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**SUBSTITUTE SENATE BILL 5808**

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**State of Washington**

**61st Legislature**

**2009 Regular Session**

**By** Senate Government Operations & Elections (originally sponsored by Senator Fairley)

READ FIRST TIME 02/23/09.

1 AN ACT Relating to the annexation of unincorporated areas served by  
2 fire protection districts; amending RCW 35.10.360, 35.10.365,  
3 35.13.130, 35.13.215, and 35.13.225; adding new sections to chapter  
4 35.13 RCW; adding a new section to chapter 35.103 RCW; adding new  
5 sections to chapter 35A.14 RCW; and adding a new section to chapter  
6 35A.92 RCW.

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

8 **Sec. 1.** RCW 35.10.360 and 1986 c 254 s 4 are each amended to read  
9 as follows:

10 (1) If any portion of a fire protection district is proposed for  
11 annexation to or incorporation into a city, code city, or town, both  
12 the fire protection district and the city, code city, or town shall  
13 inform the employees of the fire protection district about hires,  
14 separations, terminations, and any other changes in employment that are  
15 a direct consequence of annexation or incorporations at the earliest  
16 reasonable opportunity.

17 (2) Upon the annexation of two or more cities or code cities, any  
18 employee of the fire department of the former city or cities who  
19 ((+1)) (a) was at the time of annexation employed exclusively or

1 principally in performing the powers, duties, and functions which are  
2 to be performed by the fire department of the annexed city or code  
3 city, as the case may be, ~~((+2))~~ (b) will, as a direct consequence of  
4 annexation, be separated from the employ of the former city, code city  
5 or town, and ~~((+3))~~ (c) can perform the duties and meet the minimum  
6 requirements of the position to be filled, then such employee may  
7 transfer employment to the fire department of the annexing city, as  
8 provided in this section and RCW 35.10.365 and 35.10.370.

9 (3) For purposes of this section and RCW 35.10.365 and 35.10.370,  
10 employee means an individual whose employment has been terminated  
11 because of annexation by a city, code city or town.

12 **Sec. 2.** RCW 35.10.365 and 1994 c 73 s 1 are each amended to read  
13 as follows:

14 (1) An eligible employee may transfer into the civil service system  
15 of the annexing city, code city, or town by filing a written request  
16 with the city, code city, or town civil service commission. Upon  
17 receipt of ~~((such))~~ the request by the civil service commission, the  
18 transfer of employment ~~((shall))~~ must be made. ~~((The employee so~~  
19 ~~transferring will (a) be on probation for the same period as are new~~  
20 ~~employees in the position filled, but if the transferring employee has~~  
21 ~~already completed a probationary period as a firefighter prior to the~~  
22 ~~transfer, then the employee may only be terminated during the~~  
23 ~~probationary period for failure to adequately perform assigned duties,~~  
24 ~~not meeting the minimum qualifications of the position, or behavior~~  
25 ~~that would otherwise be subject to disciplinary action, (b) be eligible~~  
26 ~~for promotion no later than after completion of the probationary~~  
27 ~~period, (c) receive a salary at least equal to that of other new~~  
28 ~~employees in the position filled, and (d) in all other matters, such as~~  
29 ~~retirement, sick leave, and vacation, have, within the city, code city,~~  
30 ~~or town civil service system, all the rights, benefits, and privileges~~  
31 ~~to which he or she would have been entitled as a member of the annexed~~  
32 ~~city, code city, or town fire department from the beginning of his or~~  
33 ~~her employment with the former city or code city fire department:~~  
34 PROVIDED, That for purposes of layoffs by the annexing city or code  
35 city, only the time of service accrued with the annexing city or code  
36 city shall apply unless an agreement is reached between the collective  
37 bargaining representatives of the employees of the annexing and annexed

1 ~~fire agencies and the annexing and annexed fire agencies. A record of~~  
2 ~~the employee's service with the former city or code city fire~~  
3 ~~department shall be transmitted to the applicable civil service~~  
4 ~~commission which shall be credited to such employee as a part of the~~  
5 ~~period of employment in the annexed city, code city, or town fire~~  
6 ~~department. All accrued benefits are transferable provided that the~~  
7 ~~recipient agency provides comparable benefits. All benefits shall then~~  
8 ~~accrue based on the combined seniority of each employee in the~~  
9 ~~recipient agency.~~

