



King County

Metropolitan King County Council

STAFF REPORT

Proposed No.:	2022-0297 2022-0298 2022-0299 2022-0301 2022-0303	Name:	Sherrie Hsu
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SUBJECT

The proposed ordinances would dissolve the following special purpose districts in accordance with state law:

- King County Fire Protection District No. 24 (Proposed Ordinance 2022-0297)
- Coalfield Park and Recreation Service Area (Proposed Ordinance 2022-0298)
- Enumclaw Park and Recreation Service Area (Proposed Ordinance 2022-0299)
- Shoreline Park and Recreation District (Proposed Ordinance 2022-0301)
- Issaquah Park and Recreation Service Area (Proposed Ordinance 2022-0303)

SUMMARY

In May 2022, the King County Department of Elections notified the Council of apparent "inactive" special purpose districts located in the County. Under state law, once notified, the County Council is required to hold a public hearing and then make written findings to determine whether each district meets the criteria of being "inactive" as set forth in RCW 36.69.010. If a district meets the criteria of being inactive, and if the Council makes findings that it is in the public interest that the district be dissolved, the Council may dissolve the district by ordinance.

A proposed dissolution ordinance has been prepared for the following five special purpose districts:

- King County Fire Protection District No. 24
- Coalfield Park and Recreation Service Area
- Enumclaw Park and Recreation Service Area
- Shoreline Park and Recreation District
- Issaquah Park and Recreation Service Area.

Each proposed ordinance has its own relevant facts as to the determination of each district's inactivity and to whether it is in the public interest that the district be dissolved.

On July 26, 2022, the proposed ordinances were introduced and referred to the Local Services and Land Use Committee. A public hearing is scheduled to be held August 23, 2022. Notice has been provided in accordance with state law. For each proposed ordinance, Council will relieve committee for the purpose of holding the public hearing on August 23, 2022, and may refer the item back to committee or relieve committee to take action.

BACKGROUND

Special purpose districts. Under RCW 36.96.010, a "special purpose district" refers to every municipal and quasi-municipal corporation other than counties, cities, and towns. This may include, but not be limited to, water-sewer districts, fire protection districts, port districts, public utility districts, county park and recreation service areas, flood control zone districts, diking districts, drainage improvement districts, and solid waste collection districts, but shall not include industrial development districts created by port districts, and shall not include local improvement districts, utility local improvement districts, and road improvement districts.

Fire protection district. These are formed for the provision of fire prevention services, fire suppression services, emergency medical services, and for the protection of life and property (Chapter 52.02 RCW).

Park and recreation district. These are formed to provide leisure time activities and facilities and recreational facilities of a nonprofit nature as a public service to the residents of the geographical areas included within their boundaries (RCW 36.69.010).

Park and recreation service area. These are formed to finance, acquire, construct, improve, maintain, or operate any park, senior citizen activities center, zoo, aquarium, 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, or shall be owned or leased and administered by the park and recreation service area (RCW 36.68.400).¹

Criteria of "inactive" special purpose district. Under RCW 36.96.010(3), an "inactive" special purpose district is characterized by any of the following criteria:

- (a) Has not carried out any of the special purposes or functions for which it was formed within the preceding consecutive five-year period;*
- (b) No election has been held for the purpose of electing a member of the governing body within the preceding consecutive seven-year period or, in those instances where members of the governing body are appointed and not elected,*

¹ Park and recreation districts (Chapter 36.69 RCW), park and recreation service areas (Chapter 36.68), and metropolitan park districts are three types of special purpose parks districts, with different types of purposes, functions and powers, governing bodies, and processes of formation. A comparison is provided by MRSC, Accessed August 16, 2022. URL: <https://mrsc.org/Home/Explore-Topics/Parks-and-Recreation/Park-and-Recreation-Special-Districts/Comparison-of-Recreation-Districts.aspx>

where no member of the governing body has been appointed within the preceding seven-year period; or
(c) The special purpose district has been determined to be unauditible by the state auditor.

