

APPENDIX 8. Legal Description of the P&RSA (from King County Ordinance #8487, 4/19/88)

B. Boundaries. The boundaries of the proposed park and recreation service area are as follows:

Beginning at the intersection of the Southwesterly R/W margin of Brier Road and the south line of Section 34, Township 27N, R4E, W.M., said intersection also being a point on the King County-Snohomish County boundary line; thence in a northerly direction along said Southwesterly margin of Brier Road to its intersection with the southerly extension of the West line of Lot 97 of the Plat of Shasta Park Tracts Division No. 1; thence northerly along the west line extended southerly of Lot 97, said Plat, and the west line of Lots 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, and 112 to the northwest corner of said Lot 112; thence continuing northerly along the northerly extension of the west line of said Lot 112 to its intersection

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1 with the centerline of 236th Street S.W.; thence easterly along  
2 the centerline of 236th Street S.W. to its intersection with the  
3 westerly line of Section 35, Township 27N, R4E; thence north 1/2  
4 mile to the NW corner of Section 35, Township 27N, R4E; thence  
5 east 1 mile to the SW corner of Section 25, Township 27N, R4E;  
6 thence north 1 mile to the NW corner of Section 25, Township 27N,  
7 R4E; thence east along the section line to its intersection with  
8 the freeway, Primary State Highway No. 1, Alternate FA I-405 1962  
9 Bothell-Swamp Creek location; thence in a northwesterly direction  
10 along the west boundary of the right-of-way of said State Highway  
11 to its intersection with the north-south centerline of Section  
12 24; thence north along said centerline to its intersection with  
13 the north line of Section 24, Township 27N, R4E; thence east  
14 approximately 460 feet to the west boundary of Lot 14, Block 22,  
15 Alderwood Manor Plat No. 5, Section 13, Township 27N, R4E; thence  
16 north approximately 500 feet to the NW corner of Lot 10, same  
17 block and plat; thence east to the Filbert Road and straight  
18 across the Road to the west side of Lot 27, Block 12, Alderwood  
19 Manor Plat No. 5, Section 13, Township 27N, R4E; thence north to  
20 the NW corner of Lot 27; thence east along the north lines of  
21 Lots 27, 26, 25, and 24 to the NE corner of Lot 24; thence north  
22 to the NW corner of Lot 3 in Block 12; thence southeasterly along  
23 the Winesap Road and the north lines of Lots 8 and 9 to the west  
24 line projected of Lore-Ondo Park #2; thence north to the NW  
25 corner of said Park #2; thence east to the west boundary line of  
26 Section 18, Township 27N, R5E; thence north along said boundary  
27 to the NE corner of Lot 4, Block 8; thence southeasterly along  
28 the east line of Lot 4, the north line of Lot 11 in Block 8, and  
29 the north and east lines of Lot 10 to the SE corner of Lot 10,  
30 Block 8; thence easterly along the north lines of Lots 5 and 6 in  
31 Block 11 to the NE corner of Lot 6; thence south along the east  
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1 line of Lot 6 to its SE corner; thence east along the north line  
2 of Lots 14, 13, 12, and 11, Block 11 to the NE corner of Lot 11,  
3 which is on the north-south centerline of Section 18, Township  
4 27N, R5E; thence north along the north-south centerline of  
5 Section 18 to the north line of the S 1/2 of SW 1/4 of the SE 1/4  
6 of Section 18 (said point being on the east line of Lot 10, Block  
7 11, Alderwood Manor Plat #5); thence east to the NE corner of the  
8 S 1/2 of SW 1/4 of SE 1/4 of Section 18; thence south along the  
9 west line of the SE 1/4 of SE 1/4 to 194th Street; thence east  
10 along 194th Street to the County Road (old Bothell-Everett  
11 Highway); thence north along said County Road to a point  
12 approximately 500 feet south of the north line of the SE 1/4 of  
13 the SE 1/4 of Section 18, Township 27N, R5E; thence east and  
14 parallel to the south line of Section 18 and Section 17, to the  
15 east line of the SW 1/4 of SW 1/4 of Section 17; thence north to  
16 the SE corner of the N 1/2, S 1/2, of SW 1/4, NW 1/4; thence west  
17 to the west line of Section 17, Township 27N, R5E; thence north  
18 to the NW corner of Section 17; thence east to the NE corner of  
19 Section 17; thence south 1/4 mile to the SE corner of the NE 1/4  
20 of the NE 1/4 of Section 17; thence east along the sixteenth line  
21 of Section 16 and Section 15 two miles to the SE corner of the NE  
22 1/4 of the NE 1/4 of Section 15, Township 27N, R5E; thence south  
23 to the SE corner of Section 22, Township 27N, R5E; thence east  
24 1/2 mile to the NW corner of the NE 1/4 of Section 26, Township  
25 27N, R5E; thence south 1/2 mile to the SW corner of the NE 1/4 of  
26 Section 26, Township 27N, R5E; thence east to the NE corner of  
27 the NW 1/4 of the SE 1/4 of said Section 26, Township 27N, R5E;  
28 thence south 1/2 mile to the SE corner of the SW 1/4 of the SE  
29 1/4 of said Section 26, Township 27N, R5E; thence east to the NE  
30 corner of Section 36, Township 27N, R5E; thence south one mile to  
31 the SE corner of said Section 36, Township 27N, R5E; thence east  
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1 to the NE Corner of Section 3, Township 26N, R5E; thence south to  
2 the SE corner of Section 10, Township 26N, R6E; thence west to  
3 the SW corner of the SE 1/4 of Section 10, Township 26N, R6E;  
4 thence south to the SE corner of the SW 1/4 of Section 15,  
5 Township 26N, R6E; thence west on the north line of Sections 21  
6 and 20 to the north-south centerline of Section 20, Township 26N,  
7 R6E; thence south 339.02 feet; thence westerly in a line parallel  
8 with the north line of Section 20 to its intersection with the  
9 centerline of County Road #52 (Bear Creek Road); thence north on  
10 centerline of Bear Creek Road to the north line of Section 20,  
11 Township 26N, R6E; thence west to the SW corner of Section 18,  
12 Township 26N, R6E; thence south on the west boundary of Sections  
13 19 and 30 to its intersection with the centerline of 128th Street  
14 NE; thence west and southwesterly on the centerline of 128th  
15 Street NE and its continuation on the centerline of 124th Street  
16 NE to its intersection with the west boundary of the east half of  
17 the NW 1/4 of Section 25, Township 26N, R5E; thence north to the  
18 north line of Section 25; thence west to the north-south  
19 centerline of Section 26, Township 26N, R5E; thence south to the  
20 east-west centerline of Section 26; thence west to the SW  
21 corner of the NW 1/4 of Section 26; thence north to the NW corner  
22 of Section 26; thence west to the SW corner of the SE 1/4 of  
23 Section 22, Township 26N, R5E; thence north to the NW corner of  
24 the NE 1/4 of Section 22, Township 26N, R5E; thence west along  
25 the north lines of Sections 22 and 21, including all that portion  
26 of the following described land lying within the NW 1/4 of the NW  
27 1/4 of Section 21, Township 26N, R5E, King County, Washington;  
28 all of lots 108 and 109 and 138 through 142 of the High Woodlands  
29 Division #3 as said plat is recorded in Volume 85, pages 30 and  
30 32 of King County Records and all that portion of NE 145th Street  
31 as shown on said plat lying between said lots and northerly of a  
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1 line running from the most westerly corner of lot 138 to the most  
2 southerly corner of lot 109 and excluding all that portion of the  
3 following described land lying within the SW 1/4 of the SW 1/4 of  
4 Section 16, Township 26N, R5E, King County; Lot 110 of the High  
5 Woodlands Division #3 as said plat is recorded in Volume 85,  
6 pages 30 and 32 of King County records and lots 1 through 4,  
7 Block 1 and lots 8 and 9, Block 2 of High Woodlands Addition as  
8 said plat is recorded in Volume 76, page 607 of King County  
9 records and all that portion of NE 144th Place adjacent to lots 1  
10 and 2, Block 1 of said plat and all that portion of 119th Place  
11 NE lying southerly of a line running northwesterly from the  
12 northwesterly corner of lot 9, Block 2 of said plat to the  
13 northeasterly corner of Lot 1, Block 1 of said plat, and  
14 continuing on the north section line of Section 20, 19 Township  
15 26N, R5E and Section 24, Township 26N, R5E to the intersection of  
16 the north section line of Section 24, Township 26N, R4E, and the  
17 centerline of NE 145th Street; thence SW along the centerline of  
18 NE 145th Street to its intersection with the centerline of NE  
19 143rd Street; thence westerly along the centerline of NE 143rd  
20 Street to its intersection with the centerline of Juanita Drive  
21 NE; thence NW along the centerline of Juanita Drive NE to its  
22 intersection with the North section line of Section 24, Township  
23 26N, R4E; thence west along the north section line of Section 24  
24 and 23 to the SW corner of Section 14, Township 26N, R4E; thence  
25 north on the west section line of Sections 14 and 11, and 2 and  
26 excluding that portion of GL 4 beginning at the meander corner  
27 common to Sections 10, and 11, Township 26, R4E; thence S  
28 33-05-12E, 82.57 feet to a point 20 feet southerly of  
29 southeasterly line of NP railway; thence on curve to right  
30 initial course N 44-46-22E radius 774.02 feet distance of 10 feet  
31 to true point of beginning; thence continuing on the same curve  
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1 391.45 feet; thence S 14-03-14E to the shore of Lake Washington;  
 2 thence along the shore to a point that is S 32-28-53E from the  
 3 true point of beginning; thence N 32-28-53W to true point of  
 4 beginning (an area commonly known as lots 34, 75, 64 and 76), and  
 5 excluding that portion of the NE 180th Street lying east of 55th  
 6 NE and ending in a cul-de-sac (legal description: Lots 12, 19,  
 7 and 20, Section 11, Township 26N, R4E, Plat of Uplake Terrace,  
 8 Block No. 3, Uplake Precinct) to the intersection with the south  
 9 line of Lot 27, Tract #4; thence east along the S line of Lot 27  
 10 to its SE corner; thence north on 56th Avenue NE as platted  
 11 and/or finished to the NW corner of Section 2, Township 26N, R4E;  
 12 thence west to the true point of beginning as amended by adding  
 13 that portion of the NW 1/4 of the NW 1/4 and the NE 1/4 of the NW  
 14 1/4 of Section 19, Township 26N, R6E, known as Brookside Estates,  
 15 as recorded in King County Short Plat Number 679129; portions of  
 16 Lots 1 and 2 and all of Lot 4; King County Short Plat Number  
 17 578075 - portion of Lot 1; King County Short Plat Number 784039;  
 18 King County Short Plat Number 578074; King County Short Plat  
 19 Number 578073; King County Short Plat Number 1179016; King County  
 20 Short Plat Number 578072, and RD lying between said King County  
 21 Short Plat Number 578073, King County Short Plat Number 578072  
 22 and King County Short Plat Number 1179016, which property lies  
 23 along NE 143rd Place and 186th NE, and by adding Section 19,  
 24 Township 26N, R6E; Mount Clare Woods Plat, all located in  
 25 Snohomish and King Counties, Washington.

