district. Where the petition is  
5 for creation of a district in more than one county, the petition  
6 (~~shall~~) must be filed with the county auditor of the county having  
7 the greater area of the proposed district, and a copy filed with each  
8 other county auditor of the other counties covering the proposed  
9 district.

10 (4) Territory by virtue of its annexation to any city whose  
11 territory lies entirely within a park district (~~shall be~~) are  
12 deemed to be within the limits of the metropolitan park district.  
13 Such an extension of a park district's boundaries (~~shall not be~~) is  
14 not subject to review by a boundary review board independent of the  
15 board's review of the city annexation of territory.

16 (5) A city, county, or contiguous group of cities or counties  
17 proposing or approving a petition regarding formation of a  
18 metropolitan park district may limit the purpose and may limit the  
19 taxing powers of such proposed metropolitan park district in its  
20 resolution in cases where the metropolitan park district is being  
21 formed for specifically identified facilities referenced in (a) of  
22 this subsection. The ballot proposition must reflect such limitations  
23 as follows:

24 (a) A city, county, or contiguous group of cities or counties may  
25 limit the proposed district's purposes to providing the funds  
26 necessary to acquire, construct, renovate, expand, operate, maintain,  
27 and provide programming for specifically identified public parks or  
28 recreational facilities that are otherwise authorized by law for  
29 metropolitan park districts. The ballot proposition must specifically  
30 identify those public parks or recreational facilities to be funded,  
31 which identification may be made by referencing a metropolitan park  
32 district plan that has been approved by the legislative authority of  
33 the city, county, or contiguous group of cities or counties proposing  
34 the formation of the district;

35 (b) A city, county, or contiguous group of cities or counties may  
36 limit the maximum levy rate that is available to such metropolitan  
37 park district to any levy rate that does not exceed the aggregate  
38 rate set forth under RCW 35.61.210(1). The ballot proposition must  
39 state the maximum regular levy rate.

1 (6) Nothing herein prevents a city, county, or contiguous group  
2 of cities or counties from proposing formation of a metropolitan park  
3 district that is not limited under subsection (5) of this section.

4 **Sec. 2.** RCW 35.61.100 and 1993 c 247 s 1 are each amended to  
5 read as follows:

6 Every metropolitan park district through its board of  
7 commissioners may contract indebtedness and evidence such  
8 indebtedness by the issuance and sale of warrants, short-term  
9 obligations as provided by chapter 39.50 RCW, or general obligation  
10 bonds, for (~~park, boulevard, aviation landings, playgrounds, and~~  
11 ~~parkway purposes,~~) any purposes authorized for such metropolitan  
12 park district and the extension and maintenance thereof, not  
13 exceeding, together with all other outstanding nonvoter approved  
14 general indebtedness, one-quarter of one percent of the value of the  
15 taxable property in such metropolitan park district, as the term  
16 "value of the taxable property" is defined in RCW 39.36.015. General  
17 obligation bonds (~~shall~~) may not be issued with a maximum term in  
18 excess of (~~twenty years~~) the maximum term set forth in chapter  
19 39.46 RCW. Such general obligation bonds (~~shall~~) must be issued and  
20 sold in accordance with chapter 39.46 RCW.

21 **Sec. 3.** RCW 35.61.120 and 1965 c 7 s 35.61.120 are each amended  
22 to read as follows:

23 (1) The officers of a metropolitan park district (~~shall~~) must  
24 be a board of park commissioners consisting of five members. The  
25 board (~~shall~~) must annually elect one of their number as president  
26 and another of their number as clerk of the board.

27 (2) Notwithstanding the foregoing, when the boundaries of any  
28 metropolitan park district are coterminous with the boundaries of a  
29 city, and if the governing body of a city is designated to serve in  
30 an ex officio capacity as the board, the number of members of the  
31 board of park commissioners must be equal to the number of positions  
32 on the relevant city governing body as it may be constituted from  
33 time to time.

34 **Sec. 4.** RCW 35.61.210 and 2007 c 295 s 1 are each amended to  
35 read as follows:

36 (1) The board of park commissioners may levy or cause to be  
37 levied a general tax on all the property located in said park

1 district each year not to exceed fifty cents per thousand dollars of  
2 assessed value of the property in such park district. In addition,  
3 the board of park commissioners may levy or cause to be levied a  
4 general tax on all property located in said park district each year  
5 not to exceed twenty-five cents per thousand dollars of assessed  
6 valuation. Although park districts are authorized to impose two  
7 separate regular property tax levies, the levies (~~shall be~~) are  
8 considered to be a single levy for purposes of the limitation  
9 provided for in chapter 84.55 RCW.

10 (2) The maximum levy rate of a metropolitan park district formed  
11 subject to the limitations set forth in RCW 35.61.020(5) must be the  
12 levy rate set forth in the ballot proposition. At any time after the  
13 initial formation of a district subject to a limitation under RCW  
14 35.61.020(5), the board of metropolitan park commissioners may submit  
15 to the voters of the district at a general or special election a  
16 proposition to alter such maximum regular levy rate, which  
17 proposition becomes effective only upon approval by a majority of the  
18 votes cast on the proposition. The limitations provided in chapter  
19 84.55 RCW do not apply in the first year after the approval of any  
20 proposition under this subsection.

