

ENGROSSED SUBSTITUTE SENATE BILL 5808

Passed Legislature - 2009 Regular Session

State of Washington

61st Legislature

2009 Regular Session

By Senate Government Operations & Elections (originally sponsored by Senator Fairley)

Filed

READ FIRST TIME 02/23/09.

MAY 27 2009

SECRETARY OF STATE

FILING REFERENDUM ON SECTIONS THREE,
SEVEN AND NINE. *[Signature]*

1 AN ACT Relating to the annexation of unincorporated areas served by
2 fire protection districts; amending RCW 35.10.360, 35.10.365,
3 35.13.130, 35.13.215, and 35.13.225; adding new sections to chapter
4 35.13 RCW; adding a new section to chapter 35.103 RCW; adding new
5 sections to chapter 35A.14 RCW; and adding a new section to chapter
6 35A.92 RCW.

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

8 **Sec. 1.** RCW 35.10.360 and 1986 c 254 s 4 are each amended to read
9 as follows:

10 (1) If any portion of a fire protection district is proposed for
11 annexation to or incorporation into a city, code city, or town, both
12 the fire protection district and the city, code city, or town shall
13 jointly inform the employees of the fire protection district about
14 hires, separations, terminations, and any other changes in employment
15 that are a direct consequence of annexation or incorporations at the
16 earliest reasonable opportunity.

17 (2) Upon the annexation of two or more cities or code cities, any
18 employee of the fire department of the former city or cities who
19 (f(1)) (a) was at the time of annexation employed exclusively or

1 principally in performing the powers, duties, and functions which are
2 to be performed by the fire department of the annexed city or code
3 city, as the case may be, ~~((+2))~~ (b) will, as a direct consequence of
4 annexation, be separated from the employ of the former city, code city
5 or town, and ~~((+3))~~ (c) can perform the duties and meet the minimum
6 requirements of the position to be filled, then such employee may
7 transfer employment to the fire department of the annexing city, as
8 provided in this section and RCW 35.10.365 and 35.10.370.

9 (3) For purposes of this section and RCW 35.10.365 and 35.10.370,
10 employee means an individual whose employment has been terminated
11 because of annexation by a city, code city or town.

12 **Sec. 2.** RCW 35.10.365 and 1994 c 73 s 1 are each amended to read
13 as follows:

14 (1) An eligible employee may transfer into the civil service system
15 of the annexing city, code city, or town by filing a written request
16 with the city, code city, or town civil service commission. Upon
17 receipt of ~~((such))~~ the request by the civil service commission, the
18 transfer of employment ~~((shall))~~ must be made. ~~((The employee so~~
19 ~~transferring will (a) be on probation for the same period as are new~~
20 ~~employees in the position filled, but if the transferring employee has~~
21 ~~already completed a probationary period as a firefighter prior to the~~
22 ~~transfer, then the employee may only be terminated during the~~
23 ~~probationary period for failure to adequately perform assigned duties,~~
24 ~~not meeting the minimum qualifications of the position, or behavior~~
25 ~~that would otherwise be subject to disciplinary action, (b) be eligible~~
26 ~~for promotion no later than after completion of the probationary~~
27 ~~period, (c) receive a salary at least equal to that of other new~~
28 ~~employees in the position filled, and (d) in all other matters, such as~~
29 ~~retirement, sick leave, and vacation, have, within the city, code city,~~
30 ~~or town civil service system, all the rights, benefits, and privileges~~
31 ~~to which he or she would have been entitled as a member of the annexed~~
32 ~~city, code city, or town fire department from the beginning of his or~~
33 ~~her employment with the former city or code city fire department:~~
34 ~~PROVIDED, That for purposes of layoff by the annexing city or code~~
35 ~~city, only the time of service accrued with the annexing city or code~~
36 ~~city shall apply unless an agreement is reached between the collective~~
37 ~~bargaining representatives of the employees of the annexing and annexed~~

