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**SUBSTITUTE SENATE BILL 6156**

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**State of Washington                      60th Legislature                      2007 Regular Session**

**By** Senate Committee on Ways & Means (originally sponsored by Senator Prentice)

READ FIRST TIME 04/19/07.

1            AN ACT Relating to state government; authorizing community  
2 preservation and development authorities; and adding a new chapter to  
3 Title 43 RCW.

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

5            NEW SECTION.    **Sec. 1.** (1) Major public facilities, public works,  
6 and capital projects with significant public funding generally aim to  
7 accrue broad benefits to the people of Washington. However, sometimes  
8 the interest of the stakeholder community that bears the  
9 disproportionate cost of the broad public benefit by absorbing a  
10 deleterious impact upon itself is overlooked or inadequately addressed.  
11 These impacts may include dislocation, displacement, and the overall  
12 disintegration of an identifiable existing community and its historical  
13 and cultural character. The legislature finds that the preservation  
14 and restoration of the character of such a community, and the  
15 community's historical and cultural character, are important public  
16 policy goals that can be achieved through the creation of community  
17 preservation and development authorities.

18            (2) Community preservation and development authorities are hereby  
19 created to restore or enhance the health, safety, and economic well-

1 being of communities adversely impacted by the construction of, or  
2 ongoing operation of, multiple major public facilities, public works,  
3 and capital projects with significant public funding.

4 (3) Community preservation and development authorities have the  
5 following purposes:

6 (a) To revitalize, enhance, and preserve the unique character of  
7 impacted communities;

8 (b) To mitigate the adverse effects of multiple major public  
9 facilities projects, public works projects, or capital projects with  
10 significant public funding, or a secure community transition facility  
11 as defined in RCW 71.09.020(14);

12 (c) To restore a local area's sense of community;

13 (d) To reduce the displacement of community members and businesses;

14 (e) To stimulate the community's economic vitality;

15 (f) To enhance public service provisions;

16 (g) To improve the standard of living of community members; and

17 (h) To preserve historic buildings or areas by returning them to  
18 economically productive uses that are compatible with or enhance their  
19 historic character.

20 NEW SECTION. **Sec. 2.** The definitions in this section apply  
21 throughout this chapter unless the context clearly requires otherwise.

22 (1) "Community" means a group of people who reside or work in the  
23 geographic area established by the community preservation and  
24 development authority board or the proposal to create the authority and  
25 who currently or historically share a distinct cultural identity or  
26 local history.

27 (2) "Community preservation and development authority" or  
28 "authority" means an authority created by members of an impacted  
29 community.

30 (3) "Constituency" means the general membership of the community  
31 preservation and development authority, which membership shall be open  
32 to all persons eighteen years of age and over who are residents,  
33 property owners, employees, or business persons within the geographic  
34 boundaries established by the authority or the proposal to create the  
35 authority.

36 (4) "Impacted community" means a community that has been adversely

1 impacted by the construction of, or ongoing operation of, multiple  
2 major public facilities, public works, and capital projects with  
3 significant public funding.

4 (5) "Major public facilities project, public works project, or  
5 capital project with significant public funding" means any capital  
6 project whose total cost exceeds ten million dollars. On July 1, 2009,  
7 and on July 1st of each odd-numbered year thereafter, the capital  
8 project cost threshold shall be adjusted by the capital project cost  
9 adjustment factor for inflation established by the office of financial  
10 management.

11 NEW SECTION. **Sec. 3.** (1) The residents, property owners,  
12 employees, or business owners of an impacted community may propose  
13 formation of a community preservation and development authority. The  
14 proposal to form a community preservation and development authority  
15 must be presented in writing to the appropriate legislative committee  
16 in both the house of representatives and the senate. The proposal must  
17 contain proposed general geographic boundaries that will be used to  
18 define the community for the purposes of the authority. Proposals  
19 presented after January 1, 2008, must identify in its proposal one or  
20 more stable revenue sources that (a) have a nexus with the multiple  
21 publicly funded facilities that have adversely impacted the community,  
22 and (b) can be used to support future operating or capital projects  
23 that will be identified in the strategic plan required under section 5  
24 of this act.

25 (2) Formation of the community preservation and development  
26 authority is subject to legislative authorization by statute. The  
27 legislature must find that (a) the area within the proposal's  
28 geographic boundaries meets the definition of "impacted community"  
29 contained in section 2(4) of this act and (b) those persons that have  
30 brought forth the proposal are members of the community as defined in  
31 section 2(1) of this act and, if the authority were approved, would  
32 meet the definition of constituency contained in section 2(3) of this  
33 act. For proposals brought after January 1, 2008, the legislature must  
34 also find that the community has identified one or more stable revenue  
35 sources as required in subsection (1) of this section. The legislature  
36 may then act to authorize the establishment of the community  
37 preservation and development authority in law.

1 (3) The affairs of a community preservation and development  
2 authority shall be managed by a board of directors, consisting of the  
3 following members:

4 (a) Two members who own, operate, or represent businesses within  
5 the community;

6 (b) Two members who are involved in providing nonprofit community  
7 or social services within the community;

8 (c) Two members who are involved in the arts and entertainment  
9 within the community;

10 (d) Two members with knowledge of the community's culture and  
11 history; and

12 (e) One member who is involved in a nonprofit or public planning  
13 organization that directly serves the impacted community.

