

Chapter 36.32 RCW
COUNTY COMMISSIONERS

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RCW 36.32.005 "County commissioners" defined. The term "county commissioners" when used in this title or any other provision of law shall include the governmental authority empowered to so act under the provisions of a charter adopted by any county of the state. [1971 ex.s. c 117 § 1.]

RCW 36.32.010 Board of commissioners established—Quorum. There is established in each county in this state a board of county commissioners. Except as provided in RCW 36.32.055 and 36.32.0552, each board of county commissioners shall consist of three qualified electors, two of whom shall constitute a quorum to do business. [1990 c 252 § 1; 1963 c 4 § 36.32.010. Prior: Code 1881 § 2663; 1869 p 303 § 1; 1867 p 52 § 1; 1863 p 540 § 1; 1854 p 420 § 1; RRS § 4036.]

RCW 36.32.020 Commissioner districts—Voluntary change to electoral system. (Effective until January 1, 2024.) The board of county commissioners of each county shall divide their county into three commissioner districts so that each district shall comprise as nearly as possible one-third of the population of the county: PROVIDED, That the territory comprised in any voting precincts of such districts shall remain compact, and shall not be divided by the lines of said districts.

However, the commissioners of any county composed entirely of islands and with a population of less than thirty-five thousand may divide their county into three commissioner districts without regard to population, except that if any single island is included in more than one district, the districts on such island shall comprise, as nearly as possible, equal populations.

The commissioners of any county may authorize a change to their electoral system pursuant to RCW 29A.92.040. Except where necessary to comply with a court order issued pursuant to RCW 29A.92.110, and except in the case of an intervening census, the lines of the districts shall not be changed more often than once in four years and only when a full board of commissioners is present. The districts shall be designated as districts numbered one, two and three. [2018 c

113 § 204; 1982 c 226 § 4; 1970 ex.s. c 58 § 1; 1963 c 4 § 36.32.020. Prior: 1893 c 39 § 2; 1890 p 317 §§ 1, 2; RRS § 4037.]

Findings—Intent—Short title—2018 c 113: See RCW 29A.92.005 and 29A.92.900.

Effective date—1982 c 226: See note following RCW 35.21.180.

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Effective date—2023 c 56: See note following RCW 29A.92.720.

Findings—Intent—Short title—2018 c 113: See RCW 29A.92.005 and 29A.92.900.

Effective date—1982 c 226: See note following RCW 35.21.180.

RCW 36.32.030 Terms of commissioners. (1) Except as provided otherwise in subsection (2) of this section, the terms of office of county commissioners shall be four years and shall extend until their successors are elected and qualified and assume office in accordance with RCW 29A.60.280. The terms of office of county commissioners shall be staggered so that either one or two commissioners are elected at a general election held in each even-numbered year.

(2) At the general election held in 2022, any noncharter county with a population of four hundred thousand or more must elect county commissioners in accordance with a districting plan adopted under RCW 36.32.054. Any county commissioner whose term is set to expire on or after January 1, 2023, is subject to the new election in accordance with the districting plan. The county commissioners shall begin their terms of office on January 1, 2023, and such terms shall be staggered

terms, as designated in the districting plan. [2018 c 301 § 6; 2015 c 53 § 63; 1979 ex.s. c 126 § 27; 1963 c 4 § 36.32.030. Prior: 1951 c 89 § 1. Formerly: (i) 1891 c 97 §§ 1, 2; RRS § 4038. (ii) 1891 c 67 § 3; RRS § 4039. (iii) 1891 c 89 § 4; RRS § 4040. (iv) 1891 c 67 § 5; RRS § 4041.]

Findings—Short title—2018 c 301: See notes following RCW 36.32.051.

Purpose—1979 ex.s. c 126: See RCW 29A.60.280(1).

RCW 36.32.040 Nomination by districts—Voluntary change to electoral system. (1) Except as provided in subsection (2) of this section, the qualified electors of each county commissioner district, and they only, shall nominate from among their own number, candidates for the office of county commissioner of such commissioner district to be voted for at the following general election. Such candidates shall be nominated in the same manner as candidates for other county and district offices are nominated in all other respects.

