

Chapter 36.150 RCW
COUNTY FERRY DISTRICTS—COUNTY ASSUMPTION

Sections

- 36.150.010 County assumption of county ferry district authority.
- 36.150.020 Initiation of county assumption.
- 36.150.030 Consideration of county assumption—Public hearing.
- 36.150.040 Satisfaction of public interest or welfare—Declaration of county assumption—Vesting of authority—Abolishment of county ferry district governing body.
- 36.150.050 County ferry district employees and personnel.
- 36.150.060 Preservation of existing rights, proceedings, and actions—Levies.
- 36.150.070 Continuation of rules, regulations, and pending business—Performance of contracts—Validity of official acts.
- 36.150.080 Transfer of county ferry district real and personal property—Assumption of appropriations and federal grants.
- 36.150.090 Assumption and payment of county ferry district indebtedness.

RCW 36.150.010 County assumption of county ferry district authority. Any county with a population of one million or more in which a county ferry district has been established pursuant to RCW 36.54.110 through 36.54.190 with boundaries coterminous with the boundaries of the county may by ordinance or resolution of the county legislative authority assume the rights, powers, functions, and obligations of the county ferry district in accordance with this chapter. [2014 c 51 § 1.]

RCW 36.150.020 Initiation of county assumption. The assumption of the rights, powers, functions, and obligations of a county ferry district may be initiated by the adoption of an ordinance or a resolution by the county legislative authority indicating its intention to conduct a hearing concerning the assumption of such rights, powers, functions, and obligations. If the county legislative authority adopts such an ordinance or a resolution of intention, the ordinance or resolution must set a time and place at which the county legislative authority will consider the proposed assumption of the rights, powers, functions, and obligations of the county ferry district, and must state that all persons interested may appear and be heard. The ordinance or resolution of intention must be published at least two times during the two weeks preceding the scheduled hearing in newspapers of daily general circulation printed or published in the county in which the county ferry district is to be located. [2014 c 51 § 2.]

RCW 36.150.030 Consideration of county assumption—Public hearing. At the time scheduled for the hearing in the ordinance or resolution of intention, the county legislative authority must consider the assumption of the rights, powers, functions, and obligations of the county ferry district and hear those appearing and

all protests and objections to it. The county legislative authority may continue the hearing from time to time, not exceeding sixty days in all. [2014 c 51 § 3.]

RCW 36.150.040 Satisfaction of public interest or welfare—Declaration of county assumption—Vesting of authority—Abolishment of county ferry district governing body. (1) If, after receiving testimony, the county legislative authority determines that the public interest or welfare would be satisfied by the county assuming the rights, powers, immunities, functions, and obligations of the county ferry district, the county legislative authority may declare that to be its intent and assume such rights, powers, immunities, functions, and obligations by ordinance or resolution, providing that the county is vested with every right, power, immunity, function, and obligation currently granted to or possessed by the county ferry district pursuant to RCW 36.54.110 through 36.54.190. However, in exercising such rights, powers, immunities, functions, and obligations, all actions must be taken in the name of the county and title to all property or property rights vest in the county.

(2) Upon assumption of the rights, powers, immunities, functions, and obligations of the county ferry district by the county: The governing body established pursuant to RCW 36.54.110(5) must be abolished; RCW 36.54.110(5) does not apply to the county; and the county legislative authority is vested with all rights, powers, immunities, functions, and obligations otherwise vested by law in the governing board of the county ferry district. However, in any county with a home rule charter, such rights, powers, functions, and obligations vest in accordance with the executive and legislative responsibilities defined in such charter. [2014 c 51 § 4.]

RCW 36.150.050 County ferry district employees and personnel. Employees and personnel of the county ferry district do not automatically become employees of the county. [2014 c 51 § 5.]