26 C. Purpose. The purpose of this park and recreation service  
 27 area shall be to acquire property within the boundaries of the  
 28 area described in Section 1.B of this ordinance and to construct  
 29 thereon a senior citizen activities center.  
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**36.67.56**

legislative authority of any county may by resolution, from time to time, provide for the issuance of funding or refunding revenue bonds to fund or refund any outstanding revenue bonds and any interest and premiums due thereon at or before the maturity of such bonds, and parts or all of various series and issues of outstanding revenue bonds in the amount thereof to be funded or refunded. Such bonds may be in any form, including bearer bonds or registered bonds as provided in RCW 39.46.030.

The county legislative authority shall create a special fund for the sole purpose of paying the principal of and interest on such funding or refunding revenue bonds, into which fund the legislative authority shall obligate and bind the county to set aside and pay any part or parts of, or all of, or a fixed proportion of, or a fixed amount of the revenue of the facility of the county sufficient to pay such principal and interest as the same shall become due, and if deemed necessary to maintain adequate reserves therefor.

Such funding or refunding bonds shall be negotiable instruments within the provisions and intent of the negotiable instruments law of this state, and the tax revenue of the county may not be used to pay, secure, or guarantee the payment of the principal of and interest on such bonds.

The county may exchange such funding or refunding bonds for the bonds, and any coupons being funded or refunded, or it may sell such funding or refunding bonds in the manner, at such price and at such rate or rates of interest as the legislative authority shall deem to be for the best interest of the county and its inhabitants, either at public or private sale.

The provisions of this chapter relating to the terms, conditions, covenants, issuance, and sale of revenue bonds shall be applicable to such funding or refunding bonds except as may be otherwise specifically provided in this section.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter 39.46 RCW. [1983 c 167 § 82; 1970 ex.s. c 56 § 51; 1969 ex.s. c 232 § 28; 1965 c 142 § 6.]

**Liberal construction—Severability—1983 c 167:** See RCW 39.46.010 and note following.

**Purpose—1970 ex.s. c 56:** See note following RCW 39.52.020.

**Validation—Saving—Severability—1969 ex.s. c 232:** See notes following RCW 39.52.020.

**36.67.570 Liberal construction—Effect of other acts.** This chapter shall be complete authority for the issuance of the revenue bonds hereby authorized, and shall be liberally construed to accomplish its purposes. Any restrictions, limitations or regulations relative to the issuance of such revenue bonds contained in any other act shall not apply to the bonds issued under this chapter. Any act inconsistent herewith shall be deemed modified

**Chapter 36.68****PARKS AND RECREATIONAL FACILITIES**

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36.68.020	Programs of public recreation.
36.68.030	Park and recreation board—Composition.
36.68.040	Park and recreation board—Terms of members.
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36.68.580	Ownership of parks and facilities—Expenditure of funds budgeted for park purposes.
36.68.590	Purpose—Level of services—General park programs.
36.68.600	Use of park and recreation service area funds in exercise of powers enumerated in chapter 67.20 RCW.
36.68.610	Area which may be included—Inclusion of area within city or town—Procedure.
36.68.620	Enlargement by inclusion of additional area—Procedure.
	<i>Acquisition of interests in land for conservation, protection, preservation, or open space purposes by counties: RCW 64.04.130.</i>
	<i>Executory conditional sales contracts for purchase of property for park and library purposes: RCW 39.30.010.</i>
	<i>Outdoor recreation land acquisition or improvement under marine recreation land act: Chapter 43.99 RCW.</i>

*Parks, bathing beaches, public camps, county may acquire and operate: Chapter 67.20 RCW.*

*RCW 39.33.060 to govern on sales by water district for park and recreational purposes: RCW 57.08.140.*

*State parks and recreation commission: Chapter 43.51 RCW.*

*Transfer of real property or contract for use for park and recreational purposes: RCW 39.33.060.*

**36.68.010 Counties may establish park and playground systems—Disposition of surplus park property.** Counties may establish park and playground systems for public recreational purposes and for such purposes shall have the power to acquire lands, buildings and other facilities by gift, purchase, lease, devise, bequest and condemnation. A county may lease or sell any park property, buildings or facilities surplus to its needs, or no longer suitable for park purposes: *Provided*, That such park property shall be subject to the requirements and provisions of notice, hearing, bid or intergovernmental transfer as provided in chapter 36.34 RCW: *Provided further*, That nothing in this section shall be construed as authorizing any county to sell any property which such county acquired by condemnation for park or playground or other public recreational purposes on or after January 1, 1960, until held for five years or more after such acquisition: *Provided further*, That funds acquired from the lease or sale of any park property, buildings or facilities shall be placed in the park and recreation fund to be used for capital purposes. [1963 c 4 § 36.68.010. Prior: 1961 c 92 § 1; 1949 c 94 § 1; Rem. Supp. 1949 § 3991-14.]

**36.68.020 Programs of public recreation.** Counties may conduct programs of public recreation, and in any such program property or facilities owned by any individual, group or organization, whether public or private, may be utilized by consent of the owner. [1963 c 4 § 36.68.020. Prior: 1949 c 94 § 2; Rem. Supp. 1949 § 3991-15.]

**36.68.030 Park and recreation board—Composition.** Each county may form a county park and recreation board composed of seven members, who shall be appointed by the board of county commissioners to serve without compensation. [1969 ex.s. c 176 § 93; 1963 c 4 § 36.68.030. Prior: 1949 c 94 § 3; Rem. Supp. 1949 § 3991-16.]

**36.68.040 Park and recreation board—Terms of members.** For the appointive positions on the county park and recreation board the initial terms shall be two years for two positions, four years for two positions, and six years for the remaining positions plus the period in each instance to the next following June 30th; thereafter the term for each appointive position shall be six years and shall end on June 30th. [1969 ex.s. c 176 § 94; 1963 c 4 § 36.68.040. Prior: 1949 c 94 § 4; Rem. Supp. 1949 § 3991-17.]

**36.68.050 Park and recreation board—Removal of members—Vacancies.** Any appointed county park and recreation board member may be removed by a majority

vote of the board of county commissioners either for cause or upon the joint written recommendation of five members of the county park and recreation board. Vacancies on the county park and recreation board shall be filled by appointment, made by the board of county commissioners for the unexpired portions of the terms vacated. [1963 c 4 § 36.68.050. Prior: 1949 c 94 § 5; Rem. Supp. 1949 § 3991-18.]

**36.68.060 Park and recreation board—Powers and duties.** The county park and recreation board:

(1) Shall elect its officers, including a chairman, vice chairman and secretary, and such other officers as it may determine it requires.

(2) Shall hold regular public meetings at least monthly.

(3) Shall adopt rules for transaction of business and shall keep a written record of its meetings, resolutions, transactions, findings and determinations, which record shall be a public record.

(4) Shall initiate, direct, and administer county recreational activities, and shall select and employ a county park and recreation superintendent and such other properly qualified employees as it may deem desirable.

(5) Shall improve, operate, and maintain parks, playgrounds, and other recreational facilities, together with all structures and equipment useful in connection therewith, and may recommend to the board of county commissioners acquisition of real property.

(6) Shall promulgate and enforce reasonable rules and regulations deemed necessary in the operation of parks, playgrounds, and other recreational facilities, and may recommend to the board of county commissioners adoption of any rules or regulations requiring enforcement by legal process which relate to parks, playgrounds, or other recreational facilities.

(7) Shall each year submit to the board of county commissioners for approval a proposed budget for the following year in the manner provided by law for the preparation and submission of budgets by elective or appointive county officials.

(8) May, subject to the approval of the board of county commissioners, enter into contracts with any other municipal corporation, governmental or private agency for the conduct of park and recreational programs. [1963 c 4 § 36.68.060. Prior: 1949 c 94 § 6; Rem. Supp. 1949 § 3991-19.]

**36.68.070 Park and recreation fund.** In counties in which county park and recreation boards are formed, a county park and recreation fund shall be established. Into this fund shall be placed the allocation as the board of county commissioners annually appropriates thereto, together with miscellaneous revenues derived from the operation of parks, playgrounds, and other recreational facilities, as well as grants, gifts, and bequests for park or recreational purposes. All expenditures shall be disbursed from this fund by the county park and recreation board, and all balances remaining in this fund at the end of any year shall be carried over in such fund to the



succeeding year. [1963 c 4 § 36.68.070. Prior: 1949 c 94 § 7; Rem. Supp. 1949 § 3991-20.]

**36.68.080 Penalty for violations of regulations.** Any person violating any rules or regulations adopted by the board of county commissioners relating to parks, playgrounds, or other recreational facilities shall be guilty of a misdemeanor: *Provided*, That violation of a rule or regulation relating to traffic including parking, standing, stopping, and pedestrian offenses is a traffic infraction, except that violation of a rule or regulation equivalent to those provisions of Title 46 RCW set forth in RCW 46.63.020 remains a misdemeanor. [1979 ex.s. c 136 § 36; 1963 c 4 § 36.68.080. Prior: 1949 c 94 § 8; Rem. Supp. 1949 § 3991-21.]

**Effective date—Severability—**1979 ex.s. c 136: See notes following RCW 46.63.010.

**36.68.090 Counties authorized to build, improve, operate and maintain, etc., parks, playgrounds, gymnasiums, swimming pools, beaches, stadiums, golf courses, etc., and other recreational facilities—Regulation—Charges for use.** Any county, acting through its board of county commissioners, is empowered to build, construct, care for, control, supervise, improve, operate and maintain parks, playgrounds, gymnasiums, swimming pools, field houses, bathing beaches, stadiums, golf courses, automobile race tracks and drag strips, coliseums for the display of spectator sports, public campgrounds, boat ramps and launching sites, public hunting and fishing areas, arboretums, bicycle and bridle paths, and other recreational facilities, and to that end may make, promulgate and enforce such rules and regulations regarding the use thereof, and make such charges for the use thereof, as may be deemed by said board to be reasonable. [1967 ex.s. c 144 § 11.]

**Severability—**1967 ex.s. c 144: See note following RCW 36.98.030.

*Authority to establish park and playground systems: RCW 36.68.010. Stadiums, powers of cities and counties to acquire and operate: Chapter 67.28 RCW.*

**36.68.100 Moorage facilities—Regulations authorized—Port charges, delinquency—Abandoned vessels, public sale.** See RCW 53.08.310 and 53.08.320.

## PARK AND RECREATION SERVICE AREAS

**36.68.400 Creation authorized—Purposes—Taxing districts—Powers.** Any county shall have the power to create park and recreation service areas for the purpose of financing the acquisition, construction, improvement, maintenance or operation of any park, senior citizen activities centers, zoos, aquariums, and recreational facilities as defined in RCW 36.69.010 which shall be owned or leased by the county and administered as other county parks or shall be owned or leased and administered by a city or town. A park and recreation service area may purchase athletic equipment and supplies, and provide for the upkeep of park buildings,

grounds and facilities, and provide custodial, recreational and park program personnel at any park or recreational facility owned or leased by the service area or a county, city, or town. A park and recreation service area shall be a quasi-municipal corporation, an independent taxing "authority" within the meaning of section 1, Article 7 of the Constitution, and a "taxing district" within the meaning of section 2, Article 7 of the Constitution.