Dissolution process for special purpose districts. The procedure to dissolve special purpose districts is described in RCW 36.96:

Notice of inactive special purpose districts. Under RCW 36.96.020, by June 1 each year, a county's auditor (in the case of King County, the Department of Elections) is required to search available records and notify the county's legislative authority (in the case of King County, the Council) if any special purpose districts located wholly or partially within the county appear to be inactive.

Public hearing. Under RCW 36.96.030, following notice by the Department of Elections of apparently inactive districts, the Council is required to hold one or more public hearings on or before September 1 of the same year to determine whether or not such special purpose district or districts meet any of the criteria for being "inactive" as provided in RCW 36.96.010. Notice would need to be provided in accordance with RCW 36.96.030.

Determination of inactivity. Under RCW 36.96.040, following public hearings, the Council is required to make written findings whether each of the special purpose districts that was a subject of the hearings meets the criteria of being "inactive".

Determination of public interest to dissolve the district. If the Council makes a determination that the special purpose district meets the criteria of being inactive, the Council may further determine that it is in the public interest to dissolve the special purpose district and upon such written findings dissolve the special purpose district. The district would cease to exist 31 days after the effective date of the dissolution ordinance.

ANALYSIS

Notice of inactive special purpose districts. On May 31, 2022, the Department of Elections submitted written notice to the Council of apparent "inactive" special purpose districts located in the County:

- King County Fire Protection District No. 24
- Shoreline Park and Recreation District
- Issaquah Park and Recreation Service Area
- Enumclaw Park and Recreation Service Area

On June 21, 2022, Elections provided an addendum to the May 31 letter that included an additional apparent "inactive" district:

- Coalfield Park and Recreation Service Area

Following the notice from Elections, the County would now be required to hold a public hearing and then make written findings to determine whether each district meets the criteria of being "inactive". If the Council makes a determination that the special purpose district meets the criteria of being inactive, the Council may further determine that it is in the public interest to dissolve the special purpose district and upon such written findings dissolve the special purpose district.

In the proposed ordinances, the bases of determining that it is in the public interest to dissolve the inactive special purpose districts include:

- The district has not functioned for at the period of inactivity and therefore does not provide the public function for which it was formed; and
- The district's dissolution would reduce administrative burdens imposed on the County in providing monitoring and financial oversight services and reduce costs to taxpayers resulting from those administrative burdens.

Notice of public hearing. For all five proposed ordinances, notice of a public hearing at the August 23, 2022 full Council meeting was provided in accordance with RCW 36.96.30.

- Notice was provided for at least three successive weeks in a newspaper in general circulation within the boundaries of the special purpose districts. Notice was provided for publication in the Seattle Times on August 2, August 9, and August 16, 2022.
- Notice was provided to each member of the governing authority of special purpose districts, if known.
- Notice was posted in at least three conspicuous places within the boundaries of each special purpose district.
- Notice was provided to the Washington Fire Commissioners Association. There are no known relevant associations for any of the park and recreation districts.
- Notices included the purpose, time, and place of the public hearing.