14 (4) No member of the board shall hold office for more than four  
15 years. Board positions shall be numbered one through nine, and the  
16 terms staggered as follows:

17 (a) Board members elected to positions one through five shall serve  
18 two-year terms, and if reelected, may serve no more than one additional  
19 two-year term.

20 (b) Board members initially elected to positions six through nine  
21 shall serve a three-year term only.

22 (c) Board members elected to positions six through nine after the  
23 initial three-year term shall serve two-year terms, and if reelected,  
24 may serve no more than one additional two-year term.

25 (5) With respect to an authority's initial board of directors: The  
26 state legislative delegation and those proposing formation of the  
27 authority shall jointly establish a committee to develop a list of  
28 candidates to stand for election once the authority has received  
29 legislative approval as established in subsection (2) of this section.  
30 For the purpose of developing the list and identifying those persons  
31 who meet the criteria in subsection (3)(a) through (e) of this section,  
32 community shall mean the proposed geographic boundaries as set out in  
33 the proposal. The board of directors shall be elected by the  
34 constituency during a meeting convened for that purpose by the state  
35 legislative delegation.

36 (6) With respect to subsequent elections of an authority's board of  
37 directors: A list of candidates shall be developed by the authority's

1 existing board of directors and the election shall be held during the  
2 annual local town hall meeting as required in section 5 of this act.

3 NEW SECTION. **Sec. 4.** (1) A community preservation and development  
4 authority shall have the power to:

- 5 (a) Accept gifts, grants, loans, or other aid from public or  
6 private entities; and
- 7 (b) Exercise such additional powers as may be authorized by law.

8 (2) A community preservation and development authority shall have  
9 no power of eminent domain nor any power to levy taxes or special  
10 assessments.

11 NEW SECTION. **Sec. 5.** A community preservation and development  
12 authority shall have the duty to:

13 (1) Establish specific geographic boundaries for the authority  
14 within its bylaws based on the general geographic boundaries  
15 established in the proposal submitted and approved by the legislature;

16 (2) Solicit input from members of its community and develop a  
17 strategic preservation and development plan to promote the health,  
18 safety, and economic well-being of the impacted community and to  
19 preserve its cultural and historical identity;

20 (3) Include within the strategic plan a prioritized list of  
21 projects identified and supported by the community, including capital  
22 or operating components that address one or more of the purposes under  
23 section 1(3) of this act;

24 (4) Establish funding mechanisms to support projects and programs  
25 identified in the strategic plan including but not limited to grants  
26 and loans;

27 (5) Use gifts, grants, loans, and other aid from public or private  
28 entities to carry out projects identified in the strategic plan; and

29 (6) Demonstrate ongoing accountability for its actions by:

30 (a) Reporting to the appropriate committees of the legislature, one  
31 year after formation and every biennium thereafter, on the authority's  
32 strategic plan, activities, accomplishments, and any recommendations  
33 for statutory changes;

34 (b) Reporting any changes in the authority's geographic boundaries  
35 to the appropriate committees of the legislature when the legislature  
36 next convenes in regular session;

1 (c) Convening a local town hall meeting with its constituency on an  
2 annual basis to: (i) Report its activities and accomplishments from  
3 the previous year; (ii) present and receive input from members of the  
4 impacted community regarding its proposed strategic plan and activities  
5 for the upcoming year; and (iii) hold board member elections as  
6 necessary; and

7 (d) Maintaining books and records as appropriate for the conduct of  
8 its affairs.

9 NEW SECTION. **Sec. 6.** The legislature authorizes the establishment  
10 of the Pioneer Square-International District community preservation and  
11 development authority, which boundaries are those contained in the  
12 Pioneer Square-International District within the city of Seattle.

13 NEW SECTION. **Sec. 7.** The community preservation and development  
14 authority account is created in the state treasury. The account is  
15 composed of two subaccounts, one for moneys to be appropriated for  
16 operating purposes, and the other for moneys to be appropriated for  
17 capital purposes. Moneys in the account may be spent only after  
18 appropriation. Expenditures from the account may be used only for  
19 projects under this chapter.

20 NEW SECTION. **Sec. 8.** Prior to making siting, design, and  
21 construction decisions for future major public facilities, public works  
22 projects, or capital projects with significant public funding, state  
23 and local government agencies may:

24 (1) Communicate and consult with the community preservation and  
25 development authority and impacted community, including assessing the  
26 compatibility of the proposed project with the strategic plan adopted  
27 by the authority; and

28 (2) Make reasonable efforts to ensure that negative, cumulative  
29 effects of multiple projects upon the impacted community are minimized.

30 NEW SECTION. **Sec. 9.** If any provision of this act or its  
31 application to any person or circumstance is held invalid, the  
32 remainder of the act or the application of the provision to other  
33 persons or circumstances is not affected.

1        NEW SECTION.   **Sec. 10.**   Sections 1 through 8 of this act constitute  
2   a new chapter in Title 43 RCW.

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