A park and recreation service area shall constitute a body corporate and shall possess all the usual powers of a corporation for public purposes as well as all other powers that may now or hereafter be specifically conferred by statute.

The county legislative authority shall be the governing body of any park and recreation service area which is created within the county: *Provided*, That where a park and recreation service area includes an incorporated city or town within the county, the park and recreation service area may be governed as provided in an interlocal agreement adopted pursuant to chapter 39.34 RCW. The voters of a park and recreation service area shall be all registered voters residing within the service area.

A multicounty park and recreation service area shall be governed as provided in an interlocal agreement adopted pursuant to chapter 39.34 RCW. [1985 c 253 § 1; 1981 c 210 § 1; 1965 ex.s. c 76 § 1; 1963 c 218 § 1.]

**Severability—**1981 c 210: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1981 c 210 § 21.]

*Dissolution of inactive special purpose districts: Chapter 36.96 RCW.*

*May acquire property for park, recreational, viewpoint, greenbelt, conservation, historic, scenic, or view purposes: RCW 36.34.340.*

*Parks, county commissioners may designate name of: RCW 36.32.430.*

**36.68.410 May be initiated by resolution or petition.** Park and recreation service areas may be initiated in any unincorporated area of any county by resolution adopted by the county legislative authority or by a petition signed by ten percent of the registered voters within the proposed park and recreation service area. Incorporated areas may be included under RCW 36.68.610 and 36.68.620. [1981 c 210 § 2; 1965 ex.s. c 76 § 2; 1963 c 218 § 2.]

**Severability—**1981 c 210: See note following RCW 36.68.400.

**36.68.420 Resolution or petition—Contents.** Any resolution or petition initiating a proposed park and recreation service area shall set forth the boundaries of the service area with certainty, describe the purpose or purposes for which the service area is to be formed, and contain an estimate of the initial cost of any capital improvements or services to be authorized in the service area.

"Initial costs" as used herein shall include the estimated cost during the first year of operation of:

(1) Land to be acquired or leased for neighborhood park purposes by the service area to establish a park or park facility specified in the resolution or petition;

(2) Capital improvements specified in the objectives or purposes of the service area;

(3) Forming the service area; and

(4) Personnel, maintenance or operation of any park facility within the service area as specified by the resolution or petition. [1981 c 210 § 3; 1963 c 218 § 3.]

**Severability**—1981 c 210: See note following RCW 36.68.400.

**36.68.430 Petitions—Verification of signatures.**

Petitions shall be submitted to the county auditor who shall verify the signatures thereon to determine that the petition has been signed by the requisite number of persons who are registered voters within the proposed service area. If the petition is found not to have the requisite number of signatures, it shall be returned to the petitioners. If the petition is found to be sufficient, the auditor shall so certify and transmit the same to the board of county commissioners. [1963 c 218 § 4.]

**36.68.440 Feasibility and cost studies—Public hearing—Notice.** Upon accepting a petition to form a park and recreation service area, or upon passage of a resolution to establish such a service area, the county legislative authority shall order a full investigation for the purpose or purposes of the proposed service area to determine the feasibility of forming the same and to determine the estimated initial costs involved in obtaining the objectives set forth in the petition or resolution. The reports on the feasibility and the cost of the proposed service area shall be made available to the county legislative authority, and copies of such reports shall be filed with the clerk of the county legislative authority not more than eighty days after the county legislative authority first directs that the studies and reports be undertaken. The county legislative authority shall also provide by resolution that within twenty days after receiving the reports a public hearing shall be held at the county seat or at some convenient location within the proposed service area. At least five days before the hearing, the county legislative authority shall give notice of the hearing not less than twice in a legal newspaper of general circulation in the county. The notice shall describe the boundaries of the proposed service area, the purpose or purposes of the proposed service area, the estimated initial costs, indicate that the reports and other materials prepared at the order of the county legislative authority are available in the office of the clerk of the county legislative authority for the study and review of any interested party, and set the time, date and place of the hearing. [1981 c 210 § 4; 1963 c 218 § 5.]

**Severability**—1981 c 210: See note following RCW 36.68.400.

**36.68.450 Hearing procedure—Inclusion of property—Examination of reports—Recess.** At the hearing, the county legislative authority shall first provide for an explanation of the objectives of the proposed park and recreation service area and the estimated initial costs thereof. The county legislative authority shall permit any resident or property owner of the proposed service area to appear and be heard, and may permit property owners in contiguous areas to include their property within the proposed service area in the event that they make their request for inclusion in writing.

The county legislative authority shall examine all reports on the feasibility of the proposed service area and its initial costs and may, if they deem it necessary, recess the hearing for not more than twenty days to obtain any additional information necessary to arrive at the findings provided for in RCW 36.68.420. [1981 c 210 § 5; 1963 c 218 § 6.]

**Severability**—1981 c 210: See note following RCW 36.68.400.

**36.68.460 Findings of county commissioners—Dismissal of proceedings, limitation on subsequent initiation.** At the conclusion of a hearing, the board of county commissioners shall make the following findings:

(1) Whether or not the service area's objectives fit within the general framework of the county's comprehensive park plan and general park policies.

(2) The exact boundaries of the service area: The board shall be empowered to modify the boundaries as originally defined in the petition or resolution initiating the proposed service area: *Provided*, That the boundaries of the service area may not be enlarged unless the property owners within the area to be added consent to their inclusion in writing; or unless the board gives the property owners of the area to be added, written notice, mailed to their regular permanent residences as shown on the latest records of the county auditor, five days prior to a regular or continued hearing upon the formation of the proposed service area.

(3) A full definition or explanation of the nature of improvements or services to be financed by the proposed service area.

(4) Whether or not the objectives of the service area are feasible.

(5) The number or name of the service area.

If satisfactory findings cannot be made by the board, the petition or resolution shall be dismissed, and no petition or resolution embracing the same area may be accepted or heard for at least two years. [1963 c 218 § 7.]

**36.68.470 Resolution ordering election—Election procedure—Formation.** (1) Upon making findings under the provisions of RCW 36.68.460, the county legislative authority shall, by resolution, order an election of the voters of the proposed park and recreation service area to determine if the service area shall be formed. The county legislative authority shall in their resolution direct the county auditor to set the election to be held at the next general election or at a special election held for such purpose; describe the purposes of the proposed service area; set forth the estimated cost of any initial improvements or services to be financed by the service area should it be formed; describe the method of financing the initial improvements or services described in the resolution or petition; and order that notice of election be published in a newspaper of general circulation in the county at least twice prior to the election date.

(2) A proposition to form a park and recreation service area shall be submitted to the voters of the proposed service area. Upon approval by a majority of the voters voting on the proposition, a park and recreation service area shall be established. The proposition submitted to

the voters by the county auditor on the ballot shall be in substantially the following form:

#### FORMATION OF PARK AND RECREATION SERVICE AREA

Shall a park and recreation service area be established for the area described in a resolution of the legislative authority of \_\_\_\_\_ county, adopted on the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_, to provide financing for neighborhood park facilities, improvements, and services?

Yes \_\_\_\_\_ No \_\_\_\_\_

[1981 c 210 § 6; 1963 c 218 § 8.]

**Severability**—1981 c 210: See note following RCW 36.68.400.

**36.68.480 Property tax levies or bond retirement levies—Election.** If the petition or resolution initiating the formation of the proposed park and recreation service area proposes that the initial capital or operational costs are to be financed by regular property tax levies for a six-year period as authorized by RCW 36.68.525, or an annual excess levy, or that proposed capital costs are to be financed by the issuance of general obligation bonds and bond retirement levies, a proposition or propositions for such purpose or purposes shall be submitted to the voters of the proposed service area at the same election. A proposition or propositions for regular property tax levies for a six-year period as authorized by RCW 36.68.525, an annual excess levy, or the issuance of general obligation bonds and bond retirement levies, may also be submitted to the voters at any general or special election. [1984 c 131 § 7; 1981 c 210 § 7; 1973 1st ex.s. c 195 § 38; 1963 c 218 § 9.]

**Purpose**—1984 c 131 §§ 3-9: See note following RCW 29.30.111.

**Severability**—1981 c 210: See note following RCW 36.68.400.

**Severability—Effective dates—Construction**—1973 1st ex.s. c 195: See notes following RCW 84.52.043.

**36.68.490 Annual excess levy or bond retirement levies—Election procedure—Vote required.** In order for the annual excess tax levy proposition or bond retirement levies proposition to be approved, voters exceeding in number at least sixty percent of the number of voters who cast ballots for the office of county legislative authority within the park and recreation area, or within the proposed service area, in the last preceding general election for that office must cast ballots on the tax levy proposition, and of all the votes cast at the election at least sixty percent of said votes must approve the annual excess tax levy or the bond retirement levies. [1981 c 210 § 8; 1963 c 218 § 10.]

**Severability**—1981 c 210: See note following RCW 36.68.400.

**36.68.500 Resolution declaring formation—Treasurer—Disbursement procedure.** If the formation of the service area is approved by the voters, the county legislative authority shall by resolution declare the service area to be formed and direct the county treasurer to be the treasurer of the service area. Expenditures of the service area shall be made upon warrants drawn by the county auditor pursuant to vouchers approved by the

governing body of the service area. [1981 c 210 § 9; 1963 c 218 § 11.]

**Severability**—1981 c 210: See note following RCW 36.68.400.

**36.68.510 Local service area fund.** If the service area is formed, there shall be created in the office of the county treasurer a local service area fund with such accounts as the treasurer may find convenient, or as the state auditor may direct, into which shall be deposited all revenues received by the service area from tax levy, from gifts or donations, and from service or admission charges. Such fund shall be designated "(name of county) service area No. \_\_\_\_\_ fund." Or "(name of district) service area fund." Special accounts shall be established within the fund for the deposit of the proceeds of each bond issue made for the construction of a specified project or improvement, and there shall also be established special accounts, within the fund for the deposit of revenues raised by special levy or derived from other specific revenues, to be used exclusively for the retirement of an outstanding bond issue or for paying the interest or service charges on any bond issue. [1963 c 218 § 12.]

**36.68.520 Annual excess property tax levy—General obligation bonds.** (1) A park and recreation service area shall have the power to levy an annual excess levy upon the property included within the service area if authorized at a special election called for the purpose in the manner prescribed by section 2, Article VII of the Constitution and by RCW 84.52.052.

This excess levy may be either for operating fund or for capital outlay, or for a cumulative reserve fund.

(2) A service area may issue general obligation bonds for capital purposes only, not to exceed an amount, together with any outstanding nonvoter approved general obligation indebtedness, equal to three-eighths of one percent of the value of the taxable property within the district. Such districts additionally may issue general obligation bonds equal to two and one-half percent of the value of the taxable property within the district, as the term "value of the taxable property" is defined in RCW 39.36.015, when such bonds are approved by the voters of the district at a special election called for the purpose in accordance with the provisions of Article VIII, section 6 of the Constitution. Such bonds shall be issued and sold in accordance with chapter 39.46 RCW.