10 ~~(2) As many of the transferring employees shall be placed upon the~~  
11 ~~payroll of the annexing city, code city, or town fire department as the~~  
12 ~~department determines are needed to provide services. These)) The~~  
13 ~~needed employees shall be taken in order of seniority and the remaining~~  
14 ~~employees who transfer as provided in this section and RCW 35.10.360~~  
15 ~~and 35.10.370 shall head the list for employment in the civil service~~  
16 ~~system in order of their seniority, to the end that they shall be the~~  
17 ~~first to be reemployed in the city, code city, or town fire department~~  
18 ~~when appropriate positions become available: PROVIDED, That employees~~  
19 ~~who are not immediately hired by the city, code city, or town shall be~~  
20 ~~placed on a reemployment list for a period not to exceed thirty-six~~  
21 ~~months unless a longer period is authorized by an agreement reached~~  
22 ~~between the collective bargaining representatives of the employees of~~  
23 ~~the annexing and annexed fire agencies and the annexing and annexed~~  
24 ~~fire agencies.~~

25 (2)(a) Upon transfer, an employee is entitled to the employee  
26 rights, benefits, and privileges to which he or she would have been  
27 entitled as an employee of the fire protection district, including  
28 rights to:

29 (i) Compensation at least equal to the level of compensation at the  
30 time of transfer, unless the employee's rank and duties have been  
31 reduced as a result of the transfer. If the transferring employee is  
32 placed in a position with reduced rank and duties, the employee's  
33 compensation may be adjusted, but the adjustment may not result in a  
34 decrease of greater than fifty percent of the difference between the  
35 employee's compensation before the transfer and the compensation level  
36 for the position that the employee is transferred to;

37 (ii) Retirement, vacation, sick leave, and any other accrued  
38 benefit;

1 (iii) Promotion and service time accrual; and  
2 (iv) The length or terms of probationary periods, including no  
3 requirement for an additional probationary period if one had been  
4 completed before the transfer date.

5 (b) (a) of this subsection does not apply if upon transfer an  
6 agreement for different terms of transfer is reached between the  
7 collective bargaining representatives of the transferring employees and  
8 the participating fire protection jurisdictions.

9 (3) If upon transfer, the transferring employee receives the  
10 rights, benefits, and privileges established under subsection (2)(a)(i)  
11 through (iv) of this section, those rights, benefits, and privileges  
12 are subject to collective bargaining at the end of the current  
13 bargaining period for the jurisdiction to which the employee has  
14 transferred.

15 (4) Such bargaining must take into account the years of service the  
16 transferring employee accumulated before the transfer and must be  
17 treated as if those years of service occurred in the jurisdiction to  
18 which the employee has transferred.

19 **Sec. 3.** RCW 35.13.130 and 1990 c 33 s 566 are each amended to read  
20 as follows:

21 A petition for annexation of an area contiguous to a city or town  
22 may be made in writing addressed to and filed with the legislative body  
23 of the municipality to which annexation is desired. Except where all  
24 the property sought to be annexed is property of a school district, and  
25 the school directors thereof file the petition for annexation as in RCW  
26 28A.335.110 authorized, the petition must be signed by the owners of  
27 not less than (~~seventy-five~~) sixty percent in value according to the  
28 assessed valuation for general taxation of the property for which  
29 annexation is petitioned: PROVIDED, That in cities and towns with  
30 populations greater than one hundred sixty thousand located east of the  
31 Cascade mountains, the owner of tax exempt property may sign an  
32 annexation petition and have the tax exempt property annexed into the  
33 city or town, but the value of the tax exempt property shall not be  
34 used in calculating the sufficiency of the required property owner  
35 signatures unless only tax exempt property is proposed to be annexed  
36 into the city or town. The petition shall set forth a description of  
37 the property according to government legal subdivisions or legal plats

1 which is in compliance with RCW 35.02.170, and shall be accompanied by  
2 a plat which outlines the boundaries of the property sought to be  
3 annexed. If the legislative body has required the assumption of all or  
4 of any portion of city or town indebtedness by the area annexed, and/or  
5 the adoption of a comprehensive plan for the area to be annexed, these  
6 facts, together with a quotation of the minute entry of such  
7 requirement or requirements shall be set forth in the petition.

