
SUBSTITUTE HOUSE BILL 2525

State of Washington

61st Legislature

2010 Regular Session

By House Community & Economic Development & Trade (originally sponsored by Representatives Nealey, Klippert, Chandler, and Haler)

READ FIRST TIME 02/01/10.

1 AN ACT Relating to public facilities districts created by at least
2 two city or county legislative authorities; and amending RCW 35.57.010.

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

4 **Sec. 1.** RCW 35.57.010 and 2009 c 533 s 1 are each amended to read
5 as follows:

6 (1)(a) The legislative authority of any town or city located in a
7 county with a population of less than one million may create a public
8 facilities district.

9 (b) The legislative authorities of any contiguous group of towns or
10 cities located in a county or counties each with a population of less
11 than one million may enter an agreement under chapter 39.34 RCW for the
12 creation and joint operation of a public facilities district.

13 (c) The legislative authority of any town or city, or any
14 contiguous group of towns or cities, located in a county with a
15 population of less than one million and the legislative authority of a
16 contiguous county, or the legislative authority of the county or
17 counties in which the towns or cities are located, may enter into an
18 agreement under chapter 39.34 RCW for the creation and joint operation
19 of a public facilities district.

1 (d) The legislative authority of a city located in a county with a
2 population greater than one million may create a public facilities
3 district, when the city has a total population of less than one hundred
4 fifteen thousand but greater than eighty thousand and commences
5 construction of a regional center prior to July 1, 2008.

6 (e) At least two legislative authorities, one or more of which
7 previously created a public facilities district or districts under (b)
8 or (c) of this subsection, may create an additional public facilities
9 district notwithstanding the fact that one or more of those towns or
10 cities, with or without a county or counties, previously have created
11 one or more public facilities districts within the geographic
12 boundaries of the additional public facilities district. Those
13 existing districts may continue their full corporate existence and
14 activities notwithstanding the creation and existence of the additional
15 district within all or part of the same geographic area. Additional
16 public facilities districts formed under this subsection may be
17 comprised of a maximum of three contiguous towns or cities separately
18 or in combination with a maximum of two contiguous counties.

19 (2)(a) A public facilities district (~~shall be~~) is coextensive
20 with the boundaries of the city or town or contiguous group of cities
21 or towns that created the district.

22 (b) A public facilities district created by an agreement between a
23 town or city, or a contiguous group of towns or cities, and a
24 contiguous county or the county in which they are located, (~~shall be~~)
25 is coextensive with the boundaries of the towns or cities, and the
26 boundaries of the county or counties as to the unincorporated areas of
27 the county or counties. The boundaries (~~shall~~) do not include
28 incorporated towns or cities that are not parties to the agreement for
29 the creation and joint operation of the district.

30 (3)(a) A public facilities district created by a single city or
31 town shall be governed by a board of directors consisting of five
32 members selected as follows: (i) Two members appointed by the
33 legislative authority of the city or town; and (ii) three members
34 appointed by legislative authority based on recommendations from local
35 organizations. The members appointed under (a)(i) of this subsection,
36 shall not be members of the legislative authority of the city or town.
37 The members appointed under (a)(ii) of this subsection, (~~shall~~) must
38 be based on recommendations received from local organizations that may

1 include, but are not limited to the local chamber of commerce, local
2 economic development council, and local labor council. The members
3 shall serve four-year terms. Of the initial members, one must be
4 appointed for a one-year term, one must be appointed for a two-year
5 term, one must be appointed for a three-year term, and the remainder
6 must be appointed for four-year terms.

7 (b) A public facilities district created by a contiguous group of
8 cities and towns (~~shall~~) must be governed by a board of directors
9 consisting of seven members selected as follows: (i) Three members
10 appointed by the legislative authorities of the cities and towns; and
11 (ii) four members appointed by the legislative authorities of the
12 cities and towns based on recommendations from local organizations.
13 The members appointed under (b)(i) of this subsection shall not be
14 members of the legislative authorities of the cities and towns. The
15 members appointed under (b)(ii) of this subsection, (~~shall~~) must be
16 based on recommendations received from local organizations that
17 include, but are not limited to the local chamber of commerce, local
18 economic development council, local labor council, and a neighborhood
19 organization that is directly affected by the location of the regional
20 center in their area. The members of the board of directors (~~shall~~)
21 must be appointed in accordance with the terms of the agreement under
22 chapter 39.34 RCW for the joint operation of the district and shall
23 serve four-year terms. Of the initial members, one must be appointed
24 for a one-year term, one must be appointed for a two-year term, one
25 must be appointed for a three-year term, and the remainder must be
26 appointed for four-year terms.

27 (c) A public facilities district created by a town or city, or a
28 contiguous group of towns or cities, and a contiguous county or the
29 county or counties in which they are located, (~~shall~~) must be
30 governed by a board of directors consisting of seven members selected
31 as follows: (i) Three members appointed by the legislative authorities
32 of the cities, towns, and county; and (ii) four members appointed by
33 the legislative authorities of the cities, towns, and county based on
34 recommendations from local organizations. The members appointed under
35 (c)(i) of this subsection shall not be members of the legislative
36 authorities of the cities, towns, or county. The members appointed
37 under (c)(ii) of this subsection (~~shall~~) must be based on
38 recommendations received from local organizations that include, but are

1 not limited to, the local chamber of commerce, the local economic
2 development council, the local labor council, and a neighborhood
3 organization that is directly affected by the location of the regional
4 center in their area. The members of the board of directors (~~shall~~)
5 must be appointed in accordance with the terms of the agreement under
6 chapter 39.34 RCW for the joint operation of the district and shall
7 serve four-year terms. Of the initial members, one must be appointed
8 for a one-year term, one must be appointed for a two-year term, one
9 must be appointed for a three-year term, and the remainder must be
10 appointed for four-year terms.

11 (d)(i) A public facilities district created under subsection (1)(e)
12 of this section may provide, in the agreement providing for its
13 creation and operation, that the district must be governed by a board
14 of directors appointed under (b) or (c) of this subsection, or by a
15 board of directors of not more than nine members who are also members
16 of the legislative authorities that created the public facilities
17 district or of the governing boards of the public facilities district
18 or districts, or both, previously created by those legislative
19 authorities.

20 (ii) A board of directors formed under this subsection must have an
21 equal number of members representing each city, town, or county
22 participating in the public facilities district. If a public
23 facilities district is created by an even number of legislative
24 authorities, the members representing or appointed by those legislative
25 authorities shall appoint an additional board member. For a board
26 formed under this subsection to (~~approve~~) submit a proposition to the
27 voters under RCW 82.14.048, (~~the proposition must be approved by~~) a
28 majority of the members representing or appointed by each legislative
29 authority participating in the public facilities district must agree to
30 submit the proposition to the voters.

31 (4) A public facilities district is a municipal corporation, an
32 independent taxing "authority" within the meaning of Article VII,
33 section 1 of the state Constitution, and a "taxing district" within the
34 meaning of Article VII, section 2 of the state Constitution.

35 (5) A public facilities district (~~shall~~) constitutes a body
36 corporate and (~~shall~~) possesses all the usual powers of a corporation
37 for public purposes as well as all other powers that may now or

1 hereafter be specifically conferred by statute, including, but not
2 limited to, the authority to hire employees, staff, and services, to
3 enter into contracts, and to sue and be sued.

4 (6) A public facilities district may acquire and transfer real and
5 personal property by lease, sublease, purchase, or sale. No direct or
6 collateral attack on any public facilities district purported to be
7 authorized or created in conformance with this chapter may be commenced
8 more than thirty days after creation by the city and/or county
9 legislative authority.

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