

# INFORMATIONAL MEMORANDUM

## Tukwila Pool Metropolitan Park District

TO:           Tukwila Pool MPD Board President and Board Members

FROM:       Lisa Marshall, Commission Attorney

DATE:        October 9, 2012

SUBJECT:     Governing Authority of the TPMPD

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### ISSUE

Whether the TPMPD may change its form of governance from its current model to a board of elected commissioners and, if so, what is the process for changing the governing authority of the TPMPD?

### FINANCIAL IMPACT

Should it change the form of governing authority, the financial impact to the TPMPD would be the cost of electing commissioners at a general election, which would total between \$10,000 and \$11,000. In addition, the cost of participation in the Voters Pamphlet is roughly \$1,000. There are approximately 7200 registered, active voters within the TPMPD boundaries. According to the King County Department of Records and Elections, the cost of a ballot measure at a general election is between \$1.25 and \$1.50 per registered, active voter.

### BACKGROUND

When the question of formation of the TPMPD went to the voters in 2010, the resolution submitting the ballot measure specified that Tukwila City Councilmembers would serve as TPMPD Board Members. No commissioners were elected in conjunction with formation of the District. The resolution submitting the ballot measure also specified that the purpose of the TPMPD is to operate and maintain the Tukwila Pool. Accordingly, should the TPMPD wish to change the purpose of the TPMPD, the District would need to hold an election on the newly stated purpose. However, should the TPMPD wish to change the composition of the governing authority of the TPMPD, it would not need to do so at an election or elect commissioners. RCW 35.61.050(5). Because the TPMPD has not indicated a desire to change the purpose of the District, and because it is assumed that the District would likely prefer that commission members run for election if a change of governance is desired, this memo will focus only on the narrow issue of the process required to change the form of the TPMPD's governing authority to that of an elected commission.

### DISCUSSION

**Process for Electing Commissioners** - Commission members may be elected only at a general - not a special - election. RCW 29A.04.330. Municipal elections are held in odd numbered years. Accordingly, the earliest date that TPMPD commissioners could be elected is at the general election (first Tuesday in November) 2013. Keep in mind that candidates must file and declare candidacy the May preceding the November election. Commission candidates run for specific commission positions, and no primary can be held. The person receiving the greatest number of votes for each position is elected as a commissioner.

**Staggering of Terms:** Commission terms are staggered so that, eventually, commissioners serve six-year terms. When the initial election of five commissioners occurs in an odd numbered year, the staggering of the terms of office occurs as follows: the two persons who are elected receiving the two greatest numbers of votes shall be elected to six-year terms of office. The two persons who are elected receiving the next two greatest numbers of votes are elected to four-year terms of office. The other person who is elected shall be elected to a two-year term of office. RCW 35.61.050. The initial commissioners shall take office immediately when they are elected and qualified. ("Elected and qualified" requires certification of election results and taking the oath of office). For purposes of computing their terms of office, the commissioners' terms shall be assumed to commence on the first day of January in the year after they are elected. Thereafter, all commissioners shall be elected to six-year terms of office.

**Options Concerning Timing and Community Input:** Importantly, because the law does not require park district commissioners to run for office after formation of the district (although this memo assumes the District would wish to hold an election), a district is free to elect commissioners, if at all, at any general election in an odd-numbered year beginning in 2013. The commission may wish to hold an election in 2013, or it may wish to not hold an election for several years thereafter, and that is acceptable as well. Because the TPMPD has so much discretion as to when to hold an election of commissioners, the TPMPD may desire to hold an advisory ballot measure to determine if the voters in the TPMPD would prefer elected commissioners or if they would prefer to maintain the current model. Advisory ballots may be held at a special or general election, although it is generally more costly to hold ballot measures at special elections.

In addition to or as an alternative to an advisory ballot measure, the TPMPD may choose to hold public hearings, meetings, workshops, or open houses to discuss with TPMPD voters the form of governance the voters prefer, and the steps required to change the form of governance.

As of this writing, staff has not determined how many of the park districts within Washington State have changed their forms of governance following formation of the districts. This research is ongoing, and results will vary depending upon whether or not district boundaries are contiguous with municipal boundaries as well as other factors.

**RECOMMENDATION:** While staff does not consider it appropriate to make a recommendation on the form of governance of the TPMPD, believing that this is a policy issue, it is recommended that – should a change occur – it follow a lengthy process of public input and participation. Additionally, if the District made a decision to hold an election of Commissioners at the 2013 general election, this means that the District would have only between now and May to prepare for the election. Given the current objectives and tasks before the District, this may be too short a time-frame for the amount of preparation such a change would require.