8 **Sec. 4.** RCW 35.13.215 and 1986 c 254 s 7 are each amended to read  
9 as follows:

10 (1) If any portion of a fire protection district is proposed for  
11 annexation to or incorporation into a city, code city, or town, both  
12 the fire protection district and the city, code city, or town shall  
13 inform the employees of the fire protection district about hires,  
14 separations, terminations, and any other changes in employment that are  
15 a direct consequence of annexation or incorporations at the earliest  
16 reasonable opportunity.

17 (2) If any portion of a fire protection district is annexed to or  
18 incorporated into a city, code city or town, any employee of the fire  
19 protection district who (~~(+1)~~) (a) was at the time of such annexation  
20 or incorporation employed exclusively or principally in performing the  
21 powers, duties, and functions which are to be performed by the city,  
22 code city or town fire department (~~(+2)~~) (b) will, as a direct  
23 consequence of annexation or incorporation, be separated from the  
24 employ of the fire protection district, and (~~(+3)~~) (c) can perform the  
25 duties and meet the minimum requirements of the position to be filled,  
26 then such employee may transfer employment to the civil service system  
27 of the city, code city or town fire department as provided for in this  
28 section and RCW 35.13.225 and 35.13.235.

29 (3) For purposes of this section and RCW 35.13.225 and 35.13.235,  
30 employee means an individual whose employment with a fire protection  
31 district has been terminated because the fire protection district was  
32 annexed by a city, code city or town for purposes of fire protection.

33 **Sec. 5.** RCW 35.13.225 and 1994 c 73 s 3 are each amended to read  
34 as follows:

35 (1) An eligible employee may transfer into the civil service system  
36 of the city, code city, or town fire department by filing a written

1 request with the city, code city, or town civil service commission and  
2 by giving written notice (~~((thereof))~~) of the request to the board of  
3 commissioners of the fire protection district. Upon receipt of  
4 (~~((such))~~) the request by the civil service commission, the transfer of  
5 employment (~~((shall))~~) must be made. (~~The employee so transferring will~~  
6 ~~(a) be on probation for the same period as are new employees of the~~  
7 ~~city, code city, or town fire department in the position filled, but if~~  
8 ~~the transferring employee has already completed a probationary period~~  
9 ~~as a firefighter prior to the transfer, then the employee may only be~~  
10 ~~terminated during the probationary period for failure to adequately~~  
11 ~~perform assigned duties, not meeting the minimum qualifications of the~~  
12 ~~position, or behavior that would otherwise be subject to disciplinary~~  
13 ~~action, (b) be eligible for promotion no later than after completion of~~  
14 ~~the probationary period, (c) receive a salary at least equal to that of~~  
15 ~~other new employees of the city, code city, or town fire department in~~  
16 ~~the position filled, and (d) in all other matters, such as retirement,~~  
17 ~~sick leave, and vacation, have, within the city, code city, or town~~  
18 ~~civil service system, all the rights, benefits, and privileges to which~~  
19 ~~he or she would have been entitled as a member of the city, code city,~~  
20 ~~or town fire department from the beginning of employment with the fire~~  
21 ~~protection district:— PROVIDED, That for purposes of layoffs by the~~  
22 ~~annexing fire agency, only the time of service accrued with the~~  
23 ~~annexing agency shall apply unless an agreement is reached between the~~  
24 ~~collective bargaining representatives of the employees of the annexing~~  
25 ~~and annexed fire agencies and the annexing and annexed fire agencies.~~  
26 ~~The board of commissioners of the fire protection district shall, upon~~  
27 ~~receipt of such notice, transmit to any applicable civil service~~  
28 ~~commission a record of the employee's service with the fire protection~~  
29 ~~district which shall be credited to such employee as a part of the~~  
30 ~~period of employment in the city, code city, or town fire department.~~  
31 ~~All accrued benefits are transferable provided that the recipient~~  
32 ~~agency provides comparable benefits. All benefits shall then accrue~~  
33 ~~based on the combined seniority of each employee in the recipient~~  
34 ~~agency.~~

