

# **SENATE BILL REPORT**

## **HB 1812**

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As of March 4, 2011

**Title:** An act relating to community municipal corporations.

**Brief Description:** Changing provisions relating to community municipal corporations.

**Sponsors:** Representatives Kirby, Kagi and Moeller.

**Brief History:** Passed House: 2/26/11, 97-0.

**Committee Activity:** Government Operations, Tribal Relations & Elections: 3/08/11.

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### **SENATE COMMITTEE ON GOVERNMENT OPERATIONS, TRIBAL RELATIONS & ELECTIONS**

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**Staff:** Diane Smith (786-7410)

**Background:** Community municipal corporations may be organized for two types of territory, as follows: territory comprised of all or part of an unincorporated area annexed to a city, code city, or town; and incorporated territory within one or more of the consolidating cities whenever two or more cities are consolidated.

In the case of annexed territory, one of three additional requirements must be met. The service area must either be eligible for incorporation as a city or town; have a minimum population of not less than 300 persons and 10 percent of the population of the annexing city or town; or have a minimum population of not less than 1000.

The community municipal corporation is governed by a community council composed of five members, elected from among the qualified electors residing within the service area. The initial council members are elected concurrently with the annexation election, for terms of up to four years.

The community council is staffed by a deputy to the city clerk of the city within which the service area is consolidated or annexed. The city also provides other clerical and technical assistance and a properly equipped office as may be necessary for the community council to carry out its functions. The necessary expenses of the community council are paid by the city. The community council members receive no compensation.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

For the community municipal corporation to continue its term of existence for each additional four-year period, there must be an election. The election is initiated by resolution of the community council or by petition of at least 10 percent of the registered voters residing within the service area. Either the resolution or petition is filed with the legislative body of the city in which the service area is located.

The city clerk must place the measure, for or against continuation of the community municipal corporation, on the ballot at the next city general election. Only qualified voters and residents of the service area are eligible to vote at this election. As required for initial creation of the community municipal corporation, the candidates to be voted for to fill the position on the community council must also appear on the continuation ballot. The community council members are elected at large.

Election results are certified by the county canvassing board. The community council members assume office at the same time as do the members of the city legislative authority.

The community municipal corporation, through its council, has authority to approve or to disapprove any of the following as they apply to any land, building, or structures within the community council corporation: comprehensive plans; zoning ordinances; conditional use permits, special exceptions or variances; subdivision ordinances; subdivision plats; or planned unit developments. Disapproval by the council, by the council's failure to approve within 60 days of the city council's action, does not affect the application of the city's action outside the community municipal corporation.

In addition, the community municipal corporation acting through its council may provide a forum and make recommendations for any proposals that affect the use of property within the service area. It may also advise, consult, and cooperate with the city on any local matters affecting the service area.

When petitions are required to be signed by registered voters and filed for matters regarding city and town government, the petitions are transmitted from the filing officer to the county auditor. The officer whose duty it is to determine the sufficiency of the petition then does so and files the certificate of sufficiency with the filing officer.

**Summary of Bill:** Community municipal corporations may be organized in either incorporated territory that is consolidated or unincorporated territory that is annexed only until January 1, 2012.

The sufficiency of the 10 percent petition calling for continuation of the community municipal corporation is determined in the same manner as are any other petitions requiring signatures of registered voters in cities and towns.

The persons eligible to vote in the election to continue the existence of a community municipal corporation are the qualified voters residing in the city in which the service area is located.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.