Bonds may be retired by excess property tax levies when such levies are approved by the voters at a special election in accordance with the provisions of Article VII, section 2 of the Constitution and RCW 84.52.056.

Any elections shall be held as provided in RCW 39.36.050. [1984 c 186 § 29; 1984 c 131 § 8; 1983 c 167 § 271 (repealed by 1984 c 186 § 70 and by 1984 c 131 § 10); 1983 c 167 § 83; 1981 c 210 § 10; 1973 1st ex.s. c 195 § 39; 1970 ex.s. c 42 § 19; 1963 c 218 § 13.]

**Reviser's note:** This section was amended by 1984 c 131 § 8 and by 1984 c 186 § 29, each without reference to the other. Both amendments are incorporated in the publication of this section pursuant to RCW 1.12.025(2). For rule of construction, See RCW 1.12.025(1).

**Purpose**—1984 c 186: See note following RCW 39.46.110.

**Purpose**—1984 c 131 §§ 3-9: See note following RCW 29.30.111.

**Effective dates**—1983 c 167: "This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately, except sections 271 and 272 shall take effect July 1, 1985." [1983 c 167 § 274.] Sections 271 and 272 are amendments to RCW 36.68.520 and 56.16.040, respectively.

**Liberal construction—Severability**—1983 c 167: See RCW 39.46.010 and note following.

**Severability**—1981 c 210: See note following RCW 36.68.400.

**Severability—Effective dates—Construction**—1973 1st ex.s. c 195: See notes following RCW 84.52.043.

**Severability—Effective date**—1970 ex.s. c 42: See notes following RCW 39.36.015.

### 36.68.525 Six-year regular property tax levies—

**Limitations—Election.** A park and recreation service area may impose regular property tax levies in an amount equal to fifteen cents or less per thousand dollars of assessed value of property in the service area in each year for six consecutive years when specifically authorized so to do by a majority of at least three-fifths of the voters thereof approving a proposition authorizing the levies submitted not more than twelve months prior to the date on which the proposed initial levy is to be made and not oftener than twice in such twelve month period, either at a special election or at the regular election of the service area, at which election the number of persons voting "yes" on the proposition shall constitute three-fifths of a number equal to forty percent of the total votes cast in the service area at the last preceding general election when the number of electors voting on the proposition does not exceed forty percent of the total votes cast in such taxing district in the last preceding general election; or by a majority of at least three-fifths of the electors thereof voting on the proposition if the number of electors voting on the proposition exceeds forty per centum of the total votes cast in such taxing district in the last preceding general election. A proposition authorizing such tax levies shall not be submitted by a park and recreation district more than twice in any twelve-month period. Ballot propositions shall conform with RCW 29.30.111. If a park and recreation service area is levying property taxes, which in combination with property taxes levied by other taxing districts result in taxes in excess of the nine-dollar and fifteen cents per thousand dollars of assessed valuation limitation provided for in RCW 84.52.043, the park and recreation service area property tax levy shall be reduced or eliminated before the property tax levies of other taxing districts are reduced. [1984 c 131 § 9.]

**Purpose**—1984 c 131 §§ 3-9: See note following RCW 29.30.111.

**36.68.530 Budgets—Appropriations—Accumulation of reserves.** The governing body of each park and recreation service area shall annually compile a budget for each service area in a form prescribed by the state division of municipal corporations for the ensuing calendar year which shall, to the extent that anticipated income is actually realized, constitute the appropriations for the service area. The budget may include an amount to accumulate a reserve for a stated capital purpose. In compiling the budget, all available funds and anticipated

income shall be taken into consideration, including contributions or contractual payments from school districts, cities, or towns, county or any other governmental entity, gifts and donations, special tax levy, fees and charges, proceeds of bond issues, and cumulative reserve funds. [1981 c 210 § 11; 1963 c 218 § 14.]

**Severability**—1981 c 210: See note following RCW 36.68.400.  
*State auditor, division of municipal corporations: RCW 43.09.190.*

**36.68.541 Employees.** Park and recreation service areas may fund all or a portion of the salaries and benefits of county park employees who perform work on county park and recreation facilities within the service area and may fund all or a portion of the salaries and benefits of city or town park employees who perform work on city or town park and recreation facilities within the service area. [1981 c 210 § 12.]

**Severability**—1981 c 210: See note following RCW 36.68.400.

**36.68.550 Admission fees and charges.** The county legislative authority may allow admission fees or other direct charges which are paid by persons using county park facilities located within a park and recreation service area to be transferred to a park and recreation service area. Such direct charges to users may be made for the use of or admission to swimming pools, field houses, tennis and handball courts, bathhouses, swimming beaches, boat launching, storage or moorage facilities, ski lifts, picnic areas and other similar recreation facilities, and for parking lots used in conjunction with such facilities. All funds collected under the provisions of this section shall be deposited to the fund of the service area established in the office of the county treasurer, to be disbursed under the service area budget as approved by the governing body of the park and recreation service area. [1981 c 210 § 13; 1963 c 218 § 16.]

**Severability**—1981 c 210: See note following RCW 36.68.400.

**36.68.560 Concessions.** The county legislative authority may transfer the proceeds from concessions for food and other services accruing to the county from park or park facilities which are located in a park and recreation service area to the fund of the service area in the office of the county treasurer to be disbursed under the service area budget. [1981 c 210 § 14; 1963 c 218 § 17.]

**Severability**—1981 c 210: See note following RCW 36.68.400.

**36.68.570 Use of funds—Purchases.** A park and recreation service area may reimburse the county for any charge incurred by the county current expense fund which is properly an expense of the service area, including reasonable administrative costs incurred by the offices of county treasurer and the county auditor in providing accounting, clerical or other services for the benefit of the service area. The county legislative authority shall, where a county purchasing department has been established, provide for the purchase of all supplies and equipment for a park and recreation service area through the department. [1981 c 210 § 15; 1963 c 218 § 18.]

**Severability—1981 c 210:** See note following RCW 36.68.400.

**36.68.580 Ownership of parks and facilities—Expenditure of funds budgeted for park purposes.** Any park facility or park acquired, improved or otherwise financed in whole or in part by park and recreation service area funds shall be owned by the county and/or the city or town in which the park or facility is located. The county may make expenditures from its current expense funds budgeted for park purposes for the maintenance, operation or capital improvement of any county park or park facility acquired, improved, or otherwise financed in whole or in part by park and recreation service area funds. Similarly, a city or town may make expenditures for any city or town park or park facility acquired, improved, or otherwise financed in whole or in part by park and recreation service area funds. [1981 c 210 § 16; 1963 c 218 § 19.]

**Severability—1981 c 210:** See note following RCW 36.68.400.

**36.68.590 Purpose—Level of services—General park programs.** The purpose of RCW 36.68.400 et seq. shall be to provide a higher level of park services and shall not in any way diminish the right of a county to provide a general park program financed from current expense funds. [1963 c 218 § 20.]

**36.68.600 Use of park and recreation service area funds in exercise of powers enumerated in chapter 67.20 RCW.** A county may exercise any of the powers enumerated in chapter 67.20 RCW with respect to any park and recreation facility financed in whole or part from park and recreation service area funds. [1981 c 210 § 17; 1963 c 218 § 21.]

**Severability—1981 c 210:** See note following RCW 36.68.400.

*Parks, bathing beaches, public camps: Chapter 67.20 RCW.*

**36.68.610 Area which may be included—Inclusion of area within city or town—Procedure.** A park and recreation service area may include any unincorporated area in the state, and when any part of the proposed district lies within the corporate limits of any city or town said resolution or petition shall be accompanied by a certified copy of a resolution of the governing body of said city or town, approving inclusion of the area within the corporate limits of the city or town. [1973 c 65 § 1.]

**36.68.620 Enlargement by inclusion of additional area—Procedure.** After a park and recreation service area has been organized, an additional area may be added by the same procedure within the proposed additional area as is provided herein for the organization of a park and recreation service area, and all electors within both the organized park and recreation service area and the proposed additional territory shall vote upon the proposition for enlargement. [1973 c 65 § 2.]

(1985 Ed.)

## Chapter 36.69

### RECREATION DISTRICTS ACT

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195. Laws of 1973, is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately: *Provided*, That section 9 shall take effect January 1, 1975, and section 133(3) shall take effect on January 31, 1974; *Provided, further*, That section 137 shall not be effective until July 1, 1973, at which time section 136 shall be void and of no effect; *Provided, further*, That section 138 shall not be effective until January 1, 1974, at which time section 137 shall be void and of no effect; *Provided, further*, That section 139 shall not be effective until July 1, 1974 at which time section 138 shall be void and of no effect, and section 139 shall be null and void and of no further effect on and after January 1, 1975; *Provided, further*, That sections 1 through 8, sections 10 through 132, section 133(1), (2), (4), and (5), and section 134 shall not take effect until January 1, 1974, at which time sections 135, 136, and sections 140 through 151 shall be void and of no effect; *Provided, further*, That section 152 shall be void and of no effect on and after January 1, 1975." [1973 2nd ex.s. c 4 § 3; 1973 1st ex.s. c 195 § 154.]

**84.52.050 Limitation of levies.** Except as hereinafter provided, the aggregate of all tax levies upon real and personal property by the state and all taxing districts, now existing or hereafter created, shall not in any year exceed one percentum of the true and fair value of such property in money: *Provided, however*, That nothing herein shall prevent levies at the rates now provided by law by or for any port or public utility district. The term "taxing district" for the purposes of this section shall mean any political subdivision, municipal corporation, district, or other governmental agency authorized by law to levy, or have levied for it, ad valorem taxes on property, other than a port or public utility district. Such aggregate limitation or any specific limitation imposed by law in conformity therewith may be exceeded only as authorized by law and in conformity with the provisions of Article VII, section 2(a), (b), or (c) of the Constitution of the state of Washington.

Nothing herein contained shall prohibit the legislature from allocating or reallocating the authority to levy taxes between the taxing districts of the state and its political subdivisions in a manner which complies with the aggregate tax limitation set forth in this section. [1973 1st ex.s. c 194 § 1; 1973 c 2 § 1 (Initiative Measure No. 44, approved November 7, 1972). Prior: 1972 ex.s. c 124 § 8; 1971 ex.s. c 299 § 24; 1970 ex.s. c 92 § 5; 1970 ex.s. c 8 § 4; prior: 1969 ex.s. c 262 § 65; 1969 ex.s. c 216 § 1; 1967 ex.s. c 133 § 3; 1961 c 143 § 1; 1961 c 15 § 84.52.050; prior: 1957 c 262 § 1; 1953 c 175 § 1; 1951 2nd ex.s. c 23 § 2; 1951 c 255 § 1, part; 1950 ex.s. c 11 § 1, part; 1945 c 253 § 1, part; 1941 c 176 § 1, part; 1939 c 83 § 1, part; 1939 c 2 (Initiative Measure No. 129); 1937 c 1 (Initiative Measure No. 114); 1935 c 2 (Initiative Measure No. 94); 1933 c 4 (Initiative Measure No. 64); cf. RRS § 11238, 11238-1a, 11238-1b, 11238-1c, 11238-1d; Rem. Supp. 1941 § 11238; Rem. Supp. 1945 § 11238-1e.]