21 (3) The board is hereby authorized to levy a general tax in  
22 excess of its regular property tax levy or levies when authorized so  
23 to do at a special election conducted in accordance with and subject  
24 to all the requirements of the Constitution and laws of the state now  
25 in force or hereafter enacted governing the limitation of tax levies.  
26 The board is hereby authorized to call a special election for the  
27 purpose of submitting to the qualified voters of the park district a  
28 proposition to levy a tax in excess of the (~~seventy five cents per~~  
29 thousand dollars of assessed value herein specifically authorized))  
30 regular levy rates authorized for the district under subsection (1)  
31 or (2) of this section. The manner of submitting any such  
32 proposition, of certifying the same, and of giving or publishing  
33 notice thereof, (~~shall~~) must be as provided by law for the  
34 submission of propositions by cities (~~or~~), towns, or counties.

35 (4) The board (~~shall~~) must include in its general tax levy for  
36 each year a sufficient sum to pay the interest on all outstanding  
37 bonds and may include a sufficient amount to create a sinking fund  
38 for the redemption of all outstanding bonds. The levy (~~shall~~) must  
39 be certified to the proper county officials for collection the same  
40 as other general taxes and, for any metropolitan park district for

1 which the county treasurer serves as the ex officio treasurer, when  
2 collected, the general tax (~~(shall)~~) must be placed in a separate  
3 fund in the office of the county treasurer to be known as the  
4 "metropolitan park district fund" and disbursed under RCW  
5 36.29.010(1) and 39.58.750.

6 **Sec. 5.** RCW 35.61.290 and 2005 c 226 s 1 are each amended to  
7 read as follows:

8 (1) Any city within or comprising any metropolitan park district  
9 may turn over to the park district any lands (~~(which)~~) that it may  
10 own, or any street, avenue, or public place within the city for  
11 playground, park (~~(or parkway purposes)~~), or other purposes  
12 authorized for such district, and thereafter its control and  
13 management (~~(shall)~~) must vest in the board of park commissioners(~~(-  
14 PROVIDED, That)~~). However, the police regulations of such city  
15 (~~(shall)~~) apply to all such premises.

16 (2) At any time that any such metropolitan park district is  
17 unable, through lack of sufficient funds, to provide for the  
18 continuous operation, maintenance and improvement of the parks and  
19 playgrounds and other properties or facilities owned by it or under  
20 its control, and the legislative body of any city within or  
21 comprising such metropolitan park district (~~(shall)~~) must determine  
22 that an emergency exists requiring the financial aid of such city to  
23 be extended in order to provide for such continuous operation,  
24 maintenance and/or improvement of parks, playgrounds facilities,  
25 other properties, and programs of such park district within its  
26 limits, such city may grant or loan to such metropolitan park  
27 district such of its available funds, or such funds (~~(which)~~) that it  
28 may lawfully procure and make available, as it (~~(shall)~~) finds  
29 necessary to provide for such continuous operation and maintenance  
30 and, pursuant thereto, any such city and the board of park  
31 commissioners of such district are authorized and empowered to enter  
32 into an agreement embodying such terms and conditions of any such  
33 grant or loan as may be mutually agreed upon.

34 (3) The board of metropolitan park commissioners may accept  
35 public streets of the city and grounds for public purposes when  
36 donated for park, playground, boulevard, and (~~(park purposes)~~) other  
37 park purposes authorized for such district.

38 (~~(+2)~~) (4) Counties, cities, and other municipal corporations,  
39 including but not limited to park and recreation districts operating

1 under chapter 36.69 RCW, may (~~transfer to the metropolitan park~~  
2 ~~district~~) enter into agreements with metropolitan park districts to  
3 transfer to one another, with or without consideration therefor, any  
4 lands, facilities, equipment, other interests in real or personal  
5 property, or interests under contracts, leases, or similar  
6 agreements. The board of metropolitan park commissioners may accept  
7 and may make, for metropolitan park district purposes, such transfers  
8 of lands, facilities, equipment, other interests in real or personal  
9 property, and interests under contracts, leases, or similar  
10 agreements.

11 **Sec. 6.** RCW 35.61.040 and 2002 c 88 s 4 are each amended to read  
12 as follows:

13 If a majority of the voters voting on the ballot proposition  
14 authorizing the creation of the metropolitan park district vote in  
15 favor of the formation of a metropolitan park district, the  
16 metropolitan park district (~~shall~~) must be created as a municipal  
17 corporation effective immediately upon certification of the election  
18 results and its name (~~shall~~) must be that designated in the ballot  
19 proposition. When an ex officio treasurer of a metropolitan park  
20 district is a city or county treasurer, the treasurer may provide a  
21 bridge loan or line of credit to the newly formed metropolitan park  
22 district until such time as the district has received sufficient levy  
23 proceeds to pay for the maintenance and operations of the  
24 metropolitan park district.

25 **Sec. 7.** RCW 35.61.180 and 1987 c 203 s 1 are each amended to  
26 read as follows:

27 (1) The county treasurer of the county within which all, or the  
28 major portion, of the district lies (~~shall~~) must be the ex officio  
29 treasurer of a metropolitan park district, but (~~shall~~) may receive  
30 no compensation other than his or her regular salary for receiving  
31 and disbursing the funds of a metropolitan park district.

32 (2) A metropolitan park district may designate someone other than  
33 the county treasurer who has experience in financial or fiscal  
34 affairs to act as the district treasurer if the board has received  
35 the approval of the county treasurer to designate this person; or if  
36 the district boundaries are coterminous with the boundaries of a  
37 city, the city may act as the district treasurer. If the board  
38 designates someone other than (~~the~~) a county or city treasurer to

1 act as the district treasurer, the board (~~shall~~) must purchase a  
2 bond from a surety company operating in the state that is sufficient  
3 to protect the district from loss.

Passed by the Senate April 13, 2017.

Passed by the House April 5, 2017.

Approved by the Governor May 5, 2017.

Filed in Office of Secretary of State May 5, 2017.

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