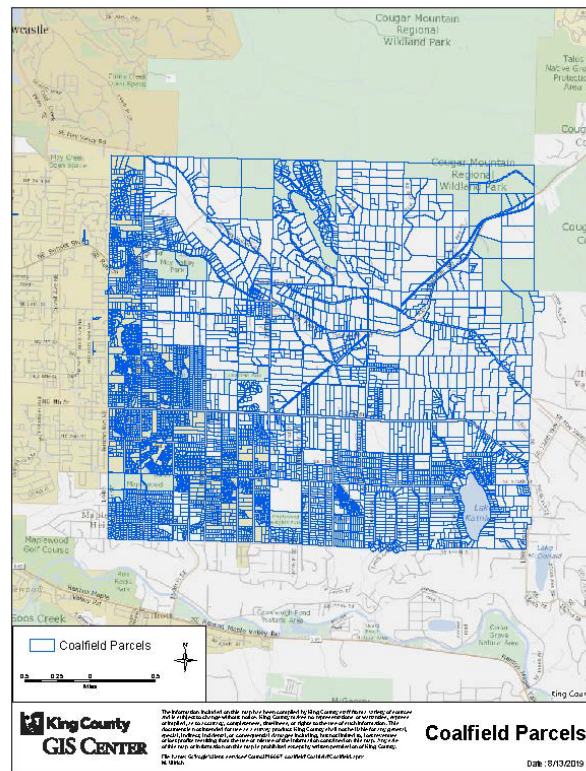
Additionally, beyond the requirements of RCW 36.96.30, notice was mailed to each property owner or voter in Fire District No. 24, and notice was mailed to active voter households in the Coalfield, Enumclaw, and Issaquah park and recreation service areas.

The mailers and physically posted notices provided an email address where constituents could send questions related to these proposed ordinances. Council staff from Municipal Relations responded to three emails received through this address and to one email received by Council Communications.

A summary of each district's boundaries, history, and status is provided below.

Coalfield Park and Recreation Service Area (Proposed Ordinance 2022-0298)

Boundaries. The Coalfield Park and Recreation Service Area includes portions of unincorporated King County, the City of Renton, Maplewood Heights, and Cougar Mountain Regional Wildland Park. The district includes the Coalfield region and Lake Kathleen.



History. In 1965, the Council passed a series of motions that held public hearings on the creation of Coalfield Park, set boundaries for the proposed Coalfield Park and Recreation Area, and created the Coalfield Park and Recreation Service Area after a special election. In 1966, the County accepted a deed to a property for Coalfield Park. In 1975, the County Council authorized an exchange of lands at Coalfield Park Site.

Status. According to Elections, it has no record that the district has held any election for commissioners or run any funding measures for at least the last seven years. The absence of holding an election within the last seven years or the absence of carrying out any special purposes or functions for which it was formed within the last five years would meet criteria of an "inactive" district in RCW 36.96.010(3).

The King County treasurer acts as the treasurer for park and recreation districts created within the County.² King County Finance has confirmed that it holds no monies in the name of the district.

² RCW 36.69.150

Enumclaw Park and Recreation Service Area (Proposed Ordinance 2022-0299)

Boundaries. The district includes portions of unincorporated King County, the City of Enumclaw, and is generally bounded by the Enumclaw School District and excludes the City of Black Diamond.



History. In 1989, the City of Enumclaw requested that the County Council study the feasibility of forming a park and recreation service area to finance construction of a senior center, community center, and other recreational facilities on city-owned property. The County conducted a feasibility study and found that costs would require a bond issuance of \$4.9 million to be repaid by a levy within the service area. In August 1990, Council accepted the feasibility study, set boundaries and objectives of the proposed district, held a public hearing, and submitted the proposition to voters.³ In the November 1990 election, voters approved formation of the service area. In January 1991, Council authorized the executive to enter into an interlocal agreement with the city to implement the proposed service area; Council appointed three members to the governing board;⁴ and Enumclaw City Council appointed the other two members.

Status. According to Elections, it has no record that the district has held any election for commissioners or run any bond measure since 1991. The district ran a proposed bond measure and tax levy in 1991 to construct the senior center; both were rejected by voters.⁵ The absence of holding an election within the last seven years or the absence of carrying out any special purposes or functions for which it was formed within the last five years would meet criteria of an "inactive" district in RCW 36.96.010(3).

The King County treasurer acts as the treasurer for park and recreation districts created within the County.⁶ King County Finance has confirmed that it holds no monies in the name of the district.