35 (2) ~~As many of the transferring employees shall be placed upon the~~  
36 ~~payroll of the city, code city, or town fire department as the~~  
37 ~~department determines are needed to provide services.— These)) The~~  
38 ~~needed employees shall be taken in order of seniority and the remaining~~

1 employees who transfer as provided in this section and RCW 35.13.215  
2 and 35.13.235 shall head the list for employment in the civil service  
3 system in order of their seniority, to the end that they shall be the  
4 first to be reemployed in the city, code city, or town fire department  
5 when appropriate positions become available: PROVIDED, That employees  
6 who are not immediately hired by the city, code city, or town shall be  
7 placed on a reemployment list for a period not to exceed thirty-six  
8 months unless a longer period is authorized by an agreement reached  
9 between the collective bargaining representatives of the employees of  
10 the annexing and annexed fire agencies and the annexing and annexed  
11 fire agencies.

12 (2)(a) Upon transfer, an employee is entitled to the employee  
13 rights, benefits, and privileges to which he or she would have been  
14 entitled as an employee of the fire protection district, including  
15 rights to:

16 (i) Compensation at least equal to the level of compensation at the  
17 time of transfer, unless the employee's rank and duties have been  
18 reduced as a result of the transfer. If the transferring employee is  
19 placed in a position with reduced rank and duties, the employee's  
20 compensation may be adjusted, but the adjustment may not result in a  
21 decrease of greater than fifty percent of the difference between the  
22 employee's compensation before the transfer and the compensation level  
23 for the position that the employee is transferred to;

24 (ii) Retirement, vacation, sick leave, and any other accrued  
25 benefit;

26 (iii) Promotion and service time accrual; and

27 (iv) The length or terms of probationary periods, including no  
28 requirement for an additional probationary period if one had been  
29 completed before the transfer date.

30 (b) (a) of this subsection does not apply if upon transfer an  
31 agreement for different terms of transfer is reached between the  
32 collective bargaining representatives of the transferring employees and  
33 the participating fire protection jurisdictions.

34 (3) If upon transfer, the transferring employee receives the  
35 rights, benefits, and privileges established under subsection (2)(a)(i)  
36 through (iv) of this section, those rights, benefits, and privileges  
37 are subject to collective bargaining at the end of the current

1 bargaining period for the jurisdiction to which the employee has  
2 transferred.

3 (4) Such bargaining must take into account the years of service the  
4 transferring employee accumulated before the transfer and must be  
5 treated as if those years of service occurred in the jurisdiction to  
6 which the employee has transferred.

7 NEW SECTION. Sec. 6. A new section is added to chapter 35.13 RCW  
8 to read as follows:

9 Upon the written request of a fire protection district, cities and  
10 towns annexing territory under this chapter shall, prior to completing  
11 the annexation, issue a report regarding the likely effects that the  
12 annexation and any associated asset transfers may have upon the safety  
13 of residents within and outside the proposed annexation area. The  
14 report must address, but is not limited to, the provisions of fire  
15 protection and emergency medical services within and outside of the  
16 proposed annexation area. A fire protection district may only request  
17 a report under this section when at least five percent of the assessed  
18 valuation of the fire protection district will be annexed.

19 NEW SECTION. Sec. 7. A new section is added to chapter 35.13 RCW  
20 to read as follows:

21 (1)(a) An annexation by a city or town that is proposing to annex  
22 territory served by one or more fire protection districts may be  
23 accomplished by ordinance after entering into an interlocal agreement  
24 as provided in chapter 39.34 RCW with the county and the fire  
25 protection district or districts that have jurisdiction over the  
26 territory proposed for annexation.

27 (b) A city or town proposing to annex territory shall initiate the  
28 interlocal agreement process by sending notice to the fire protection  
29 district representative and county representative stating the city's or  
30 town's interest to enter into an interlocal agreement negotiation  
31 process. The parties have forty-five days to respond in the  
32 affirmative or negative. A negative response must state the reasons  
33 the parties do not wish to participate in an interlocal agreement  
34 negotiation. A failure to respond within the forty-five day period is  
35 deemed an affirmative response and the interlocal agreement negotiation



1 process may proceed. The interlocal agreement process may not proceed  
2 if any negative responses are received within the forty-five day  
3 period.