1 ~~fire agencies and the annexing and annexed fire agencies. A record of~~
2 ~~the employee's service with the former city or code city fire~~
3 ~~department shall be transmitted to the applicable civil service~~
4 ~~commission which shall be credited to such employee as a part of the~~
5 ~~period of employment in the annexed city, code city, or town fire~~
6 ~~department. All accrued benefits are transferable provided that the~~
7 ~~recipient agency provides comparable benefits. All benefits shall then~~
8 ~~accrue based on the combined seniority of each employee in the~~
9 ~~recipient agency.~~

10 ~~(2) As many of the transferring employees shall be placed upon the~~
11 ~~payroll of the annexing city, code city, or town fire department as the~~
12 ~~department determines are needed to provide services. These)) The~~
13 ~~needed employees shall be taken in order of seniority and the remaining~~
14 ~~employees who transfer as provided in this section and RCW 35.10.360~~
15 ~~and 35.10.370 shall head the list for employment in the civil service~~
16 ~~system in order of their seniority, to the end that they shall be the~~
17 ~~first to be reemployed in the city, code city, or town fire department~~
18 ~~when appropriate positions become available: PROVIDED, That employees~~
19 ~~who are not immediately hired by the city, code city, or town shall be~~
20 ~~placed on a reemployment list for a period not to exceed thirty-six~~
21 ~~months unless a longer period is authorized by an agreement reached~~
22 ~~between the collective bargaining representatives of the employees of~~
23 ~~the annexing and annexed fire agencies and the annexing and annexed~~
24 ~~fire agencies.~~

25 ~~(2) (a) Upon transfer, an employee is entitled to the employee~~
26 ~~rights, benefits, and privileges to which he or she would have been~~
27 ~~entitled as an employee of the fire protection district, including~~
28 ~~rights to:~~

29 ~~(i) Compensation at least equal to the level of compensation at the~~
30 ~~time of transfer, unless the employee's rank and duties have been~~
31 ~~reduced as a result of the transfer. If the transferring employee is~~
32 ~~placed in a position with reduced rank and duties, the employee's~~
33 ~~compensation may be adjusted, but the adjustment may not result in a~~
34 ~~decrease of greater than fifty percent of the difference between the~~
35 ~~employee's compensation before the transfer and the compensation level~~
36 ~~for the position that the employee is transferred to;~~

37 ~~(ii) Retirement, vacation, sick leave, and any other accrued~~
38 ~~benefit;~~

1 (iii) Promotion and service time accrual; and

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

5 (b) (a) of this subsection does not apply if upon transfer an
6 agreement for different terms of transfer is reached between the
7 collective bargaining representatives of the transferring employees and
8 the participating fire protection jurisdictions.

9 (3) If upon transfer, the transferring employee receives the
10 rights, benefits, and privileges established under subsection (2)(a)(i)
11 through (iv) of this section, those rights, benefits, and privileges
12 are subject to collective bargaining at the end of the current
13 bargaining period for the jurisdiction to which the employee has
14 transferred.

15 (4) Such bargaining must take into account the years of service the
16 transferring employee accumulated before the transfer and must be
17 treated as if those years of service occurred in the jurisdiction to
18 which the employee has transferred.

19 **Sec. 3.** RCW 35.13.130 and 1990 c 33 s 566 are each amended to read
20 as follows:

21 A petition for annexation of an area contiguous to a city or town
22 may be made in writing addressed to and filed with the legislative body
23 of the municipality to which annexation is desired. Except where all
24 the property sought to be annexed is property of a school district, and
25 the school directors thereof file the petition for annexation as in RCW
26 28A.335.110 authorized, the petition must be signed by the owners of
27 not less than ~~((seventy-five))~~ sixty percent in value according to the
28 assessed valuation for general taxation of the property for which
29 annexation is petitioned: PROVIDED, That in cities and towns with
30 populations greater than one hundred sixty thousand located east of the
31 Cascade mountains, the owner of tax exempt property may sign an
32 annexation petition and have the tax exempt property annexed into the
33 city or town, but the value of the tax exempt property shall not be
34 used in calculating the sufficiency of the required property owner
35 signatures unless only tax exempt property is proposed to be annexed
36 into the city or town. The petition shall set forth a description of
37 the property according to government legal subdivisions or legal plats

1 which is in compliance with RCW 35.02.170, and shall be accompanied by
2 a plat which outlines the boundaries of the property sought to be
3 annexed. If the legislative body has required the assumption of all or
4 of any portion of city or town indebtedness by the area annexed, and/or
5 the adoption of a comprehensive plan for the area to be annexed, these
6 facts, together with a quotation of the minute entry of such
7 requirement or requirements shall be set forth in the petition.

