
HOUSE BILL 2552

State of Washington

65th Legislature

2018 Regular Session

By Representatives Blake, Walsh, and Tharinger

1 AN ACT Relating to municipal police districts; and adding a new
2 chapter to Title 35 RCW.

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

4 NEW SECTION. **Sec. 1.** FINDINGS. The legislature finds that
5 municipal police departments represent the largest general fund
6 expense for most municipalities. It is the intent of the legislature
7 to provide municipalities with greater flexibility to manage their
8 responsibility to provide police services. This chapter details the
9 creation, management, and dissolution of municipal police districts.

10 NEW SECTION. **Sec. 2.** DEFINITIONS. The definitions in this
11 section apply throughout this chapter unless the context clearly
12 requires otherwise.

13 (1) "Commission" means the governing body of a municipal police
14 district.

15 (2) "Municipal police district" or "district" means a special
16 purpose district whose boundaries are coextensive with two or more
17 contiguous cities or towns that is a public body corporate and
18 politic that has been created under this chapter to implement a
19 municipal police district plan.

1 (3) "Municipal police district plan" or "plan" means a plan to
2 develop and finance a municipal police district including, but not
3 limited to, specific capital projects, all law enforcement services,
4 and the preservation and maintenance of existing and future
5 facilities.

6 (4) "Municipal police district planning committee" or "planning
7 committee" means the advisory committee created under section 3 of
8 this act to create and propose to cities or towns a municipal police
9 district plan to design, finance, and develop a municipal police
10 district.

11 NEW SECTION. **Sec. 3.** PLANNING COMMITTEE. Municipal police
12 district planning committees are advisory entities that are created,
13 convened, and empowered as follows:

14 (1) Any two or more contiguous cities or towns may create a
15 municipal police district planning committee. No city or town may
16 participate in more than one created district.

17 (2) Each governing body of the cities or towns participating in
18 planning under this chapter shall appoint to the planning committee:
19 (a) One elected official; and (b) the chief of police of the city or
20 town.

21 (3) Members of the planning committee may not receive
22 compensation for attendance at planning committee meetings or for
23 other services on behalf of the district, but may be reimbursed for
24 travel and incidental expenses at the discretion of the governing
25 body of their city or town.

26 (4) A planning committee may receive funding from the
27 participating cities or towns as determined by the governing bodies
28 of the cities and towns by interlocal agreement.

29 (5) The planning committee shall conduct its affairs and
30 formulate a municipal police district plan as provided under section
31 4 of this act.

32 (6) The planning committee may dissolve itself at any time by a
33 majority vote of the total membership of the planning committee. Any
34 participating city or town may withdraw upon thirty calendar days
35 written notice to the other cities or towns.

36 NEW SECTION. **Sec. 4.** PLANNING COMMITTEE—DUTIES. (1) A municipal
37 police district planning committee shall adopt a municipal police

1 district plan providing for the governance, design, financing, and
2 development of law enforcement services.

3 (2) The planning committee may coordinate its activities with
4 neighboring cities and towns, and other local governments that engage
5 in law enforcement services.

6 (3) The planning committee shall:

7 (a) Create opportunities for public input in the development of
8 the plan;

9 (b) Adopt a plan proposing the creation of a municipal police
10 district and recommending governance, design, financing, and
11 development of law enforcement service facilities and operations,
12 including maintenance and preservation of facilities or systems; and

13 (c) Recommend a plan for financing the district. The financing
14 plan must include: (i) A proposed budget for the first year of the
15 district; (ii) the proposed funding that is required to be provided
16 by each participating city or town; and (iii) the method for
17 calculating each city or town's financial contribution. The financing
18 plan must be adopted by the governing bodies of the participating
19 cities or towns by interlocal agreement.

20 (4) Once adopted, the municipal police district plan must be
21 forwarded to the governing bodies of the participating cities or
22 towns to initiate the election process under section 5 of this act.