(2) Where the commissioners of a county composed entirely of islands with a population of less than thirty-five thousand have chosen to divide the county into unequal-sized commissioner districts pursuant to the exception provided in RCW 36.32.020, the qualified electors of the entire county shall nominate from among their own number who reside within a commissioner district, candidates for the office of county commissioner of such commissioner district to be voted for at the following general election. Such candidates shall be nominated in the same manner as candidates for other county offices are nominated in all other respects.

(3) The commissioners of any county may authorize a change to their electoral system pursuant to RCW 29A.92.040. [2018 c 113 § 205; 1982 c 226 § 5; 1963 c 4 § 36.32.040. Prior: 1909 c 232 § 1; RRS § 4043.]

Findings—Intent—Short title—2018 c 113: See RCW 29A.92.005 and 29A.92.900.

Effective date—1982 c 226: See note following RCW 35.21.180.

RCW 36.32.050 Election. (1) Except as provided otherwise in subsection (2) of this section or this chapter, county commissioners shall be elected by the qualified voters of the county and the person receiving the highest number of votes for the office of commissioner for the district in which he or she resides shall be declared duly elected from that district.

(2) Beginning in 2022, in any noncharter county with a population of four hundred thousand or more, county commissioners must be nominated and elected by the qualified electors of the commissioner district in which he or she resides. The person receiving the highest number of votes at a general election for the office of commissioner for the district in which he or she resides must be declared duly elected from that district. [2018 c 301 § 7; 2009 c 549 § 4063; 1963 c 4 § 36.32.050. Prior: 1895 c 110 § 1; 1893 c 39 § 1; 1891 c 67 § 6; 1890 p 317 § 3; RRS § 4042.]

Findings—Short title—2018 c 301: See notes following RCW 36.32.051.

RCW 36.32.051 District-based elections—Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "District" means a geographic area within county boundaries and designated in a county redistricting plan, as provided in RCW 36.32.054.

(2) "District election" means a candidate from each district is elected in a general election by the voters of the district in which the candidate resides.

(3) "District nomination" means a candidate from each district is nominated in a primary election by the voters of the district in which the candidate resides. [2018 c 301 § 2.]

Findings—2018 c 301: "The legislature finds that the leaders of local jurisdictions should represent the interests of the communities they serve and should be accountable to all their constituents. The legislature further finds that district-based elections help to make elected officials more responsible to their constituents by bringing candidates closer to the communities from which they are elected. The legislature further finds that the districting process requires transparent and fair decision making in a bipartisan effort to ensure that districts constitute an accurate and balanced representation of the community." [2018 c 301 § 1.]

Short title—2018 c 301: "This act may be known and cited as the responsible representation act." [2018 c 301 § 11.]

RCW 36.32.052 District-based elections—When required—Procedures. (1) Beginning in 2022, any noncharter county with a population of four hundred thousand or more must have a board of commissioners with five members, and must use district nominations and district elections for its commissioner positions, in accordance with RCW 36.32.050.

(a) By April 30, 2021, the county must establish a redistricting committee, in accordance with RCW 36.32.053, to create, review, and adjust county commissioner districts in accordance with subsection (1) of this section. The commissioner districts established by the redistricting committee must be designated as districts numerically one through five. Any districting plan adopted by the redistricting committee must designate the initial terms of office for each of the county commissioner positions, as provided in RCW 36.32.030(2).

(b) Beginning in 2022, district elections for all county commissioners in a noncharter county with a population of four hundred thousand or more must be held in accordance with any districting plan adopted by a redistricting committee that is established in accordance with RCW 36.32.054.

(2) After 2022, by April 30th of each year ending in one, each qualifying county must establish a redistricting committee in accordance with RCW 36.32.053. The redistricting committee must review and adjust as necessary the boundaries of the county's commissioner districts. [2018 c 301 § 3.]

Findings—Short title—2018 c 301: See notes following RCW 36.32.051.