8 **Sec. 4.** RCW 35.13.215 and 1986 c 254 s 7 are each amended to read
9 as follows:

10 ~~(1) If any portion of a fire protection district is proposed for~~
11 ~~annexation to or incorporation into a city, code city, or town, both~~
12 ~~the fire protection district and the city, code city, or town shall~~
13 ~~jointly inform the employees of the fire protection district about~~
14 ~~hires, separations, terminations, and any other changes in employment~~
15 ~~that are a direct consequence of annexation or incorporations at the~~
16 ~~earliest reasonable opportunity.~~

17 ~~(2) If any portion of a fire protection district is annexed to or~~
18 ~~incorporated into a city, code city or town, any employee of the fire~~
19 ~~protection district who ((+1)) (a) was at the time of such annexation~~
20 ~~or incorporation employed exclusively or principally in performing the~~
21 ~~powers, duties, and functions which are to be performed by the city,~~
22 ~~code city or town fire department ((+2)) (b) will, as a direct~~
23 ~~consequence of annexation or incorporation, be separated from the~~
24 ~~employ of the fire protection district, and ((+3)) (c) can perform the~~
25 ~~duties and meet the minimum requirements of the position to be filled,~~
26 ~~then such employee may transfer employment to the civil service system~~
27 ~~of the city, code city or town fire department as provided for in this~~
28 ~~section and RCW 35.13.225 and 35.13.235.~~

29 ~~(3) For purposes of this section and RCW 35.13.225 and 35.13.235,~~
30 ~~employee means an individual whose employment with a fire protection~~
31 ~~district has been terminated because the fire protection district was~~
32 ~~annexed by a city, code city or town for purposes of fire protection.~~

33 **Sec. 5.** RCW 35.13.225 and 1994 c 73 s 3 are each amended to read
34 as follows:

35 (1) An eligible employee may transfer into the civil service system
36 of the city, code city, or town fire department by filing a written

1 request with the city, code city, or town civil service commission and
2 by giving written notice (~~((thereof))~~) of the request to the board of
3 commissioners of the fire protection district. Upon receipt of
4 (~~((such))~~) the request by the civil service commission, the transfer of
5 employment (~~((shall))~~) must be made. (~~((The employee so transferring will~~
6 ~~(a) be on probation for the same period as are new employees of the~~
7 ~~city, code city, or town fire department in the position filled, but if~~
8 ~~the transferring employee has already completed a probationary period~~
9 ~~as a firefighter prior to the transfer, then the employee may only be~~
10 ~~terminated during the probationary period for failure to adequately~~
11 ~~perform assigned duties, not meeting the minimum qualifications of the~~
12 ~~position, or behavior that would otherwise be subject to disciplinary~~
13 ~~action, (b) be eligible for promotion no later than after completion of~~
14 ~~the probationary period, (c) receive a salary at least equal to that of~~
15 ~~other new employees of the city, code city, or town fire department in~~
16 ~~the position filled, and (d) in all other matters, such as retirement,~~
17 ~~sick leave, and vacation, have, within the city, code city, or town~~
18 ~~civil service system, all the rights, benefits, and privileges to which~~
19 ~~he or she would have been entitled as a member of the city, code city,~~
20 ~~or town fire department from the beginning of employment with the fire~~
21 ~~protection district: PROVIDED, That for purposes of layoffs by the~~
22 ~~annexing fire agency, only the time of service accrued with the~~
23 ~~annexing agency shall apply unless an agreement is reached between the~~
24 ~~collective bargaining representatives of the employees of the annexing~~
25 ~~and annexed fire agencies and the annexing and annexed fire agencies.~~
26 The board of commissioners of the fire protection district shall, upon
27 receipt of such notice, transmit to any applicable civil service
28 commission a record of the employee's service with the fire protection
29 district which shall be credited to such employee as a part of the
30 period of employment in the city, code city, or town fire department.
31 All accrued benefits are transferable provided that the recipient
32 agency provides comparable benefits. All benefits shall then accrue
33 based on the combined seniority of each employee in the recipient
34 agency.