³ Ordinance 9561

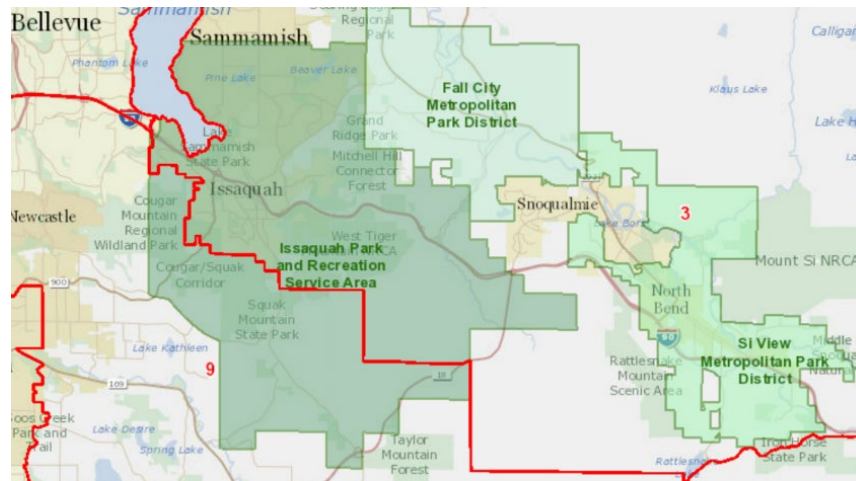
⁴ Motion 8152; Motion 8172, later amended by Ordinance 10282

⁵ The proposed measures were a 6-year maintenance and operations levy, and a 20-year \$4.9M bond measure for the center.

⁶ RCW 36.69.150

Issaquah Park and Recreation Service Area (Proposed Ordinance 2022-0303)

Boundaries. The Issaquah Park and Recreation Service Area includes the entire City of Issaquah, portions of the cities of Sammamish and Bellevue, and unincorporated areas of Districts 3 and 9.



History. In 1986, the City of Issaquah requested the County Council create a park and recreation service area to finance construction of a community center in Issaquah. After Council concluded a feasibility study and adopted a proposal to submit the proposition to voters,⁷ voters rejected the proposal on the September 1986 ballot. In 1987, Issaquah requested that the County Council form a park and recreation service area to finance property acquisition and construction improvement of Issaquah Skyport for use as a park. The County conducted a feasibility study;⁸ after public hearing, Council accepted the study, set boundaries and objectives of the proposed district, proposed allocating \$5.2 million and a levy rate of \$0.39 per \$1000 assessed valuation, and submitted the proposition to voters.⁹ In a May 1987 special election, voters approved formation of the service area and rejected the proposed bond measure.

Status. According to Elections, it has no record that the district has held any election for commissioners or run any bond measure since 1987. The district ran a proposed bond measure in 1987; it was rejected by voters.¹⁰ On further review, there is no record that initial commissioners were ever appointed to the district. The absence of holding an election within the last seven years or the absence of carrying out any special purposes or functions for which it was formed within the last five years would meet criteria of an "inactive" district in RCW 36.96.010(3).

The King County treasurer acts as the treasurer for park and recreation districts created within the County.¹¹ King County Finance has confirmed that it holds no monies in the name of the district.