23 (5) If the ballot measure is not approved, the planning committee
24 may redefine the municipal police district, financing plan, and the
25 ballot measure. The governing bodies of participating cities or towns
26 may approve the new plan and ballot measure, and may then submit the
27 revised proposition to the voters at a subsequent election or a
28 special election. If a ballot measure is not approved by the voters
29 by the third vote, the planning committee is dissolved.

30 NEW SECTION. **Sec. 5.** MUNICIPAL POLICE DISTRICT PLAN—SUBMISSION
31 TO VOTERS—APPROVAL. Upon receipt of the municipal police district
32 plan under section 4 of this act, the governing bodies of two or more
33 contiguous cities or towns may certify the plan to the ballot. The
34 governing bodies of the cities or towns may draft a ballot title,
35 give notice as required by law for ballot measures, and perform other
36 duties as required to put the plan before the voters of the proposed
37 district for their approval or rejection as a single ballot measure
38 that both approves formation of the district and approves the plan.
39 Districts may negotiate interlocal agreements necessary to implement

1 the plan. The electorate is the voters voting within the boundaries
2 of the proposed municipal police district. Sixty percent of the total
3 persons voting on the single ballot measure to approve the plan and
4 establish the authority is required for approval. The district must
5 act in accordance with the general election laws of the state. The
6 district is liable for its proportionate share of the costs when the
7 elections are held under RCW 29A.04.321 and 29A.04.330.

8 NEW SECTION. **Sec. 6.** DISTRICT FORMATION—CHALLENGES. If the
9 voters approve the plan, including creation of a municipal police
10 district, and the election results are certified, the district is
11 formed on the effective date as set forth in the plan or the next
12 January 1st or July 1st, whichever occurs first. A party challenging
13 the procedure or the formation of a voter-approved district must file
14 the challenge in writing by serving the prosecuting attorney of each
15 county within, or partially within, the municipal police district and
16 the attorney general within thirty days after the final certification
17 of the election. Failure to challenge within that time forever bars
18 further challenge of the district's valid formation.

19 NEW SECTION. **Sec. 7.** ANNEXATION. (1) A city or town that is
20 contiguous to the boundary of a municipal police district is eligible
21 for annexation by the district.

22 (2) An annexation is initiated by the adoption of a resolution by
23 the governing body of a city or town requesting the annexation. The
24 resolution requesting annexation must then be filed with the
25 commission of the district that is requested to annex the city or
26 town.

27 (3) Except as otherwise provided in the municipal police district
28 plan, upon receipt of the resolution requesting annexation, the
29 commission of the district may adopt a resolution amending its plan
30 to establish terms and conditions of the requested annexation and
31 submit the resolution and plan amendment to the municipal police
32 district requesting annexation. An election to authorize the
33 annexation may be held only if the governing body of the city or town
34 seeking annexation adopts a resolution approving both the annexation
35 and the related plan amendment.

36 (4)(a) An annexation is authorized if the voters in the city or
37 town proposed to be annexed approve a single ballot measure approving
38 the annexation and related plan amendment. The ballot measure is

1 approved if sixty percent of the total persons voting on the single
2 ballot measure vote to approve the measure.

3 (b) An annexation is effective on the date specified in the
4 ballot measure. In the event the ballot measure does not specify an
5 effective date, the effective date is on the subsequent January 1st
6 or July 1st, whichever occurs first.

7 NEW SECTION. **Sec. 8.** WITHDRAWAL AND REANNEXATION OF TERRITORY.

8 (1) As provided in this section, a city or town may withdraw from a
9 municipal police district or reannex to the municipal police
10 district.

11 (2)(a) In order to withdraw from a district, the governing body
12 of a city or town must adopt a resolution approving the withdrawal.

13 (b) After adoption of the resolution approving the withdrawal,
14 the governing body of the city or town may draft a ballot title, give
15 notice as required by law for ballot measures, and perform other
16 duties as required to put the measure approving or not approving the
17 withdrawal before the voters of the city or town. The ballot measure
18 is approved if sixty percent of the total persons voting on the
19 ballot measure vote to approve the withdrawal.