35 (2) ~~As many of the transferring employees shall be placed upon the~~
36 ~~payroll of the city, code city, or town fire department as the~~
37 ~~department determines are needed to provide services. These)) The~~
38 needed employees shall be taken in order of seniority and the remaining

1 employees who transfer as provided in this section and RCW 35.13.215
2 and 35.13.235 shall head the list for employment in the civil service
3 system in order of their seniority, to the end that they shall be the
4 first to be reemployed in the city, code city, or town fire department
5 when appropriate positions become available: PROVIDED, That employees
6 who are not immediately hired by the city, code city, or town shall be
7 placed on a reemployment list for a period not to exceed thirty-six
8 months unless a longer period is authorized by an agreement reached
9 between the collective bargaining representatives of the employees of
10 the annexing and annexed fire agencies and the annexing and annexed
11 fire agencies.

12 (2)(a) Upon transfer, an employee is entitled to the employee
13 rights, benefits, and privileges to which he or she would have been
14 entitled as an employee of the fire protection district, including
15 rights to:

16 (i) Compensation at least equal to the level of compensation at the
17 time of transfer, unless the employee's rank and duties have been
18 reduced as a result of the transfer. If the transferring employee is
19 placed in a position with reduced rank and duties, the employee's
20 compensation may be adjusted, but the adjustment may not result in a
21 decrease of greater than fifty percent of the difference between the
22 employee's compensation before the transfer and the compensation level
23 for the position that the employee is transferred to;

24 (ii) Retirement, vacation, sick leave, and any other accrued
25 benefit;

26 (iii) Promotion and service time accrual; and

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

30 (b) (a) of this subsection does not apply if upon transfer an
31 agreement for different terms of transfer is reached between the
32 collective bargaining representatives of the transferring employees and
33 the participating fire protection jurisdictions.

34 (3) If upon transfer, the transferring employee receives the
35 rights, benefits, and privileges established under subsection (2)(a)(i)
36 through (iv) of this section, those rights, benefits, and privileges
37 are subject to collective bargaining at the end of the current

1 bargaining period for the jurisdiction to which the employee has
2 transferred.

3 (4) Such bargaining must take into account the years of service the
4 transferring employee accumulated before the transfer and must be
5 treated as if those years of service occurred in the jurisdiction to
6 which the employee has transferred.

7 NEW SECTION. Sec. 6. A new section is added to chapter 35.13 RCW
8 to read as follows:

9 Upon the written request of a fire protection district, cities and
10 towns annexing territory under this chapter shall, prior to completing
11 the annexation, issue a report regarding the likely effects that the
12 annexation and any associated asset transfers may have upon the safety
13 of residents within and outside the proposed annexation area. The
14 report must address, but is not limited to, the provisions of fire
15 protection and emergency medical services within and outside of the
16 proposed annexation area. A fire protection district may only request
17 a report under this section when at least five percent of the assessed
18 valuation of the fire protection district will be annexed.

19 NEW SECTION. Sec. 7. A new section is added to chapter 35.13 RCW
20 to read as follows:

21 (1)(a) An annexation by a city or town that is proposing to annex
22 territory served by one or more fire protection districts may be
23 accomplished by ordinance after entering into an interlocal agreement
24 as provided in chapter 39.34 RCW with the county and the fire
25 protection district or districts that have jurisdiction over the
26 territory proposed for annexation.