4 (c) The interlocal agreement must describe the boundaries of the  
5 territory proposed for annexation and must be consistent with the  
6 boundaries identified in an ordinance describing the boundaries of the  
7 territory proposed for annexation and setting a date for a public  
8 hearing on the ordinance. If the boundaries of the territory proposed  
9 for annexation are agreed to by all parties, a notice of intention must  
10 be filed with the boundary review board created under RCW 36.93.030.  
11 However, the jurisdiction of the board may not be invoked as described  
12 in RCW 36.93.100 for annexations that are the subject of such  
13 agreement.

14 (2) An interlocal annexation agreement under this section must  
15 include the following:

16 (a) A statement of the goals of the agreement. Goals must include,  
17 but are not limited to:

18 (i) The transfer of revenues and assets between the fire protection  
19 districts and the city or town;

20 (ii) A consideration and discussion of the impact to the level of  
21 service of annexation on the unincorporated area, and an agreement that  
22 the impact on the ability of fire protection and emergency medical  
23 services within the incorporated area must not be negatively impacted  
24 at least through the budget cycle in which the annexation occurs;

25 (iii) A discussion with fire protection districts regarding the  
26 division of assets and its impact to citizens inside and outside the  
27 newly annexed area;

28 (iv) Community involvement, including an agreed upon schedule of  
29 public meetings in the area or areas proposed for annexation;

30 (v) Revenue sharing, if any;

31 (vi) Debt distribution;

32 (vii) Capital facilities obligations of the city, county, and fire  
33 protection districts;

34 (viii) An overall schedule or plan on the timing of any annexations  
35 covered under this agreement; and

36 (ix) A description of which of the annexing cities' development  
37 regulations will apply and be enforced in the area.

1 (b) The subject areas and policies and procedures the parties agree  
2 to undertake in annexations. Subject areas may include, but are not  
3 limited to:

4 (i) Roads and traffic impact mitigation;

5 (ii) Surface and storm water management;

6 (iii) Coordination and timing of comprehensive plan and development  
7 regulation updates;

8 (iv) Outstanding bonds and special or improvement district  
9 assessments;

10 (v) Annexation procedures;

11 (vi) Distribution of debt and revenue sharing for annexation  
12 proposals, code enforcement, and inspection services;

13 (vii) Financial and administrative services; and

14 (viii) Consultation with other service providers, including water-  
15 sewer districts, if applicable.

16 (c) A term of at least five years, which may be extended by mutual  
17 agreement of the city or town, the county, and the fire protection  
18 district.

19 (3) If the fire protection district, annexing city or town, and  
20 county reach an agreement on the enumerated goals, the annexation  
21 ordinance may proceed and is not subject to referendum. If only the  
22 annexing city or town and county reach an agreement on the enumerated  
23 goals, the city or town and county may proceed with annexation under  
24 the interlocal agreement, but the annexation ordinance provided for in  
25 this section is subject to referendum for forty-five days after its  
26 passage. Upon the filing of a timely and sufficient referendum  
27 petition with the legislative body of the city or town, signed by  
28 qualified electors in a number not less than ten percent of the votes  
29 cast in the last general state election in the area to be annexed, the  
30 question of annexation must be submitted to the voters of the area in  
31 a general election if one is to be held within ninety days or at a  
32 special election called for that purpose according to RCW 29A.04.330.  
33 Notice of the election must be given as provided in RCW 35.13.080, and  
34 the election must be conducted as provided in the general election laws  
35 under Title 29A RCW. The annexation must be deemed approved by the  
36 voters unless a majority of the votes cast on the proposition are in  
37 opposition to the annexation.

1 After the expiration of the forty-fifth day from, but excluding,  
2 the date of passage of the annexation ordinance, if a timely and  
3 sufficient referendum petition has not been filed, the area annexed  
4 becomes a part of the city or town upon the date fixed in the ordinance  
5 of annexation.

6 (4) If any portion of a fire protection district is proposed for  
7 annexation to or incorporation into a city or town, both the fire  
8 protection district and the city or town shall inform the employees of  
9 the fire protection district about hires, separations, terminations,  
10 and any other changes in employment that are a direct consequence of  
11 annexation or incorporation at the earliest reasonable opportunity.