20 (c) A withdrawal under this section is effective at the end of
21 the day on the thirty-first day of December in the year in which the
22 ballot measure under (b) of this subsection is approved.

23 (3)(a) A city or town that has withdrawn from the boundaries of a
24 municipal police district under this section may be reannexed into
25 the district upon: (i) Adoption of a resolution by the commission
26 proposing the reannexation; and (ii) adoption of a resolution by the
27 city or town governing body approving the reannexation. After
28 adoption of the resolutions proposing and approving the reannexation,
29 the governing body of the city or town to be reannexed may draft a
30 ballot title, give notice as required by law for ballot measures, and
31 perform other duties as required to put the measure approving or not
32 approving the reannexation before the voters of the city or town. The
33 ballot measure is approved if sixty percent of the total persons
34 voting on the ballot measure vote to approve the reannexation.

35 (b) A reannexation under this section shall be effective at the
36 end of the day on the thirty-first day of December in the year in
37 which the measure under (a) of this subsection is approved.

1 NEW SECTION. **Sec. 9.** DISSOLUTION. (1) A municipal police
2 district may be dissolved as provided in this section.

3 (2) A commission may initiate the dissolution of a municipal
4 police district by adopting a resolution that proposes dissolution of
5 the district. After adoption of the resolution proposing dissolution
6 of the district, the commission may draft a ballot title, give notice
7 as required by law for ballot measures, and perform other duties as
8 required to put the measure approving the dissolution before the
9 voters of the district. The ballot measure is approved if sixty
10 percent of the total persons voting on the ballot measure vote to
11 approve the dissolution. A dissolution under this subsection is
12 effective at the end of the day on the thirty-first day of December
13 in the year in which the dissolution measure is approved.

14 (3) A municipal police district is automatically dissolved if
15 after the withdrawal of participating cities or towns there is only
16 one remaining city or town in the district.

17 NEW SECTION. **Sec. 10.** COMMISSION ORGANIZATION AND COMPOSITION.
18 The members of the planning committee who are elected officials shall
19 serve as the commissioners of the district for a term of one year
20 from the date the district is formed. Thereafter, the governing
21 bodies of the participating cities and towns must each appoint one
22 commissioner to the commission, each to serve a one-year term. Only
23 elected officials of participating cities or towns are eligible to be
24 appointed to serve as commissioners.

25 NEW SECTION. **Sec. 11.** COMMISSION'S POWERS AND DUTIES. The
26 commission of the district is responsible for the execution of the
27 voter-approved plan. Participating cities or towns shall review the
28 plan every ten years. The commission may:

29 (1) Enter into agreements with federal, state, local, and
30 regional entities and departments as necessary to accomplish district
31 purposes and protect the district's investments;

32 (2) Accept gifts, grants, or other contributions of funds that
33 will support the purposes and programs of the district;

34 (3) Monitor and audit the progress and execution of district
35 projects to protect the investment of the public and annually make
36 public its findings;

37 (4) Pay for services and enter into leases and contracts,
38 including professional service contracts;

1 (5) Hire, manage, and terminate employees; and

2 (6) Exercise powers and perform duties as the commission
3 determines necessary to carry out the purposes, functions, and
4 projects of the district in accordance with the municipal police
5 district plan and applicable laws.

6 NEW SECTION. **Sec. 12.** CHIEF OF MUNICIPAL POLICE DISTRICT—
7 APPOINTMENT. The commission shall appoint a person to fill the
8 position of chief of the municipal police district and shall notify
9 the governing bodies of each participating city or town of its
10 appointment. The appointment is only effective after each
11 participating city or town adopts a resolution approving of the
12 person appointed by the commission. In the event of a vacancy in the
13 position of chief of police, the commission shall appoint an interim
14 chief to fill the position until a permanent appointment is made by
15 the commission and approved by resolution of the governing body of
16 each participating city or town.