**Effective date—Severability—1972 ex.s. c 124:** See notes following RCW 28A.41.130.

**Effective date—Severability—1971 ex.s. c 299:** See notes following RCW 82.04.050.

**Intent—Effective date—Application—1970 ex.s. c 92:** See notes following RCW 84.52.010.

**Limitation on levies:** State Constitution Art. 7 § 2.

**State levy for support of common schools:** RCW 84.52.065 and 84.52.067.

**84.52.052 Excess levies authorized—When—Procedure.** The limitations imposed by RCW 84.52.050 through 84.52.056, and RCW 84.52.043 shall not prevent the levy of additional taxes by any taxing district except school districts in which a larger levy is necessary in order to prevent the impairment of the obligation of contracts. Any county, metropolitan park district, park and recreation service area, park and recreation district, sewer district, water district, solid waste disposal district, flood control zone district, county rail district, service district, public hospital district, road district, rural county library district, island library district, intercounty rural library district, fire protection district, cemetery district, city, town, or cultural arts, stadium, and convention district may levy taxes at a rate in excess of the rate specified in RCW 84.52.050 through 84.52.056 and RCW 84.52.043, or RCW 84.55.010 through 84.55.050, when authorized so to do by the electors of such county, metropolitan park district, park and recreation service area, park and recreation district, sewer district, water district, solid waste disposal district, flood control zone district, county rail district, service district, public hospital district, road district, rural county library district, island library district, intercounty rural library district, fire protection district, cemetery district, city, town, or cultural arts, stadium, and convention district in the manner set forth in Article VII, section 2(a) of the Constitution of this state, as amended by Amendment 64 and as thereafter amended, at a special or general election to be held in the year in which the levy is made.

A special election may be called and the time therefor fixed by the county legislative authority, or council, board of commissioners, or other governing body of any metropolitan park district, park and recreation service area, park and recreation district, sewer district, water district, solid waste disposal district, flood control zone district, county rail district, service district, public hospital district, road district, rural county library district, island library district, intercounty rural library district, fire protection district, cemetery district, city, town, or cultural arts, stadium, and convention district, by giving notice thereof by publication in the manner provided by law for giving notices of general elections, at which special election the proposition authorizing such excess levy shall be submitted in such form as to enable the voters favoring the proposition to vote "yes" and those opposed thereto to vote "no." [1983 c 315 § 10; 1983 c 303 § 16; 1983 c 130 § 11; 1983 c 2 § 19. Prior: 1982 1st ex.s. c 22 § 17; 1982 c 175 § 7; 1982 c 123 § 19; 1981 c 210 § 20; 1977 ex.s. c 325 § 1; 1977 c 4 § 1; 1973 1st ex.s. c 195 § 102; 1973 1st ex.s. c 195 § 147; 1973 c 3 § 1; 1971 ex.s. c 288 § 26; 1965 ex.s. c 113 § 1; 1963 c 112 § 1; 1961 c 15 § 84.52.052; prior: 1959 c 304 § 8; 1959 c 290 § 1; 1957 c 58 § 15; 1957 c 32 § 1; 1955 c 93 § 1; 1953 c 189 § 1; 1951 2nd ex.s. c 23 § 3; prior: 1951 c 255 § 1, part; 1950 ex.s. c 11 § 1, part; 1945 c 253 § 1, part; 1941 c 176 § 1, part; 1939 c 83 § 1, part; 1939 c 2 (Init. Meas. No. 129); 1937 c 1 (Init. Meas. No. 114); 1935 c 2 (Init. Meas. No. 94); 1933 c 4 (Init. Meas. No. 64); Rem. Supp. 1945 § 11238-1e, part.]

**Reviser's note:** This section was amended by 1983 c 315 § 10, by 1983 c 303 § 16, and by 1983 c 130 § 11, each without reference to the other. All amendments are incorporated in the publication of this section pursuant to RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

**Severability—1983 c 315:** See note following RCW 90.03.500.

**Severability—1983 c 303:** See RCW 36.60.905.

**Severability—1983 c 2:** See note following RCW 18.71.030.

**Severability—1982 1st ex.s. c 22:** See RCW 67.38.905.

**Severability—1982 c 175:** See note following RCW 36.58.100.

**Severability—1981 c 210:** See note following RCW 36.68.400.

**Severability—1977 ex.s. c 325:** "If any provision of this 1977 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1977 ex.s. c 325 § 5.]

**Effective date—1977 ex.s. c 325:** "This 1977 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1977." [1977 ex.s. c 325 § 6.]

**Severability—1977 c 4:** "If any provision of this 1977 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1977 c 4 § 4.]

**Severability—Effective dates and termination dates—Construction—1973 1st ex.s. c 195:** See notes following RCW 84.52.043.

**Savings—Severability—1971 ex.s. c 288:** See notes following RCW 84.40.030.

**84.52.053 Excess levies by school districts authorized—When—Procedure.** The limitations imposed by RCW 84.52.050 through 84.52.056, and RCW 84.52.043 shall not prevent the levy of additional taxes by school districts, when authorized so to do by the electors of such school district in the manner set forth in Article VII, section 2(a) of the Constitution of this state, as amended by Amendment 59 and as thereafter amended, at a special or general election to be held in the year in which the levy is made or, in the case of a proposition authorizing levies for support of a school district for a two year period, at a special or general election to be held in the year in which the first annual levy is made: *Provided*, That once additional tax levies have been authorized for the support of a school district for a two year period, no further additional tax levies for the support of the district for that period may be authorized.

A special election may be called and the time therefor fixed by the board of school directors, by giving notice thereof by publication in the manner provided by law for giving notices of general elections, at which special election the proposition authorizing such excess levy shall be submitted in such form as to enable the voters favoring the proposition to vote "yes" and those opposed thereto to vote "no". [1977 ex.s. c 325 § 3.]

**Severability—Effective date—1977 ex.s. c 325:** See notes following RCW 84.52.052.

**School funds enumerated—Deposits—Uses:** RCW 28A.58.441.

**84.52.0531 Excess levies by school districts—Maximum dollar amount for maintenance and operation support—Restrictions—Authority to exceed levy limitations** The maximum dollar amount which may be levied by or for any school district for maintenance and operation support under the provisions of RCW 84.52.053 shall be as follows:

(1) For excess levies in 1985 for collection in 1986 and thereafter, the sum of:

(a) That amount equal to ten percent of each school district's prior year basic education allocation; plus

(b) That amount equal to ten percent of each school district's prior year state allocation, exclusive of federal funds, for the following programs:

(i) Pupil transportation;

(ii) Handicapped education costs;

(iii) Gifted; and

(iv) Compensatory education, including but not limited to remediation assistance, bilingual education, and urban, rural, racial disadvantaged programs; plus

(c) In the case of nonhigh school districts only, an amount equal to the total estimated amount due by the nonhigh school district to high school districts pursuant to chapter 28A.44 RCW, as now or hereafter amended, for the school year during which collection of the levy is to commence, less the increase in the nonhigh school district's basic education allocation as computed pursuant to subsection (4) of this section due to the inclusion of pupils participating in a program provided for in chapter 28A.44 RCW in such computation.

(2) Excess levies authorized under this section or under RCW 84.52.052 shall not be used directly or indirectly to increase the average salary or fringe benefits for certificated or classified personnel in any school district: *Provided*, That any school district may expend excess levy funds to provide increases in salary and fringe benefits for classified or certificated personnel whose salary and fringe benefits are provided wholly from local school district excess levies in a percentage not to exceed the respective average percentage increases in the salary and fringe benefit levels for classified and certificated employees of the district funded with state appropriated funds: *Provided further*, That those contracts which have been negotiated prior to July 1, 1977 by those school districts for such school year shall not be abrogated by this section. "Fringe benefits" for purposes of this subsection shall include:

(a) Employer retirement contributions, if applicable;

(b) Health and insurance payments including life, accident, disability, unemployment compensation, and workmen's compensation; and

(c) Employer social security contributions.

(3) Any school district whose average base compensation for certificated or classified personnel respectively is below state-wide average base compensation level for certificated or classified personnel during the preceding school year, may collect and expend property taxes authorized by this section, or under RCW 84.52.052, for the purpose of increasing such district's average compensation for certificated or classified personnel as allowed in the latest applicable state operating budget. "Compensation", for purposes of this subsection, shall mean salary plus fringe benefits for classified and certificated personnel of a school district as allowed in the latest applicable state operating budget.

(4) For the purpose of this section, the basic education allocation shall be determined pursuant to RCW 28A.41.130, 28A.41.140, and 28A.41.145, as now or hereafter amended: *Provided*, That when determining the basic education allocation under subsection (1) of this section, effective September 1, 1979, nonresident full-time equivalent pupils who are participating in a program provided for in chapter 28A.44 RCW or in any other program pursuant to an interdistrict agreement shall be included in the enrollment of the resident district and excluded from the enrollment of the serving district.

Certificated personnel shall include those persons employed by a school district in a teaching, instructional, administrative or supervisory capacity and who hold positions as certificated personnel as defined under RCW 28A.01.130, as now or hereafter amended, and every school district superintendent, and any person hired in any manner to fill a position designated as, or which is in fact, that of deputy superintendent or assistant superintendent. Classified personnel shall include those persons employed by a school district other than certificated personnel as defined in this section in a capacity for which certification is not required.

(5) Any district is authorized to exceed the levy limitations imposed by subsection (1) for taxes to be collected during calendar years 1985 through 1993 as follows:

(a) For excess levies to be collected in calendar years 1986, 1987, and 1988, a base year levy percentage shall be established. The base year levy percentage shall be equal to the greater of: (i) The district's actual levy percentage for calendar year 1985, (ii) the average levy percentage for all school district levies in the state in calendar year 1985, or (iii) the average levy percentage for all school district levies in the educational service district of the district in calendar year 1985.

(b) The base year levy percentage established in (a) of this subsection shall be reduced in even increments beginning in calendar year 1989. The incremental reduction shall equal one-fifth of the percentage points the base year levy percentage exceeds the amount authorized in subsection (1) of this section.

(c) For excess levies to be collected in calendar year 1993, the maximum dollar amount which may be levied by or for any school district shall not exceed the amount authorized in subsection (1) of this section. The provisions of this subsection shall not apply to excess levies to be collected after calendar year 1993.

(6) The superintendent of public instruction shall develop rules and regulations and inform school districts of the pertinent data necessary to carry out the provisions of this section. [1985 c 374 § 1. Prior: 1981 c 264 § 10; 1981 c 168 § 1; 1979 ex.s. c 172 § 1; 1977 ex.s. c 325 § 4.]

**Severability**—1985 c 374: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1985 c 374 § 3.]

**Effective date**—1981 c 264: "Section 10 of this amendatory act shall become effective for maintenance and operation excess tax levies now or hereafter authorized pursuant to RCW 84.52.053, as now or

hereafter amended, for collection in 1982 and thereafter." [1981 c 264 § 11.]