27 (b) A city or town proposing to annex territory shall initiate the
28 interlocal agreement process by sending notice to the fire protection
29 district representative and county representative stating the city's or
30 town's interest to enter into an interlocal agreement negotiation
31 process. The parties have forty-five days to respond in the
32 affirmative or negative. A negative response must state the reasons
33 the parties do not wish to participate in an interlocal agreement
34 negotiation. A failure to respond within the forty-five day period is
35 deemed an affirmative response and the interlocal agreement negotiation

1 process may proceed. The interlocal agreement process may not proceed
2 if any negative responses are received within the forty-five day
3 period.

4 (c) The interlocal agreement must describe the boundaries of the
5 territory proposed for annexation and must be consistent with the
6 boundaries identified in an ordinance describing the boundaries of the
7 territory proposed for annexation and setting a date for a public
8 hearing on the ordinance. If the boundaries of the territory proposed
9 for annexation are agreed to by all parties, a notice of intention must
10 be filed with the boundary review board created under RCW 36.93.030.
11 However, the jurisdiction of the board may not be invoked as described
12 in RCW 36.93.100 for annexations that are the subject of such
13 agreement.

14 (2) An interlocal annexation agreement under this section must
15 include the following:

16 (a) A statement of the goals of the agreement. Goals must include,
17 but are not limited to:

18 (i) The transfer of revenues and assets between the fire protection
19 districts and the city or town;

20 (ii) A consideration and discussion of the impact to the level of
21 service of annexation on the unincorporated area, and an agreement that
22 the impact on the ability of fire protection and emergency medical
23 services within the incorporated area must not be negatively impacted
24 at least through the budget cycle in which the annexation occurs;

25 (iii) A discussion with fire protection districts regarding the
26 division of assets and its impact to citizens inside and outside the
27 newly annexed area;

28 (iv) Community involvement, including an agreed upon schedule of
29 public meetings in the area or areas proposed for annexation;

30 (v) Revenue sharing, if any;

31 (vi) Debt distribution;

32 (vii) Capital facilities obligations of the city, county, and fire
33 protection districts;

34 (viii) An overall schedule or plan on the timing of any annexations
35 covered under this agreement; and

36 (ix) A description of which of the annexing cities' development
37 regulations will apply and be enforced in the area.

1 (b) The subject areas and policies and procedures the parties agree
2 to undertake in annexations. Subject areas may include, but are not
3 limited to:

4 (i) Roads and traffic impact mitigation;

5 (ii) Surface and storm water management;

6 (iii) Coordination and timing of comprehensive plan and development
7 regulation updates;

8 (iv) Outstanding bonds and special or improvement district
9 assessments;

10 (v) Annexation procedures;

11 (vi) Distribution of debt and revenue sharing for annexation
12 proposals, code enforcement, and inspection services;

13 (vii) Financial and administrative services; and

14 (viii) Consultation with other service providers, including water-
15 sewer districts, if applicable.

16 (c) A term of at least five years, which may be extended by mutual
17 agreement of the city or town, the county, and the fire protection
18 district.

19 (3) If the fire protection district, annexing city or town, and
20 county reach an agreement on the enumerated goals, the annexation
21 ordinance may proceed and is not subject to referendum. If only the
22 annexing city or town and county reach an agreement on the enumerated
23 goals, the city or town and county may proceed with annexation under
24 the interlocal agreement, but the annexation ordinance provided for in
25 this section is subject to referendum for forty-five days after its
26 passage. Upon the filing of a timely and sufficient referendum
27 petition with the legislative body of the city or town, signed by
28 qualified electors in a number not less than ten percent of the votes
29 cast in the last general state election in the area to be annexed, the
30 question of annexation must be submitted to the voters of the area in
31 a general election if one is to be held within ninety days or at a
32 special election called for that purpose according to RCW 29A.04.330.
33 Notice of the election must be given as provided in RCW 35.13.080, and
34 the election must be conducted as provided in the general election laws
35 under Title 29A RCW. The annexation must be deemed approved by the
36 voters unless a majority of the votes cast on the proposition are in
37 opposition to the annexation.

1 After the expiration of the forty-fifth day from, but excluding,
2 the date of passage of the annexation ordinance, if a timely and
3 sufficient referendum petition has not been filed, the area annexed
4 becomes a part of the city or town upon the date fixed in the ordinance
5 of annexation.