12 (5) The needed employees shall be taken in order of seniority and  
13 the remaining employees who transfer as provided in this section and  
14 RCW 35.10.360 and 35.10.370 shall head the list for employment in the  
15 civil service system in order of their seniority, to the end that they  
16 shall be the first to be reemployed in the city or town fire department  
17 when appropriate positions become available. Employees who are not  
18 immediately hired by the city or town shall be placed on a reemployment  
19 list for a period not to exceed thirty-six months unless a longer  
20 period is authorized by an agreement reached between the collective  
21 bargaining representatives of the employees of the annexing and annexed  
22 fire agencies and the annexing and annexed fire agencies.

23 (6)(a) Upon transfer, an employee is entitled to the employee  
24 rights, benefits, and privileges to which he or she would have been  
25 entitled as an employee of the fire protection district, including  
26 rights to:

27 (i) Compensation at least equal to the level of compensation at the  
28 time of transfer, unless the employee's rank and duties have been  
29 reduced as a result of the transfer. If the transferring employee is  
30 placed in a position with reduced rank and duties, the employee's  
31 compensation may be adjusted, but the adjustment may not result in a  
32 decrease of greater than fifty percent of the difference between the  
33 employee's compensation before the transfer and the compensation level  
34 for the position that the employee is transferred to;

35 (ii) Retirement, vacation, sick leave, and any other accrued  
36 benefit;

37 (iii) Promotion and service time accrual; and

1 (iv) The length or terms of probationary periods, including no  
2 requirement for an additional probationary period if one had been  
3 completed before the transfer date.

4 (b) (a) of this subsection does not apply if upon transfer an  
5 agreement for different terms of transfer is reached between the  
6 collective bargaining representatives of the transferring employees and  
7 the participating fire protection jurisdictions.

8 (7) If upon transfer, the transferring employee receives the  
9 rights, benefits, and privileges established under subsection (6)(a)(i)  
10 through (iv) of this section, those rights, benefits, and privileges  
11 are subject to collective bargaining at the end of the current  
12 bargaining period for the jurisdiction to which the employee has  
13 transferred.

14 (8) Such bargaining must take into account the years of service the  
15 transferring employee accumulated before the transfer and must be  
16 treated as if those years of service occurred in the jurisdiction to  
17 which the employee has transferred.

18 NEW SECTION. **Sec. 8.** A new section is added to chapter 35.103 RCW  
19 to read as follows:

20 Cities and towns conducting annexations of all or part of fire  
21 protection districts shall, at least through the budget cycle, or the  
22 following budget cycle if the annexation occurs in the last half of the  
23 current budget cycle, in which the annexation occurs, maintain existing  
24 fire protection and emergency services response times in the newly  
25 annexed areas consistent with response times recorded prior to the  
26 annexation as defined in the previous annual report for the fire  
27 protection district and as reported in RCW 52.33.040. If the city or  
28 town is unable to maintain these service levels in the newly annexed  
29 area, the transfer of firefighters from the annexed fire protection  
30 district as a direct result of the annexation must occur pursuant to  
31 section 7(4) through (8) of this act.

32 NEW SECTION. **Sec. 9.** A new section is added to chapter 35A.14 RCW  
33 to read as follows:

34 (1)(a) An annexation by a code city proposing to annex territory  
35 served by one or more fire protection districts may be accomplished by  
36 ordinance after entering into an interlocal agreement as provided in

1 chapter 39.34 RCW with the county and the fire protection district or  
2 districts that have jurisdiction over the territory proposed for  
3 annexation.

4 (b) A code city proposing to annex territory shall initiate the  
5 interlocal agreement process by sending notice to the fire protection  
6 district representative and county representative stating the code  
7 city's interest to enter into an interlocal agreement negotiation  
8 process. The parties have forty-five days to respond in the  
9 affirmative or negative. A negative response must state the reasons  
10 the parties do not wish to participate in an interlocal agreement  
11 negotiation. A failure to respond within the forty-five day period is  
12 deemed an affirmative response and the interlocal agreement negotiation  
13 process may proceed. The interlocal agreement process may not proceed  
14 if any negative responses are received within the forty-five day  
15 period.