⁷ Ordinance 7695

⁸ Ordinance 7952

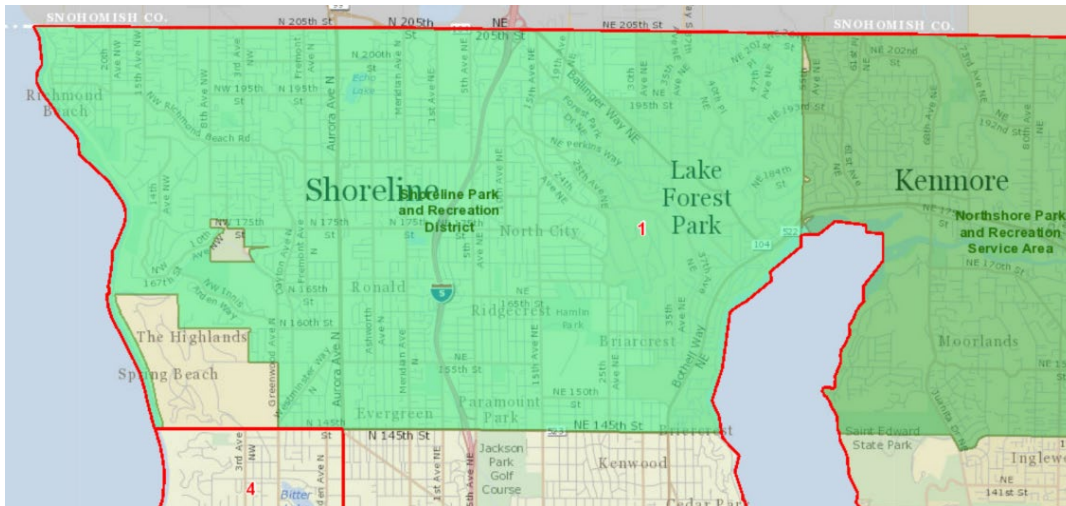
⁹ Motion 6756; Ordinance 7985

¹⁰ The proposed \$5.2M measure would have raised 4.02M for acquisition of Skyport property, \$0.5M for facility capital improvements, \$0.69M for costs of ballot preparation, bond issue, and interim financing.

¹¹ RCW 36.69.150

Shoreline Park and Recreation District (Proposed Ordinance 2022-0301)

Boundaries. The Shoreline Park and Recreation District includes the cities of Shoreline and Lake Forest Park and is located in District 1.



History. In 1958, following a petition by voters to create a park and recreation district, Council held a public hearing,¹² set boundaries for the district, and submitted the proposition to voters.¹³ In the November 1958 election, voters approved the formation of the special purpose district. Council passed a resolution declaring the formation of the Shoreline Park and Recreation District and appointed the first five Commissioners.¹⁴

Status. According to Elections, it has no record that the district has held any election for commissioners or run any bond measure since 1992. The district ran a proposed tax levy and bond measure in 1959 and a proposed levy in 1991; all were rejected by voters.¹⁵ The absence of holding an election within the last seven years or the absence of carrying out any special purposes or functions for which it was formed within the last five years would meet criteria of an "inactive" district in RCW 36.96.010(3).

The King County treasurer acts as the treasurer for park and recreation districts created within the County.¹⁶ King County Finance has confirmed that it holds no monies in the name of the district.

In March 2019, the City of Shoreline emailed the King County Auditor's Office with a request to dissolve the district.