6 (4) If any portion of a fire protection district is proposed for
7 annexation to or incorporation into a city or town, both the fire
8 protection district and the city or town shall jointly inform the
9 employees of the fire protection district about hires, separations,
10 terminations, and any other changes in employment that are a direct
11 consequence of annexation or incorporation at the earliest reasonable
12 opportunity.

13 (5) The needed employees shall be taken in order of seniority and
14 the remaining employees who transfer as provided in this section and
15 RCW 35.10.360 and 35.10.370 shall head the list for employment in the
16 civil service system in order of their seniority, to the end that they
17 shall be the first to be reemployed in the city or town fire department
18 when appropriate positions become available. Employees who are not
19 immediately hired by the city or town shall be placed on a reemployment
20 list for a period not to exceed thirty-six months unless a longer
21 period is authorized by an agreement reached between the collective
22 bargaining representatives of the employees of the annexing and annexed
23 fire agencies and the annexing and annexed fire agencies.

24 (6)(a) Upon transfer, an employee is entitled to the employee
25 rights, benefits, and privileges to which he or she would have been
26 entitled as an employee of the fire protection district, including
27 rights to:

28 (i) Compensation at least equal to the level of compensation at the
29 time of transfer, unless the employee's rank and duties have been
30 reduced as a result of the transfer. If the transferring employee is
31 placed in a position with reduced rank and duties, the employee's
32 compensation may be adjusted, but the adjustment may not result in a
33 decrease of greater than fifty percent of the difference between the
34 employee's compensation before the transfer and the compensation level
35 for the position that the employee is transferred to;

36 (ii) Retirement, vacation, sick leave, and any other accrued
37 benefit;

38 (iii) Promotion and service time accrual; and

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

4 (b) (a) of this subsection does not apply if upon transfer an
5 agreement for different terms of transfer is reached between the
6 collective bargaining representatives of the transferring employees and
7 the participating fire protection jurisdictions.

8 (7) If upon transfer, the transferring employee receives the
9 rights, benefits, and privileges established under subsection (6)(a)(i)
10 through (iv) of this section, those rights, benefits, and privileges
11 are subject to collective bargaining at the end of the current
12 bargaining period for the jurisdiction to which the employee has
13 transferred.

14 (8) Such bargaining must take into account the years of service the
15 transferring employee accumulated before the transfer and must be
16 treated as if those years of service occurred in the jurisdiction to
17 which the employee has transferred.

18 NEW SECTION. Sec. 8. A new section is added to chapter 52.33 RCW
19 to read as follows:

20 Cities and towns conducting annexations of all or part of fire
21 protection districts shall, at least through the budget cycle, or the
22 following budget cycle if the annexation occurs in the last half of the
23 current budget cycle, in which the annexation occurs, maintain existing
24 fire protection and emergency services response times in the newly
25 annexed areas consistent with response times recorded prior to the
26 annexation as defined in the previous annual report for the fire
27 protection district and as reported in RCW 52.33.040. If the city or
28 town is unable to maintain these service levels in the newly annexed
29 area, the transfer of firefighters from the annexed fire protection
30 district as a direct result of the annexation must occur pursuant to
31 section 7(4) through (8) of this act.

32 NEW SECTION. Sec. 9. A new section is added to chapter 35A.14 RCW
33 to read as follows:

34 (1)(a) An annexation by a code city proposing to annex territory
35 served by one or more fire protection districts may be accomplished by
36 ordinance after entering into an interlocal agreement as provided in

1 chapter 39.34 RCW with the county and the fire protection district or
2 districts that have jurisdiction over the territory proposed for
3 annexation.

4 (b) A code city proposing to annex territory shall initiate the
5 interlocal agreement process by sending notice to the fire protection
6 district representative and county representative stating the code
7 city's interest to enter into an interlocal agreement negotiation
8 process. The parties have forty-five days to respond in the
9 affirmative or negative. A negative response must state the reasons
10 the parties do not wish to participate in an interlocal agreement
11 negotiation. A failure to respond within the forty-five day period is
12 deemed an affirmative response and the interlocal agreement negotiation
13 process may proceed. The interlocal agreement process may not proceed
14 if any negative responses are received within the forty-five day
15 period.