16 (c) The interlocal agreement must describe the boundaries of the  
17 territory proposed for annexation and must be consistent with the  
18 boundaries identified in an ordinance describing the boundaries of the  
19 territory proposed for annexation and setting a date for a public  
20 hearing on the ordinance. If the boundaries of the territory proposed  
21 for annexation are agreed to by all parties, a notice of intention must  
22 be filed with the boundary review board created under RCW 36.93.030.  
23 However, the jurisdiction of the board may not be invoked as described  
24 in RCW 36.93.100 for annexations that are the subject of such  
25 agreement.

26 (2) An interlocal annexation agreement under this section must  
27 include the following:

28 (a) A statement of the goals of the agreement. Goals must include,  
29 but are not limited to:

30 (i) The transfer of revenues and assets between the fire protection  
31 district and the code city;

32 (ii) A consideration and discussion of the impact to the level of  
33 service of annexation on the unincorporated area, and an agreement that  
34 the impact on the ability of fire protection and emergency medical  
35 services within the incorporated area must not be negatively impacted  
36 at least through the budget cycle in which the annexation occurs;

37 (iii) A discussion with fire protection districts regarding the

1 division of assets and its impact to citizens inside and outside the  
2 newly annexed area;

3 (iv) Community involvement, including an agreed upon schedule of  
4 public meetings in the area or areas proposed for annexation;

5 (v) Revenue sharing, if any;

6 (vi) Debt distribution;

7 (vii) Capital facilities obligations of the code city, county, and  
8 fire protection districts;

9 (viii) An overall schedule or plan on the timing of any annexations  
10 covered under this agreement; and

11 (ix) A description of which of the annexing code cities'  
12 development regulations will apply and be enforced in the area.

13 (b) The subject areas and policies and procedures the parties agree  
14 to undertake in annexations. Subject areas may include, but are not  
15 limited to:

16 (i) Roads and traffic impact mitigation;

17 (ii) Surface and storm water management;

18 (iii) Coordination and timing of comprehensive plan and development  
19 regulation updates;

20 (iv) Outstanding bonds and special or improvement district  
21 assessments;

22 (v) Annexation procedures;

23 (vi) Distribution of debt and revenue sharing for annexation  
24 proposals, code enforcement, and inspection services;

25 (vii) Financial and administrative services; and

26 (viii) Consultation with other service providers, including water-  
27 sewer districts, if applicable.

28 (c) A term of at least five years, which may be extended by mutual  
29 agreement of the code city, the county, and the fire protection  
30 district.

31 (3) If the fire protection district, annexing code city, and county  
32 reach an agreement on the enumerated goals, the annexation ordinance  
33 may proceed and is not subject to referendum. If only the annexing  
34 code city and county reach an agreement on the enumerated goals, the  
35 code city and county may proceed with annexation under the interlocal  
36 agreement, but the annexation ordinance provided for in this section is  
37 subject to referendum for forty-five days after its passage. Upon the  
38 filing of a timely and sufficient referendum petition with the

1 legislative body of the code city, signed by qualified electors in a  
2 number not less than ten percent of the votes cast in the last general  
3 state election in the area to be annexed, the question of annexation  
4 must be submitted to the voters of the area in a general election if  
5 one is to be held within ninety days or at a special election called  
6 for that purpose according to RCW 29A.04.330. Notice of the election  
7 must be given as provided in RCW 35A.14.070, and the election must be  
8 conducted as provided in the general election laws under Title 29A RCW.  
9 The annexation must be deemed approved by the voters unless a majority  
10 of the votes cast on the proposition are in opposition to the  
11 annexation.

12 After the expiration of the forty-fifth day from, but excluding,  
13 the date of passage of the annexation ordinance, if a timely and  
14 sufficient referendum petition has not been filed, the area annexed  
15 becomes a part of the code city upon the date fixed in the ordinance of  
16 annexation.

17 NEW SECTION. **Sec. 10.** A new section is added to chapter 35A.14  
18 RCW to read as follows:

19 (1) If any portion of a fire protection district is proposed for  
20 annexation to or incorporation into a code city, both the fire  
21 protection district and the code city shall inform the employees of the  
22 fire protection district about hires, separations, terminations, and  
23 any other changes in employment that are a direct consequence of  
24 annexation or incorporation at the earliest reasonable opportunity.