¹² Resolution 18890

¹³ Resolution 18961

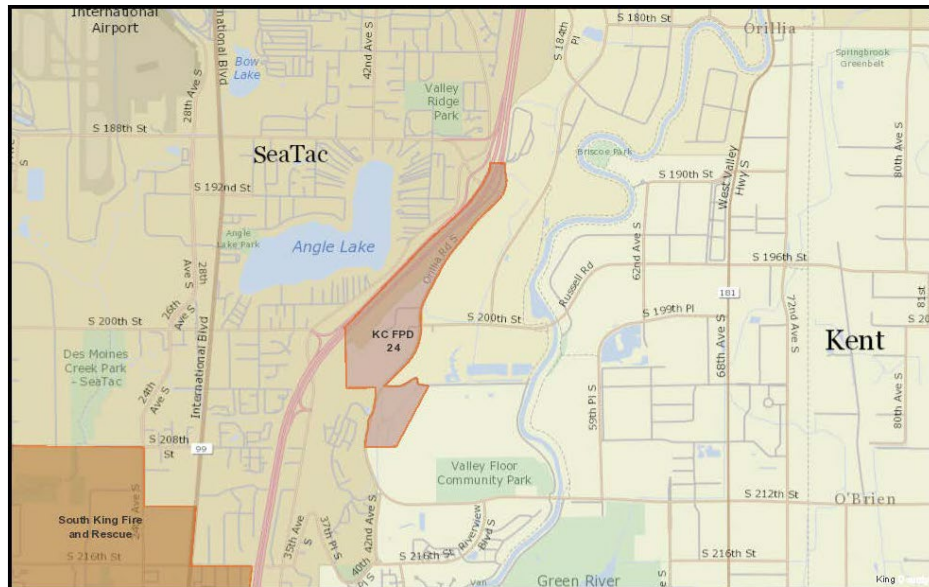
¹⁴ Resolution 19186

¹⁵ The 1959 propositions were a \$375,000 bond measure for the construction of pools located near Hamlin Park and Richmond Beach Road, and a \$2M tax levy for architect fees and operating costs; the 1991 proposed tax levy was \$475,000 to enhance park and recreation programs.

¹⁶ RCW 36.69.150

Fire Protection District No. 24 (Proposed Ordinance 2022-0297)

Boundaries. Fire Protection District No. 24 includes portions of unincorporated King County and portions of the City of SeaTac.



History. Fire District No. 24 was formed in 1945, activated in 1947, and originally included what is now the City of SeaTac. After the City of SeaTac was incorporated in 1989, two percent of the former area of the district remained outside of the incorporated area.

Fire protection services. Fire District No. 24 does not currently provide direct fire services. Under a memorandum of understanding from 2009, the City of Tukwila provides fire protection services to the area within the district that are within Tukwila's potential annexation area (PAA) until that area is annexed. Under a legacy agreement between the district and the City of SeaTac, the Puget Sound Regional Fire Authority (PSRFA) provides fire protection services to the remainder of the district, which is in Kent's PAA.

Status. According to Elections, it has no record that the district has held any election for commissioners since 2013¹⁷ or carried out any of the special purposes or functions for which it was formed for nearly seven years.

Between January 2014 and December 2020, the district did not submit the required annual financial reports to the Office of the Washington State Auditor (SAO).¹⁸ Since financial records were not available to complete an audit of the district, and the district did not respond to the office's inquiries and requests for financial documentation, the

¹⁷ The original letter from Elections indicates no elections since 2017; on further communication, Elections staff confirmed it has no records that the district has held any election since 2013.

¹⁸ Commissioners are required to prepare and submit the district's certified annual reports to the Office of the Washington State Auditor (SAO) each fiscal year.

State Auditor declared the district as "unauditable" in the SAO report published on October 28, 2021, "*Report on Unauditable Government King County Fire Protection District No. 24 For the period January 1, 2014 through December 31, 2020.*"¹⁹ A determination by the State Auditor that a special district is unauditable would meet a criterion of an "inactive" district in RCW 36.96.010(3).

In accordance with state law, the King County treasurer acts as the treasurer for the district. King County Finance has confirmed that it holds approximately \$84,000 in the name of the district as of July 2022.

After the May 31, 2022 notice from Elections, Council staff learned that two of the three commissioners conducted business, which consisted of adopting a resolution authorizing the execution of deeds to transfer assets that the City of SeaTac acquired when the city annexed part of the district's area in the early 1990s.

Interlocal agreement negotiations between the County and Tukwila for the city to continue to provide fire protection services if the district were to be dissolved are ongoing. Informal discussions with members of the PSRFA have also been undertaken to ensure continued provision of services if the district were to be dissolved.

Timing and next steps. On July 26, 2022, all five proposed ordinances were introduced and referred to the Local Services and Land Use Committee. A public hearing is scheduled to be held at the August 23, 2022 full Council meeting. This would meet the requirement that a public hearing be held by September 1 of the same year following notice by the county auditor.

For each proposed ordinance, Council will relieve committee for the purpose of holding the public hearing on August 23, 2022, and may refer the item back to committee or relieve committee to take action.