16 (c) The interlocal agreement must describe the boundaries of the
17 territory proposed for annexation and must be consistent with the
18 boundaries identified in an ordinance describing the boundaries of the
19 territory proposed for annexation and setting a date for a public
20 hearing on the ordinance. If the boundaries of the territory proposed
21 for annexation are agreed to by all parties, a notice of intention must
22 be filed with the boundary review board created under RCW 36.93.030.
23 However, the jurisdiction of the board may not be invoked as described
24 in RCW 36.93.100 for annexations that are the subject of such
25 agreement.

26 (2) An interlocal annexation agreement under this section must
27 include the following:

28 (a) A statement of the goals of the agreement. Goals must include,
29 but are not limited to:

30 (i) The transfer of revenues and assets between the fire protection
31 district and the code city;

32 (ii) A consideration and discussion of the impact to the level of
33 service of annexation on the unincorporated area, and an agreement that
34 the impact on the ability of fire protection and emergency medical
35 services within the incorporated area must not be negatively impacted
36 at least through the budget cycle in which the annexation occurs;

37 (iii) A discussion with fire protection districts regarding the

1 division of assets and its impact to citizens inside and outside the
2 newly annexed area;

3 (iv) Community involvement, including an agreed upon schedule of
4 public meetings in the area or areas proposed for annexation;

5 (v) Revenue sharing, if any;

6 (vi) Debt distribution;

7 (vii) Capital facilities obligations of the code city, county, and
8 fire protection districts;

9 (viii) An overall schedule or plan on the timing of any annexations
10 covered under this agreement; and

11 (ix) A description of which of the annexing code cities'
12 development regulations will apply and be enforced in the area.

13 (b) The subject areas and policies and procedures the parties agree
14 to undertake in annexations. Subject areas may include, but are not
15 limited to:

16 (i) Roads and traffic impact mitigation;

17 (ii) Surface and storm water management;

18 (iii) Coordination and timing of comprehensive plan and development
19 regulation updates;

20 (iv) Outstanding bonds and special or improvement district
21 assessments;

22 (v) Annexation procedures;

23 (vi) Distribution of debt and revenue sharing for annexation
24 proposals, code enforcement, and inspection services;

25 (vii) Financial and administrative services; and

26 (viii) Consultation with other service providers, including water-
27 sewer districts, if applicable.

28 (c) A term of at least five years, which may be extended by mutual
29 agreement of the code city, the county, and the fire protection
30 district.

31 (3) If the fire protection district, annexing code city, and county
32 reach an agreement on the enumerated goals, the annexation ordinance
33 may proceed and is not subject to referendum. If only the annexing
34 code city and county reach an agreement on the enumerated goals, the
35 code city and county may proceed with annexation under the interlocal
36 agreement, but the annexation ordinance provided for in this section is
37 subject to referendum for forty-five days after its passage. Upon the
38 filing of a timely and sufficient referendum petition with the

1 legislative body of the code city, signed by qualified electors in a
2 number not less than ten percent of the votes cast in the last general
3 state election in the area to be annexed, the question of annexation
4 must be submitted to the voters of the area in a general election if
5 one is to be held within ninety days or at a special election called
6 for that purpose according to RCW 29A.04.330. Notice of the election
7 must be given as provided in RCW 35A.14.070, and the election must be
8 conducted as provided in the general election laws under Title 29A RCW.
9 The annexation must be deemed approved by the voters unless a majority
10 of the votes cast on the proposition are in opposition to the
11 annexation.

12 After the expiration of the forty-fifth day from, but excluding,
13 the date of passage of the annexation ordinance, if a timely and
14 sufficient referendum petition has not been filed, the area annexed
15 becomes a part of the code city upon the date fixed in the ordinance of
16 annexation.