**Severability**—1981 c 264: See note following RCW 28A.44.150.

**Effective date**—1979 ex.s. c 172: "This amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect on September 1, 1979." [1979 ex.s. c 172 § 3.]

**Severability**—1979 ex.s. c 172: "If any provision of this amendatory act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1979 ex.s. c 172 § 2.]

**Severability**—**Effective date**—1977 ex.s. c 325: See notes following RCW 84.52.052.

**Payments to high school districts for educating nonhigh district students:** Chapter 28A.44 RCW.

**Purposes:** RCW 28A.44.150.

**Rules to effect purposes and implement provisions:** RCW 28A.44.230.

**Superintendent's annual determination of estimated amount due—**  
**Process:** RCW 28A.44.190.

#### 84.52.054 Excess levies—Ballot contents—

**Eventual dollar rate on tax rolls.** The additional tax provided for in subparagraph (a) of the seventeenth amendment to the state Constitution as amended by Amendment 59 and as thereafter amended, and specifically authorized by RCW 84.52.052, as now or hereafter amended, and RCW 84.52.053 and 84.52.0531, shall be set forth in terms of dollars on the ballot of the proposition to be submitted to the voters, together with an estimate of the dollar rate of tax levy that will be required to produce the dollar amount; and the county assessor, in spreading this tax upon the rolls, shall determine the eventual dollar rate required to produce the amount of dollars so voted upon, regardless of the estimate of dollar rate of tax levy carried in said proposition. In the case of a school district proposition for a two year period, the dollar amount and the corresponding estimate of the dollar rate of tax levy shall be set forth for each of the two years. The dollar amount for each of the two annual levies may be equal or in different amounts. [1977 ex.s. c 325 § 2; 1977 c 4 § 2; 1973 1st ex.s. c 195 § 103; 1961 c 15 § 84.52.054. Prior: 1955 c 105 § 1.]

**Severability**—**Effective date**—1977 ex.s. c 325: See notes following RCW 84.52.052.

**Severability**—1977 c 4: See note following RCW 84.52.052.

**Severability**—**Effective dates and termination dates**—**Construction**—1973 1st ex.s. c 195: See notes following RCW 84.52.043.

**84.52.056 Excess levies for capital purposes authorized.** (Effective unless proposed constitutional amendment is approved by the electorate at the November, 1985, general election.) Any municipal corporation otherwise authorized by law to issue general obligation bonds for capital purposes may, at an election duly held after giving notice thereof as required by law, authorize the issuance of general obligation bonds for capital purposes only, which shall not include the replacement of equipment, and provide for the payment of the principal and interest of such bonds by annual levies in excess of the tax limitations contained in RCW 84.52.050 to 84.52.056, inclusive and RCW 84.52.043. Such an election shall not be held oftener than twice a calendar year, and the proposition to issue any such bonds and to exceed



said tax limitation must receive the affirmative vote of a three-fifths majority of those voting on the proposition and the total number of persons voting at such election must constitute not less than forty percent of the voters in said municipal corporation who voted at the last preceding general state election.

Any taxing district shall have the right by vote of its governing body to refund any general obligation bonds of said district issued for capital purposes only, and to provide for the interest thereon and amortization thereof by annual levies in excess of the tax limitations provided for in RCW 84.52.050 to 84.52.056, inclusive and RCW 84.52.043. [1973 1st ex.s. c 195 § 104; 1973 1st ex.s. c 195 § 148; 1961 c 15 § 84.52.056. Prior: 1959 c 290 § 2; 1951 2nd ex.s. c 23 § 4; prior: 1951 c 255 § 1, part; 1950 ex.s. c 11 § 1, part; 1945 c 253 § 1, part; 1941 c 176 § 1, part; 1939 c 83 § 1, part; 1939 c 2 (Init. Meas. No. 129); 1937 c 1 (Init. Meas. No. 114); 1935 c 2 (Init. Meas. No. 94); 1933 c 4 (Init. Meas. No. 64); Rem. Supp. 1945 § 11238-1e, part.]

**Severability—Effective dates and termination dates—Construction—**1973 1st ex.s. c 195: See notes following RCW 84.52.043.

**84.52.056 Excess levies for capital purposes authorized.** (Effective December 5, 1985, if proposed constitutional amendment is approved by the electorate at the November, 1985, general election.) Any municipal corporation otherwise authorized by law to issue general obligation bonds for capital purposes may, at an election duly held after giving notice thereof as required by law, authorize the issuance of general obligation bonds for capital purposes only, which shall not include the replacement of equipment, and provide for the payment of the principal and interest of such bonds by annual levies in excess of the tax limitations contained in RCW 84.52.050 to 84.52.056, inclusive and RCW 84.52.043.

Any taxing district shall have the right by vote of its governing body to refund any general obligation bonds of said district issued for capital purposes only, and to provide for the interest thereon and amortization thereof by annual levies in excess of the tax limitations provided for in RCW 84.52.050 to 84.52.056, inclusive and RCW 84.52.043. [1985 c 282 § 1; 1973 1st ex.s. c 195 § 104; 1973 1st ex.s. c 195 § 148; 1961 c 15 § 84.52.056. Prior: 1959 c 290 § 2; 1951 2nd ex.s. c 23 § 4; prior: 1951 c 255 § 1, part; 1950 ex.s. c 11 § 1, part; 1945 c 253 § 1, part; 1941 c 176 § 1, part; 1939 c 83 § 1, part; 1939 c 2 (Init. Meas. No. 129); 1937 c 1 (Init. Meas. No. 114); 1935 c 2 (Init. Meas. No. 94); 1933 c 4 (Init. Meas. No. 64); Rem. Supp. 1945 § 11238-1e, part.]

**Effective date—**1985 c 282: "This act shall take effect December 5, 1985, if the proposed amendment to Article VII, section 2 of the state Constitution on voting requirements (HJR 22) is validly submitted to and is approved and ratified by the voters at a general election held in November 1985. If the proposed amendment is not so approved and ratified, this act shall be null and void in its entirety." [1985 c 282 § 2.]

**Severability—Effective dates and termination dates—Construction—**1973 1st ex.s. c 195: See notes following RCW 84.52.043.

**84.52.063 Rural library district levies.** A rural library district may impose a regular property tax levy in

an amount equal to that which would be produced by a levy of fifty cents per thousand dollars of assessed value multiplied by an assessed valuation equal to one hundred percent of the true and fair value of the taxable property in the rural library district, as determined by the department of revenue's indicated county ratio: *Provided*, That when any county assessor shall find that the aggregate rate of levy on any property will exceed the limitation set forth in RCW 84.52.043 and RCW 84.52.050, as now or hereafter amended, before recomputing and establishing a consolidated levy in the manner set forth in RCW 84.52.010, the assessor shall first reduce the levy of any rural library district, by such amount as may be necessary, but the levy of any rural library district shall not be reduced to less than fifty cents per thousand dollars against the value of the taxable property, as determined by the county, prior to any further adjustments pursuant to RCW 84.52.010. For purposes of this section "regular property tax levy" shall mean a levy subject to the limitations provided for in Article VII, section 2 of the state Constitution and/or by statute. [1973 1st ex.s. c 195 § 105; 1973 1st ex.s. c 195 § 150; 1970 ex.s. c 92 § 9.]

**Severability—Effective dates and termination dates—Construction—**1973 1st ex.s. c 195: See notes following RCW 84.52.043.

**Intent—Effective date—Application—**1970 ex.s. c 92: See notes following RCW 84.52.010.

**84.52.065 State levy for support of common schools.** Subject to the limitations in RCW 84.55.010, in each year the state shall levy for collection in the following year for the support of common schools of the state a tax of three dollars and sixty cents per thousand dollars of assessed value upon the assessed valuation of all taxable property within the state adjusted to the state equalized value in accordance with the indicated ratio fixed by the state department of revenue. [1979 ex.s. c 218 § 1; 1973 1st ex.s. c 195 § 106; 1971 ex.s. c 299 § 25; 1969 ex.s. c 216 § 2; 1967 ex.s. c 133 § 1.]

**Severability—Effective dates and termination dates—Construction—**1973 1st ex.s. c 195: See notes following RCW 84.52.043.

**Effective date—Severability—**1971 ex.s. c 299: See notes following RCW 82.04.050.

*Limitation of levies: RCW 84.52.050.*

**84.52.067 State levy for support of common schools—Disposition of funds.** All property taxes levied by the state for the support of common schools shall be paid into the general fund of the state treasury as provided in RCW 84.56.280. [1967 ex.s. c 133 § 2.]

**84.52.069 Six-year regular tax levies for emergency medical care and services.** (1) As used in this section, "taxing district" means a county, emergency medical service district, city or town, public hospital district, or fire protection district.

(2) A taxing district may impose additional regular property tax levies in an amount equal to twenty-five cents or less per thousand dollars of the assessed value of property in the taxing district in each year for six consecutive years when specifically authorized so to do by a majority of at least three-fifths of the electors thereof

3 **ADOPTED 3-6-88**

4 Strike everything after the enacting  
5 clause and insert the following:

6 "Sec. 1. Section 1, chapter 218,  
7 Laws of 1963 as last amended by  
8 section 1, chapter 253, Laws of 1985  
9 and RCW 36.68.400 are each amended to  
10 read as follows:

11 Any county shall have the power  
12 to create park and recreation service  
13 areas for the purpose of financing  
14 ~~((the-acquisition-construction-~~  
15 ~~improvement-maintenance-or-operation~~  
16 ~~of)), acquiring, constructing,~~  
17 ~~improving, maintaining, or operating~~  
18 any park, senior citizen activities  
19 centers, zoos, aquariums, and  
20 recreational facilities as defined in  
21 RCW 36.69.010 which shall be owned or  
22 leased by the county and administered  
23 as other county parks or shall be  
24 owned or leased and administered by a  
25 city or town or shall be owned or  
26 leased and administered by the park  
27 and recreation service area. A park  
28 and recreation service area may  
29 purchase athletic equipment and  
30 supplies, and provide for the upkeep  
31 of park buildings, grounds and  
32 facilities, and provide custodial,  
33 recreational and park program  
34 personnel at any park or recreational  
35 facility owned or leased by the

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1 service area.  
2 A multicounty park and recreation  
3 service area shall be governed as  
4 provided in an interlocal agreement  
5 adopted pursuant to chapter 39.34  
6 RCW.

7 Sec. 2. Section 12, chapter 210,  
8 Laws of 1981 and RCW 36.68.541 are  
9 each amended to read as follows:

10 Park and recreation service areas  
11 may hire employees and may fund all  
12 or a portion of the salaries and  
13 benefits of county park employees who  
14 perform work on county park and  
15 recreation facilities within the  
16 service area and may fund all or a  
17 portion of the salaries and benefits  
18 of city or town park employees who  
19 perform work on city or town park and  
20 recreation facilities within the  
21 service area.