AMENDMENTS

For each of the five proposed ordinances, a technical amendment would add the date of the public hearing as August 23, 2022. For 2022-0298 (Coalfield), 2022-0299 (Enumclaw), and 2022-0303 (Issaquah), the technical amendment would also add that notice of the hearing was sent out to active voter households on July 29, 2022.

ATTACHMENTS

1. King County Elections Notice of Inactive Districts, May 31, 2022
2. King County Elections Notice of Inactive Districts – Addendum, June 21, 2022

¹⁹ State Auditor's Office, [Report on Unauditable Government King County Fire Protection District No. 24 For the period January 1, 2014 through December 31, 2020.](#)



vote!

May 31, 2022

The Honorable Claudia Balducci
Chair, King County Council
Room 1200
COURTHOUSE

Sent via email

Dear Councilmember Balducci:

This letter serves as notification under RCW 36.96.020 of apparent inactive special purpose districts in King County. As required by the statute, the Elections Department has searched available records to provide this notification to the County Council of special purpose districts located wholly or partially within King County that appear to be inactive.

For purposes of RCW 36.96.020 "inactive" means that a special purpose district, other than a public utility district, is characterized by either of the following criteria:

- (a) Has not carried out any of the special purposes or functions for which it was formed within the preceding consecutive five-year period; or
- (b) No election has been held for the purpose of electing a member of the governing body within the preceding consecutive seven-year period or, in those instances where members of the governing body are appointed and not elected, where no member of the governing body has been appointed within the preceding seven-year period.

The following special purpose districts appear to be inactive:

King County Fire Protection District No. 24

- No election has been held for the purpose of electing a commissioner since 2017
- Has not carried out any of the special purposes or functions for which it was formed for nearly 7 years per a previous Commissioner

Shoreline Park and Recreation District

- 1953 - district formed by election
- 1991 and 1992 – tax levy proposals defeated by voters
- No record of election for commissioners or funding since 1992

Issaquah Park and Recreation Service Area

- 1987 – formed by election and commissioners appointed
- 1987 – bond proposal defeated by voters
- No record of funding since 1987

Enumclaw Park and Recreation Service Area

- 1990 – formed by election and commissioners appointed
- 1991 – bond and tax levy proposal defeated by voters
- No record of funding since 1991

If you have any questions, please feel free to contact Kendall LeVan Hodson, Chief of Staff, King County Elections, at 206-263-9706.

Sincerely,



Julie Wise
King County Elections Director

cc: Stephanie Cirkovich, Chief of Staff, King County Council
Melani Pedroza, Clerk of the Council
Kendall LeVan Hodson, Chief of Staff, King County Elections Department



vote!

June 21, 2022

The Honorable Claudia Balducci
Chair, King County Council
Room 1200
COURTHOUSE

Dear Councilmember Balducci:

Last month we provided notice under RCW 36.96.020 of apparent inactive special purpose districts in King County.

For purposes of RCW 36.96.020 “inactive” means that a special purpose district, other than a public utility district, is characterized by either of the following criteria:

- (a) Has not carried out any of the special purposes or functions for which it was formed within the preceding consecutive five-year period; or
- (b) No election has been held for the purpose of electing a member of the governing body within the preceding consecutive seven-year period or, in those instances where members of the governing body are appointed and not elected, where no member of the governing body has been appointed within the preceding seven-year period.

At the request of King County Council staff we also reviewed our records for any election history for the Coalfield Park and Recreation District. We have no election history or records for this district and believe it meets criteria (b) as stated above. Our apologies for not including this district in our initial report and please expect another update on inactive districts before June 1, 2023 per RCW 36.96.020 .

If you have any questions, please feel free to contact Kendall LeVan Hodson, Chief of Staff, King County Elections, at 206-263-9706.

Sincerely,

Julie Wise
King County Elections Director

cc: King County Councilmembers
Stephanie Cirkovich, Chief of Staff, King County Council
Melani Pedroza, Clerk of the Council
Kendall LeVan Hodson, Chief of Staff, King County Elections Department