17 NEW SECTION. **Sec. 10.** A new section is added to chapter 35A.14
18 RCW to read as follows:

19 (1) If any portion of a fire protection district is proposed for
20 annexation to or incorporation into a code city, both the fire
21 protection district and the code city shall jointly inform the
22 employees of the fire protection district about hires, separations,
23 terminations, and any other changes in employment that are a direct
24 consequence of annexation or incorporation at the earliest reasonable
25 opportunity.

26 (2) An eligible employee may transfer into the civil service system
27 of the code city fire department by filing a written request with the
28 code city civil service commission and by giving written notice of the
29 request to the board of commissioners of the fire protection district.
30 Upon receipt of the request by the civil service commission, the
31 transfer of employment must be made. The needed employees shall be
32 taken in order of seniority and the remaining employees who transfer as
33 provided in this section and RCW 35.10.360 and 35.10.370 shall head the
34 list for employment in the civil service system in order of their
35 seniority, to the end that they shall be the first to be reemployed in
36 the code city fire department when appropriate positions become
37 available. Employees who are not immediately hired by the code city

1 shall be placed on a reemployment list for a period not to exceed
2 thirty-six months unless a longer period is authorized by an agreement
3 reached between the collective bargaining representatives of the
4 employees of the annexing and annexed fire agencies and the annexing
5 and annexed fire agencies.

6 (3)(a) Upon transfer, an employee is entitled to the employee
7 rights, benefits, and privileges to which he or she would have been
8 entitled as an employee of the fire protection district, including
9 rights to:

10 (i) Compensation at least equal to the level of compensation at the
11 time of transfer, unless the employee's rank and duties have been
12 reduced as a result of the transfer. If the transferring employee is
13 placed in a position with reduced rank and duties, the employee's
14 compensation may be adjusted, but the adjustment may not result in a
15 decrease of greater than fifty percent of the difference between the
16 employee's compensation before the transfer and the compensation level
17 for the position that the employee is transferred to;

18 (ii) Retirement, vacation, sick leave, and any other accrued
19 benefit;

20 (iii) Promotion and service time accrued; and

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

24 (b) (a) of this subsection does not apply if upon transfer an
25 agreement for different terms of transfer is reached between the
26 collective bargaining representatives of the transferring employees and
27 the participating fire protection jurisdictions.

28 (4) If upon transfer the transferring employee receives the
29 rights, benefits, and privileges established under subsection (3)(a)(i)
30 through (iv) of this section, those rights, benefits, and privileges
31 are subject to collective bargaining at the end of the current
32 bargaining period for the jurisdiction to which the employee has
33 transferred.

34 (5) Such bargaining must take into account the years of service the
35 transferring employee accumulated before the transfer and must be
36 treated as if those years of service occurred in the jurisdiction to
37 which the employee has transferred.

1 NEW SECTION. **Sec. 11.** A new section is added to chapter 35A.14
2 RCW to read as follows:

3 Upon the written request of a fire protection district, code cities
4 annexing territory under this chapter shall, prior to completing the
5 annexation, issue a report regarding the likely effects that the
6 annexation and any associated asset transfers may have upon the safety
7 of residents within and outside the proposed annexation area. The
8 report must address, but is not limited to, the provision of fire
9 protection and emergency medical services within and outside of the
10 proposed annexation area. A fire protection district may only request
11 a report under this section when at least five percent of the assessed
12 valuation of the fire protection district will be annexed.

13 NEW SECTION. **Sec. 12.** A new section is added to chapter 35A.92
14 RCW to read as follows:

15 Code cities conducting annexations of all or part of fire
16 protection districts shall, at least through the budget cycle, or the
17 following budget cycle if the annexation occurs in the last half of the
18 current budget cycle, in which the annexation occurs, maintain existing
19 fire protection and emergency services response times in the newly
20 annexed areas consistent with response times recorded prior to the
21 annexation as defined in the previous annual report for the fire
22 protection district and as reported in RCW 52.33.40. If the code city
23 is unable to maintain these service levels in the newly annexed area,
24 the transfer of firefighters from the annexed fire protection district
25 as a direct result of the annexation must occur as outlined in section
26 10 of this act.

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