22 Sec. 3. Section 16, chapter 218,  
23 Laws of 1963 as amended by section  
24 13, chapter 210, Laws of 1981 and RCW  
25 36.68.550 are each amended to read as  
26 follows:

27 A park and recreation service  
28 area may impose and collect use fees  
29 or other direct charges on facilities  
30 financed, acquired, and operated by  
31 the park and recreation service area.  
32 The county legislative authority may  
33 allow admission fees or other direct  
34 charges which are paid by persons  
35 using county park facilities located  
36 within a park and recreation service

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1 service area or a county, city or  
2 town. A park and recreation service  
3 area shall be a quasi-municipal  
4 corporation, an independent taxing  
5 "authority" within the meaning of  
6 section 1, Article 7 of the  
7 Constitution, and a "taxing district"  
8 within the meaning of section 2,  
9 Article 7 of the Constitution.

10 A park and recreation service  
11 area shall constitute a body  
12 corporate and shall possess all the  
13 usual powers of a corporation for  
14 public purposes including, but not  
15 limited to, the authority to hire  
16 employees, staff, and services to  
17 enter into contracts, to accept and  
18 expend or use gifts, grants, and  
19 donations, and to sue and be sued as  
20 well as all other powers that may now  
21 or hereafter be specifically  
22 conferred by statute.

23 The members of the county  
24 legislative authority ~~((shall be)),~~  
25 acting ex officio and independently,  
26 shall compose the governing body of  
27 any park and recreation service area  
28 which is created within the county:  
29 PROVIDED, That where a park and  
30 recreation service area includes an  
31 incorporated city or town within the  
32 county, the park and recreation  
33 service area may be governed as  
34 provided in an interlocal agreement  
35 adopted pursuant to chapter 39.34  
36 RCW. The voters of a park and  
37 recreation service area shall be all  
38 registered voters residing within the

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1 area to be transferred to a park and  
2 recreation service area. Such direct  
3 charges to users may be made for the  
4 use of or admission to swimming  
5 pools, field houses, tennis and  
6 handball courts, bathhouses, swimming  
7 beaches, boat launching, storage or  
8 moorage facilities, ski lifts, picnic  
9 areas and other similar recreation  
10 facilities, and for parking lots used  
11 in conjunction with such facilities.  
12 All funds collected under the  
13 provisions of this section shall be  
14 deposited to the fund of the service  
15 area established in the office of the  
16 county treasurer, to be disbursed  
17 under the service area budget as  
18 approved by the governing body of the  
19 park and recreation service area.

20 Sec. 4. Section 18, chapter 218,  
21 Laws of 1963 as amended by section  
22 15, chapter 210, Laws of 1981 and RCW  
23 36.68.570 are each amended to read as  
24 follows:

25 A park and recreation service  
26 area may reimburse the county for any  
27 charge incurred by the county current  
28 expense fund which is properly an  
29 expense of the service area,  
30 including reasonable administrative  
31 costs incurred by the office of  
32 county treasurer and the county  
33 auditor in providing accounting,  
34 clerical or other services for the  
35 benefit of the service area. The

1 purchasing department has been  
2 established, provide for the purchase  
3 of all supplies and equipment for a  
4 park and recreation service area  
5 through the department. The park and  
6 recreation service area may contract  
7 with the county to administer  
8 purchasing.

9 Sec. 5. Section 19, chapter 218,  
10 Laws of 1963 as amended by section  
11 16, chapter 210, Laws of 1981 and RCW  
12 36.68.580 are each amended to read as  
13 follows:

14 Any park facility or park  
15 acquired, improved or otherwise  
16 financed in whole or in part by park  
17 and recreation service area funds  
18 shall be owned by the park service  
19 area and/or the county and/or the  
20 city or town in which the park or  
21 facility is located. The county may  
22 make expenditures from its current  
23 expense funds budgeted for park  
24 purposes for the maintenance,  
25 operation or capital improvement of  
26 any county park or park facility  
27 acquired, improved, or otherwise  
28 financed in whole or in part by park  
29 and recreation service area funds.  
30 Similarly, a city or town may make  
31 expenditures for any city or town  
32 park or park facility acquired,  
33 improved, or otherwise financed in  
34 whole or in part by park and  
35 recreation service area funds.

36 Sec. 6. Section 21, chapter 218,

1 within this state for park,  
2 playground, gymnasiums, swimming  
3 pools, field houses and other  
4 recreational facilities, bathing  
5 beach or public camp purposes and  
6 roads leading from said parks,  
7 playgrounds, gymnasiums, swimming  
8 pools, field houses and other  
9 recreational facilities, bathing  
10 beaches, or public camps to nearby  
11 highways by donation, purchase or  
12 condemnation, and to build,  
13 construct, care for, control,  
14 supervise, improve, operate and  
15 maintain parks, playgrounds,  
16 gymnasiums, swimming pools, field  
17 houses and other recreational  
18 facilities, bathing beaches, roads  
19 and public camps upon any such land,  
20 including the power to enact and  
21 enforce such police regulations not  
22 inconsistent with the constitution  
23 and laws of the state of Washington,  
24 as are deemed necessary for the  
25 government and control of the same.  
26 The power of eminent domain herein  
27 granted shall not extend to any land  
28 outside the territorial limits of the  
29 governmental unit or units exercising  
30 said power.

31 NEW SECTION. Sec. 8. A new  
32 section is added to chapter 36.68 RCW  
33 to read as follows:

34 A park and recreation service  
35 area may exercise the power of  
36 eminent domain to obtain property for  
37 its authorized purposes in a manner

1 Laws of 1963 as amended by section  
2 17, chapter 210, Laws of 1981 and RCW  
3 36.68.600 are each amended to read as  
4 follows:

5 A ((county)) park and recreation  
6 service area may exercise any of the  
7 powers enumerated in chapter 67.20  
8 RCW with respect to any park and  
9 recreation facility financed in whole  
10 or part from park and recreation  
11 service area funds.

12 Sec. 7. Section 1, chapter 107,  
13 Laws of 1921 as amended by section 1,  
14 chapter 97, Laws of 1949 and RCW  
15 67.20.010 are each amended to read as  
16 follows:

17 Any city in this state acting  
18 through its city council, or its  
19 board of park commissioners when  
20 authorized by charter or ordinance,  
21 any separately organized park  
22 district acting through its board of  
23 park commissioners or other governing  
24 officers, any school district acting  
25 through its board of school  
26 directors, any county acting through  
27 its board of county commissioners,  
28 any park and recreation service area  
29 acting through its governing body,  
30 and any town acting through its  
31 ((city)) town council shall have  
32 power, acting independently or in  
33 conjunction with the United States,  
34 the state of Washington, any county,  
35 city, park district, school district  
36 or town or any number of such public  
37 organizations to acquire any land

1 consistent with the power of eminent  
2 domain of the county in which the  
3 park and recreation service area is  
4 located."

5 SSB 6128 - H Comm Amd  
6 By Committee on Local Government

7 Adopted 3-6-88

8 On page 1, line 1 of the title, after  
9 "areas;" strike the remainder of the  
10 title and insert "amending RCW  
11 36.68.400, 36.68.541, 36.68.550,  
12 36.68.570, 36.68.580, 36.68.600, and  
13 67.20.010; and adding a new section  
14 to chapter 36.68 RCW."





# Notice of Action

## City of Bothell

BOTHELL CITY COUNCIL  
18305 - 101st Avenue N.E.  
Bothell, WA 98011

TO: \*City Manager

SUBJECT: RESOLUTION #761\* INITIATING A PARK AND RECREATION SERVICE AREA

AB # 88-59 (also ref. #88-23)

### ACTION BY CITY COUNCIL:

The Council approved Resolution #761, initiating a Park and Recreation Service Area for the purpose of developing a senior center facility.

DATE OF ACTION: April 4, 1988

EFFECTIVE DATE OF ACTION: April 4, 1988

DATE OF MAILING: April 5, 1988

*Terry A. Briscoe*  
Terry A. Briscoe  
City Clerk  
486-3256

cc: City Manager

\*City Attorney

\*Assistant City Manager

\*Marianne LoGerfo, Senior Center, 9929 NE 180th, Bothell, 98011

\*Park Board

\*Community Development Director

\*Park Superintendent

\*King County Council (Certified Copy)

\*Snohomish County Council (Certified Copy)

0004.17017  
JDW/crd  
3/29/88

RESOLUTION NO. 761

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BOTHELL, WASHINGTON, REQUESTING THE KING COUNTY COUNCIL AND THE SNOHOMISH COUNTY COUNCIL TO FORM A PARK AND RECREATION SERVICE AREA WITHIN THE BOUNDARIES OF THE NORTHSHORE SCHOOL DISTRICT PURSUANT TO RCW 36.68.400 FOR THE PROPOSED PURPOSE OF FINANCING THE ACQUISITION OF A SITE AND CONSTRUCTION OF A SENIOR CITIZEN ACTIVITY CENTER.

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WHEREAS, the City Council of the City of Bothell, Washington, finds that the existing facilities for the Northshore Senior Center are inadequate to meet the demands of the ever expanding membership and the regional area that it serves; and

WHEREAS, the City Council desires to see better service and recreational facilities provided for its senior citizens; and

WHEREAS, RCW 36.68.400 provides for the formation of a park and recreation service area for purposes that include the financing of the acquisition and construction of a senior citizen activity center; and

WHEREAS, RCW 36.68.400 further provides that where a park and recreation service area includes an incorporated city, the park and recreation service area may be governed as provided by an interlocal agreement adopted pursuant to Chapter 39.34 RCW, and further provides that a multi-County park and recreation service area, such as proposed, shall be governed as provided in an interlocal agreement adopted pursuant to Chapter 39.34 RCW; and

WHEREAS, King and Snohomish County have agreed to enter into an interlocal agreement to govern the proposed Northshore Park and Recreation Service Area under an interlocal agreement pursuant to Chapter 39.34 RCW, providing for three Councilmembers from King County, two Councilmembers from Snohomish County and one Councilmember from the City of Bothell to sit as the governing body for the proposed Northshore Park and Recreation Service Area in the event that it is formed substantially in the form of the draft interlocal agreement between Northshore PRSA, King and Snohomish Counties and the City of Bothell, a draft copy of which is attached hereto identified as Exhibit A and hereby incorporated in full by this reference; and

WHEREAS, King and Snohomish County have further indicated their willingness to proceed with the required feasibility studies and to cover the costs of said studies and the costs associated with placing the proposition to form the PRSA on the ballot; and

WHEREAS, the City Council finds that the formation of a park and recreation service area encompassing the boundaries of the Northshore School District which includes the entire incorporated City limits of the City of Bothell, for the purpose of acquiring a site and/or constructing a senior citizens activity center would be in the best interests of the citizens of Bothell; now, therefore,

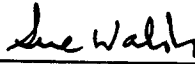
THE CITY COUNCIL OF THE CITY OF BOTHELL, WASHINGTON, HEREBY RESOLVE AS FOLLOWS:

Section 1. The City Council of the City of Bothell, Washington, hereby approves inclusion of the entire City of Bothell within the proposed Northshore Park and Recreation Service Area, whose boundaries shall be the same as the boundaries of the Northshore School District, which park and recreation service area is proposed for the purpose of financing the acquisition and/or construction of a new facility for the Northshore Senior Center, if such a service area is formed.