17 NEW SECTION. **Sec. 13.** TRANSFER OF RESPONSIBILITIES AND
18 EMPLOYEES. (1) Except as otherwise provided in the municipal police
19 district plan, all powers, duties, and functions of a participating
20 city or town pertaining to law enforcement services shall be
21 transferred to the municipal police district on its creation date or
22 on the effective date that a city or town is subsequently annexed
23 into a district.

24 (2)(a) Except as otherwise provided in the municipal police
25 district plan, and on the creation date of the municipal police
26 district or on the effective date that a city or town is subsequently
27 annexed into a district, all reports, documents, surveys, books,
28 records, files, papers, or written material in the possession of the
29 participating cities or towns pertaining to law enforcement services
30 powers, functions, and duties shall be delivered to the municipal
31 police district; all real property and personal property including
32 cabinets, furniture, office equipment, motor vehicles, and other
33 tangible property employed by the participating cities or towns in
34 carrying out the fire protection and emergency services powers,
35 functions, and duties shall be transferred to the municipal police
36 district; and all funds, credits, or other assets held by the
37 participating cities or towns in connection with law enforcement

1 powers, functions, and duties shall be transferred and credited to
2 the municipal police district.

3 (b) Except as otherwise provided in the municipal police district
4 plan, whenever any question arises as to the transfer of any
5 personnel, funds, books, documents, records, papers, files,
6 equipment, or other tangible property used or held in the exercise of
7 the powers and the performance of the duties and functions
8 transferred, the governing body of the participating city or town
9 shall make a determination as to the proper allocation.

10 (3) Except as otherwise provided in the municipal police district
11 plan, all rules and all pending business before the participating
12 cities or towns pertaining to the powers, functions, and duties
13 transferred shall be continued and acted upon by the municipal police
14 district, and all existing contracts and obligations shall remain in
15 full force and shall be performed by the municipal police district.

16 (4) The transfer of the powers, duties, functions, and personnel
17 of the participating cities or towns shall not affect the validity of
18 any act performed before creation of the municipal police district.

19 (5)(a) Subject to (c) of this subsection, all employees of the
20 police departments of participating cities or towns are transferred
21 to the jurisdiction of the municipal police district on its creation
22 date or on the effective date that a city or town is subsequently
23 annexed into a district. Upon transfer, unless an agreement for
24 different terms of transfer is reached between the collective
25 bargaining representatives of the transferring employees and the
26 participating cities or towns, an employee is entitled to the
27 employee rights, benefits, and privileges to which he or she would
28 have been entitled as an employee of a participating city or town,
29 including rights to:

30 (i) Compensation at least equal to the level at the time of
31 transfer;

32 (ii) Retirement, vacation, sick leave, and any other accrued
33 benefit;

34 (iii) Promotion and service time accrual; and

35 (iv) The length or terms of probationary periods, including no
36 requirement for an additional probationary period if one had been
37 completed before the transfer date.

38 (b) If any or all of the participating cities or towns provide
39 for civil service in their police departments, the collective
40 bargaining representatives of the transferring employees and the

1 participating cities or towns must negotiate regarding the
2 establishment of a civil service system within the district. This
3 subsection does not apply if none of the participating cities or
4 towns provide for civil service.

5 (c) Nothing contained in this section may be construed to alter
6 any existing collective bargaining unit or the provisions of any
7 existing collective bargaining agreement until the agreement has
8 expired or until the bargaining unit has been modified as provided by
9 law.

10 NEW SECTION. **Sec. 14.** Sections 1 through 13 of this act
11 constitute a new chapter in Title 35 RCW.

12 NEW SECTION. **Sec. 15.** If any provision of this act or its
13 application to any person or circumstance is held invalid, the
14 remainder of the act or the application of the provision to other
15 persons or circumstances is not affected.

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