RCW 36.150.060 Preservation of existing rights, proceedings, and actions—Levies. No transfer of any function made pursuant to this chapter may be construed to impair or alter any existing rights acquired under RCW 36.54.110 through 36.54.190 or any other provision of law relating to county ferry districts, nor as impairing or altering any actions, activities, or proceedings validated thereunder, nor as impairing or altering any civil or criminal proceedings instituted thereunder, nor any rule, regulation, or order promulgated thereunder, nor any administrative action taken thereunder; and neither the assumption of control of any county ferry district function by a county, nor any transfer of rights, powers, functions, and obligations as provided in this chapter, may impair or alter the validity of any act performed by such county ferry district or division thereof or any officer thereof prior to the assumption of such rights, powers, functions, and obligations by any county as authorized by this chapter. Furthermore, an ad valorem property tax levy upon real and personal property authorized under RCW 36.54.130 and levied by a county as authorized under this chapter must be treated as a levy by a county ferry district for all purposes

including, but not limited to, limitations on levies contained in RCW 84.52.043. [2014 c 51 § 6.]

RCW 36.150.070 Continuation of rules, regulations, and pending business—Performance of contracts—Validity of official acts. (1) All rules and regulations, and all pending business before the board of any county ferry district transferred pursuant to this chapter[,] must be continued and acted upon by the county.

(2) All existing contracts and obligations of the transferred county ferry district remain in full force and effect, and must be performed by the county. A transfer authorized in this chapter does not affect the validity of any official act performed by any official or employee prior to the transfer authorized pursuant to this chapter. [2014 c 51 § 7.]

RCW 36.150.080 Transfer of county ferry district real and personal property—Assumption of appropriations and federal grants.

(1) When the rights, powers, functions, and obligations of a county ferry district are transferred pursuant to this chapter, all real and personal property owned by the county ferry district becomes that of the county.

(2) All reports, documents, surveys, books, records, files, papers, or other writings relating to the administration of the powers, duties, and functions transferred pursuant to this chapter and available to the county ferry district must be made available to the county.

(3) All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed in carrying out the rights, powers, functions, and obligations transferred under this chapter and available to the county ferry district must be made available to the county.

(4) All funds, credits, or other assets held in connection with powers, duties, and functions transferred under this chapter must be assigned to the county.

(5) Any appropriations or federal grant made to the county ferry district for the purpose of carrying out the rights, powers, functions, and obligations authorized to be assumed by a county pursuant to this chapter, on the effective date of such transfer, must be credited to the county for the purpose of carrying out such transferred rights, powers, functions, and obligations. [2014 c 51 § 8.]

RCW 36.150.090 Assumption and payment of county ferry district indebtedness. (1) The county must assume and agree to provide for the payment of all of the indebtedness of the county ferry district, including the payment and retirement of outstanding general obligation and revenue bonds issued by the county ferry district. Until the indebtedness of a county ferry district assumed by a county under this chapter has been discharged, all property within the boundaries of the county ferry district and the owners and occupants of that property continue to be liable for taxes, special assessments, and other charges legally pledged to pay the indebtedness of the county ferry district. The county must assume the obligation of causing the payment

of such indebtedness, collecting such taxes, assessments, and charges, and observing and performing the other contractual obligations of the county ferry district. The legislative authority of the county must act in the same manner as the governing body of the county ferry district for the purpose of certifying the amount of any property tax to be levied and collected therein, and may cause service and other charges and assessments to be collected from such property or owners or occupants thereof, enforce such collection, and perform all acts necessary to ensure performance of the contractual obligations of the county ferry district in the same manner and by the same means as if the property of the county ferry district had not been acquired by the county.

(2) When a county assumes the obligation of paying indebtedness of a county ferry district and if property taxes or assessments have been levied and service and other charges have accrued for such purpose but have not been collected by the county ferry district prior to such assumption, the same when collected must belong and be paid to the county and be used by such county so far as necessary for payment of the indebtedness of the county ferry district existing and unpaid on the date such county assumed that indebtedness. Any funds received by the county that have been collected for the purpose of paying any bonded or other indebtedness of the county ferry district must be used for the purpose for which they were collected and for no other purpose until such indebtedness has been paid and retired or adequate provision has been made for such payment and retirement. Any funds remaining after the payment and retirement of such indebtedness must be used solely for carrying out the rights, powers, functions, and obligations of the county ferry district assumed by the county. The transfer of property as provided in this chapter does not derogate from the claims or rights of the creditors of the county ferry district or impair the ability of the county ferry district to respond to its debts and obligations. [2014 c 51 § 9.]