25 (2) An eligible employee may transfer into the civil service system  
26 of the code city fire department by filing a written request with the  
27 code city civil service commission and by giving written notice of the  
28 request to the board of commissioners of the fire protection district.  
29 Upon receipt of the request by the civil service commission, the  
30 transfer of employment must be made. The needed employees shall be  
31 taken in order of seniority and the remaining employees who transfer as  
32 provided in this section and RCW 35.10.360 and 35.10.370 shall head the  
33 list for employment in the civil service system in order of their  
34 seniority, to the end that they shall be the first to be reemployed in  
35 the code city fire department when appropriate positions become  
36 available. Employees who are not immediately hired by the code city  
37 shall be placed on a reemployment list for a period not to exceed

1 thirty-six months unless a longer period is authorized by an agreement  
2 reached between the collective bargaining representatives of the  
3 employees of the annexing and annexed fire agencies and the annexing  
4 and annexed fire agencies.

5 (3)(a) Upon transfer, an employee is entitled to the employee  
6 rights, benefits, and privileges to which he or she would have been  
7 entitled as an employee of the fire protection district, including  
8 rights to:

9 (i) Compensation at least equal to the level of compensation at the  
10 time of transfer, unless the employee's rank and duties have been  
11 reduced as a result of the transfer. If the transferring employee is  
12 placed in a position with reduced rank and duties, the employee's  
13 compensation may be adjusted, but the adjustment may not result in a  
14 decrease of greater than fifty percent of the difference between the  
15 employee's compensation before the transfer and the compensation level  
16 for the position that the employee is transferred to;

17 (ii) Retirement, vacation, sick leave, and any other accrued  
18 benefit;

19 (iii) Promotion and service time accrual; and

20 (iv) The length or terms of probationary periods, including no  
21 requirement for an additional probationary period if one had been  
22 completed before the transfer date.

23 (b) (a) of this subsection does not apply if upon transfer an  
24 agreement for different terms of transfer is reached between the  
25 collective bargaining representatives of the transferring employees and  
26 the participating fire protection jurisdictions.

27 (4) If upon transfer, the transferring employee receives the  
28 rights, benefits, and privileges established under subsection (3)(a)(i)  
29 through (iv) of this section, those rights, benefits, and privileges  
30 are subject to collective bargaining at the end of the current  
31 bargaining period for the jurisdiction to which the employee has  
32 transferred.

33 (5) Such bargaining must take into account the years of service the  
34 transferring employee accumulated before the transfer and must be  
35 treated as if those years of service occurred in the jurisdiction to  
36 which the employee has transferred.



1        NEW SECTION.    **Sec. 11.**    A new section is added to chapter 35A.14  
2    RCW to read as follows:

3        Upon the written request of a fire protection district, code cities  
4    annexing territory under this chapter shall, prior to completing the  
5    annexation, issue a report regarding the likely effects that the  
6    annexation and any associated asset transfers may have upon the safety  
7    of residents within and outside the proposed annexation area.    The  
8    report must address, but is not limited to, the provisions of fire  
9    protection and emergency medical services within and outside of the  
10   proposed annexation area.    A fire protection district may only request  
11   a report under this section when at least five percent of the assessed  
12   valuation of the fire protection district will be annexed.

13       NEW SECTION.    **Sec. 12.**    A new section is added to chapter 35A.92  
14    RCW to read as follows:

15       Code cities conducting annexations of all or part of fire  
16    protection districts shall, at least through the budget cycle, or the  
17    following budget cycle if the annexation occurs in the last half of the  
18    current budget cycle, in which the annexation occurs, maintain existing  
19    fire protection and emergency services response times in the newly  
20    annexed areas consistent with response times recorded prior to the  
21    annexation as defined in the previous annual report for the fire  
22    protection district and as reported in RCW 52.33.040.    If the code city  
23    is unable to maintain these service levels in the newly annexed area,  
24    the transfer of firefighters from the annexed fire protection district  
25    as a direct result of the annexation must occur as outlined in section  
26    10 of this act.

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