Section 2. That a certified copy of this resolution be transmitted to the County Council for King County and the County Council for Snohomish Council.

RESOLVED this 4th day of April, 1988.

APPROVED:

  
\_\_\_\_\_  
MAYOR, SUE WALSH

ATTEST/AUTHENTICATED:

  
\_\_\_\_\_  
CITY CLERK, TERRY A. BRISCOE

FILED WITH THE CITY CLERK: 3/30/88  
PASSED BY THE CITY COUNCIL: 4/4/88  
RESOLUTION NO. 761

DRAFT INTERLOCAL AGREEMENT BETWEEN NORTHSORE PRSA AND KING AND  
SNOHOMISH COUNTIES AND THE CITY OF BOTHELL

This agreement is entered into between the Northshore Park and Recreation Service Area (hereinafter called "PRSA"), a special purpose district of the State of Washington, King County, a political subdivision of the State of Washington, Snohomish County, a political subdivision of the State of Washington and the City of Bothell, a noncharter optional municipal code city incorporated under the laws of the State of Washington.

I. Purpose. The purpose of this agreement is to define the responsibilities of the parties related to support of the governing body of the PRSA and oversight of senior programs provided by the agency selected to operate the Northshore PRSA senior center.

II. Term. The term of this agreement shall be twenty years from the date of execution.

III. Intent. The Northshore PRSA will finance construction of a senior center and lease that facility to a senior service agency (hereinafter called the "agency") but has no resources with which to monitor the effectiveness of senior services provided through the center. King County oversees senior services through a designated agency and can provide oversight and program evaluation to the PRSA through that agency.

In addition, the ballot proposition forming the PRSA provides for a governing body comprised of three Councilmembers from King County, two Councilmembers from Snohomish County and one Councilmember from the City of Bothell. At the time of this agreement, there are no funds to support the deliberations of the governing body. King and Snohomish Counties will share in the costs incurred by the governing body.

IV. Responsibilities.

A. The governing body of PRSA will adopt operating rules within one year of the date of this agreement.

B. Deliberations of the governing body of the PRSA will be staffed by King County and by Snohomish County in proportion to their respective representation on the governing body. Funding of any other costs shall be presumed to be outside the scope of this agreement.

C. King County shall monitor, on behalf of the Northshore PRSA, the programs provided by the senior service agency selected to operate the Northshore PRSA senior center. King County shall provide to the PRSA governing body an annual report evaluating the programs offered at the senior center,



and the financial status of the agency, an estimate of the cost of providing this oversight, and any other information deemed appropriate by King County.

If the terms of the PRSA contract with the senior service agency include provision of specific services, the PRSA will provide King County with information about the terms of the contract in order for the County to establish whether or not the agency has complied with those terms.

D. King County shall manage the bond sale, bid process and construction of the senior center and shall be reimbursed from bond proceeds for costs incurred in managing the project.

**APPENDIX 12. Contract  
between the Northshore P&RSA  
and Senior Services of  
Seattle / King County (DRAFT)**

**DRAFT CONTRACT  
FOR USE AND MANAGEMENT OF SENIOR ACTIVITIES CENTER**

\* NOTE: This draft is provided solely for the purpose of illustration in the feasibility study the probable conditions of an agreement for management and operation of the proposed senior center. This draft is in no way binding on the proposed PRSA if approved by the voters.

THIS AGREEMENT is entered into this \_\_\_\_\_ day of \_\_\_\_\_, 198\_\_\_\_, between the NORTHSHORE PARK AND RECREATION SERVICE AREA (hereinafter called "the PRSA") and SENIOR SERVICES OF SEATTLE/KING COUNTY (hereinafter called "the Operator") concerning operation and management of the SENIOR ACTIVITIES CENTER (hereinafter called "the Center") located at \_\_\_\_\_ (address) \_\_\_\_\_ and owned by the PRSA.

**RECITALS:**

A. On September 20, 1988, the voters of the area circumscribed by the boundaries of School District 417 approved the formation of a PRSA and issuance of bonds to finance acquisition of property for and construction of a senior activities center and an excess property tax levy to pay the principal of and interest on such bonds. The ballot proposition was authorized by King County Ordinance \_\_\_\_\_ and Snohomish County Ordinance \_\_\_\_\_.

B. The feasibility study presented to the Councils and voters of King and Snohomish Counties pursuant to RCW 36.68.400 regarding the possible formation of the PRSA assumed that management of the proposed senior activities center would be performed by the Operator, a private non-profit agency which is the only senior center agency in the PRSA and whose catchment area is primarily contained within the boundaries of the PRSA, and that the senior activities offered in the Center would be provided by the Operator.

C. It is therefore assumed by the PRSA that the intent of the voters in the action described in Recital A was to establish circumstances of mutually offsetting benefit to the parties, by financing construction of a senior activities center for the provision of services to senior citizens who are residents of the PRSA in exchange for management, maintenance and repair of the Center by the Operator.

D. This agreement has been approved by Resolution \_\_\_\_\_ of the governing body of the PRSA, adopted \_\_\_\_\_ (date) \_\_\_\_\_.

E. This agreement has been approved by the Board of Directors of Senior Services of Seattle/King County at a meeting in compliance with all bylaws and procedures adopted by the Board by action recorded in the minutes of \_\_\_\_\_ (date) \_\_\_\_\_.

NOW, THEREFORE, the parties agree as follows:

I. Term. The term of this agreement shall be for twenty years from the date of occupancy of the Center by the Operator.

II. Ownership. The Center shall be owned by the PRSA.

III. Occupancy. The Center shall be occupied by the Operator after all terms of the construction contract have been completed and the Center has been given final acceptance by the PRSA and the Operator.

IV. Use of the Center. The Center shall be used solely for the purpose of senior activities for the benefit of senior citizens who are clients of the Operator. These senior activities shall be approved by the King County Office of Aging or its successor and must meet all applicable federal, state and local laws and regulations; except that the Operator may rent portions of the Center to the public for other use on a short-term basis during times when senior activities are not planned in those portions of the Center. All short-term renters must be charged on the same basis and any funds generated from the short-term rental of space shall be used to offset the cost of maintenance and repair of the Center. All short-term renters must be held liable for any violations of federal, state or local laws and regulations and for damage occurring as a result of their occupancy.

V. Operation of the Center. The Operator shall be fully responsible for all maintenance and repair of the Center for the term of this agreement. All repairs, changes and alterations to the Center shall conform to applicable building codes and regulations pertaining to buildings and improvements to be occupied by senior citizens and disabled persons. The Operator shall have the right to make such alterations or changes to the building and improvements on the premises as it may desire from time to time for the proper and efficient operation of the Center for the uses and purposes contemplated by this agreement, provided that no structural alterations or changes shall be made without the prior written consent of the PRSA or its agent, which consent shall not unreasonably be withheld or delayed. The PRSA shall have no obligations to maintain, repair or make alterations to the premises of the Center for the term of this contract.

VI. Indemnification. The Operator covenants and agrees at its own expense to pay and to indemnify and to save the PRSA and its officers, employees and agents harmless of, from, and against, any and all claims, damages, demands, expenses, liabilities and taxes of any character or nature whatsoever, resulting from or arising out of operation of the Center. The Operator shall not be obligated to indemnify the PRSA, its employees or agents against liabilities for damages caused solely by the negligence or willful acts of the PRSA, its employees or agents.

VII. Insurance. The Operator shall be responsible for protecting the Center against any loss or damage, including fire and other risks as usually insured against by standard form extended insurance coverage, in an amount sufficient to replace the Center, from the date of occupancy. The PRSA will not be liable for any of the costs of repair or replacement of the Center during the term of this agreement.

VIII. Taxes, Utility Charges and Fees. The Operator shall pay all taxes on the premises, improvements and equipment and all utility charges and all other fees necessary to occupy and operate the Center. The PRSA shall not in any case be held liable for any taxes, charges or fees.

IX. PRSA Oversight. The Operator shall report annually no later than March 30 of each year to the PRSA with the following information related to the preceding calendar year:

1. Types of services provided and number of clients to whom each service was provided by the Operator;
2. Distribution of age and geographical area of residence of clients served by the Operator;
3. Revenues, expenditures and financial plan for the Operator;
4. Two year service and financial projections for the Operator;
5. Repairs, maintenance and other costs of operating the Center (e.g., utility expenditures);
6. Revenue generated by short-term rentals and description of types of renters;
7. Facility plan projecting repairs, maintenance and alterations planned or needed for the subsequent two year period;
8. Most recent corporate audit report; and
9. Any other reports as shall from time to time be required by the PRSA.

In addition, the Operator shall be subject to management, fiscal and program audits by the PRSA, the State of Washington, or their agents, on a periodic basis.

X. Non-Performance. In the event that at any time during the term of this agreement the Operator fails for a period of sixty (60) days after written notice and demand to perform its duties as set forth in this agreement, the Operator must relinquish occupancy of the Center and shall pay the PRSA the full cost incurred by the PRSA to obtain new tenant(s) and manager and any repairs, maintenance and alterations required to replace the Operator as the occupant of the Center; provided that the PRSA shall not cause unreasonable delay in obtaining new occupant(s).

XI. General Provisions.

1. Any notice, consent, demand or other communication hereunder shall be in writing and shall be deemed to have been given if delivered in person or deposited in any United States Postal Service mailbox, sent by registered or certified mail, return receipt requested and first-class postage prepaid, addressed to the party for whom it is intended as follows:

- a. To the Operator: (To be added)
- b. To the PRSA: (To be added)

These names and addresses may be changed by written notice to the other party pursuant to this provision.

2. This agreement shall be interpreted according to and enforced under the laws of the State of Washington. The paragraph and subparagraph captions in this agreement are for convenience only and shall not control or affect the meaning or construction of any provision of this agreement.

3. Each provision of this agreement is severable from all other provisions. In the event any court of competent jurisdiction determines that any provision of this agreement is invalid or unenforceable for any reason, all remaining provisions will remain in full force and effect.

4. This agreement may not be modified or amended except by written instrument signed by the parties and approved by resolution of the governing body of the PRSA.

5. The parties agree that this contract is the complete expression of the terms hereto and any oral representations or understandings not incorporated herein are excluded. Waiver of any default shall not be deemed to be a waiver of any subsequent default. Waiver of any breach of any provision of the contract shall not be deemed to be a waiver of any other or subsequent breach and shall not be construed to be a modification of the terms of the agreement unless stated to be such through written approval by the PRSA, which shall be attached to the original contract.

IN WITNESS WHEREOF, authorized representatives of the parties hereto have signed their names in the spaces below.

SENIOR SERVICES OF SEATTLE/KING COUNTY

\_\_\_\_\_

Chair

\_\_\_\_\_

Date

SENIOR SERVICES OF SEATTLE/KING COUNTY

\_\_\_\_\_

Officer

\_\_\_\_\_

Date

APPROVED AS TO FORM:

\_\_\_\_\_

Legal Counsel to PRSA