RCW 36.32.053 District-based elections—Redistricting committee—Membership. (1) A county redistricting committee established under this chapter must have five members appointed in each year ending in one, as follows:

(a) One member shall be appointed by the members of each of the two largest caucuses, respectively, of the house of representatives whose legislative districts are wholly or partially within the noncharter county with a population of four hundred thousand or more;

(b) One member shall be appointed by the members of each of the two largest caucuses, respectively, of the senate whose legislative districts are wholly or partially within the noncharter county with a population of four hundred thousand or more; and

(c) The fifth member, who shall serve as the nonvoting chair of the committee, shall be appointed by a majority of the other four members.

(2) Committee members may not be appointed until after January 1, 2021.

(a) If any member is not appointed in accordance with the process in subsection (1) (a) or (b) of this section by March 1st then the respective legislative leader of each caucus whose qualifying members have not made an appointment must make the respective appointment by April 1st. If any caucus does not have at least one qualifying member, then the legislative leader of that caucus shall make the appointment by April 1st.

(b) If the fifth member is not appointed in accordance with subsection (1) (c) of this section by April 15th, then the county board of commissioners must appoint the fifth member by April 30th.

(3) A vacancy on a redistricting committee must be filled in the same manner as the initial appointment within fifteen days after the vacancy occurs.

(4) No person may serve on a redistricting committee who:

(a) Is not a registered voter of the state at the time of appointment;

(b) Is not a resident of the county;

(c) Is or within two years before appointment was a consultant for or had a contract with the county, or had been a registered lobbyist that lobbies the county commission; or

(d) Is or within two years before appointment was an elected official or elected legislative, county, or state party officer.

(5) Members of a redistricting committee may not:

(a) Campaign for elective office while a member of the committee;

(b) Actively participate in or contribute to any political campaign of any candidate for county elective office while a member of the committee; or

(c) Hold or campaign for a seat as a county commissioner for two years after the date the redistricting committee concludes its duties under this chapter.

(6) Before serving on a county redistricting committee, every person must take and subscribe an oath to faithfully perform the duties of that office.

(7) The legislative body of the county will provide adequate funding and resources to support the duties of the redistricting committee. [2018 c 301 § 4.]

Findings—Short title—2018 c 301: See notes following RCW 36.32.051.

RCW 36.32.054 District-based elections—Redistricting committee—Districting plan—Requirements.

(1) Within one hundred twenty days after a redistricting committee is established under this chapter, the committee must prepare and publish a draft districting plan dividing the county into five commissioner districts. The committee must hold public meetings in preparing the draft, in compliance with chapter 42.30 RCW, and records of the committee must be available for public disclosure, pursuant to chapter 42.56 RCW.

(2) Within sixty days of publishing the draft districting plan, the committee must:

(a) Solicit written public comment on the draft;

(b) Hold at least one public hearing on the plan, including notice and public comment;

(c) Amend the draft as necessary after the public comment and hearing; and

(d) Either:

(i) Adopt the original or amended districting plan by a vote of at least three of the four voting committee members, and promptly file the adopted districting plan with the county auditor; or

(ii) Notify the state redistricting commission, established under chapter 44.05 RCW, with instructions to approve a districting plan for the county.

(3) If the committee instructs the state redistricting commission to approve a districting plan for the county, the state redistricting commission must convene or reconvene for purposes of approving a districting plan for the county, in addition to its duties under chapter 44.05 RCW. The committee may submit any proposed plans drafted by the committee or a committee member to assist the state redistricting commission. The state redistricting commission must approve a districting plan for the county within sixty days of receiving notice from the committee, and promptly file the plan with the county auditor.

(4) The districting plan is effective upon filing the plan with the county auditor either by the committee or by the state redistricting commission.

(5) County commissioner elections pursuant to the districting plan filed with the county auditor must begin in the next even-numbered year, and conducted in accordance with RCW 36.32.050.

(6) Each commissioner district established by a redistricting committee under this section must comprise as nearly as possible one-fifth of the population of the county. The boundaries of commissioner districts must:

(a) Correspond as nearly as practicable to election precinct boundaries; and

(b) Create districts with compact, contiguous territory containing geographic units, natural communities, and approximately equal populations.

(7) Upon filing of the adopted districting plan with the county auditor, or sixty days after providing notice to the state redistricting commission, the redistricting committee is dissolved until such time as a new redistricting committee is established as provided in RCW 36.32.051. [2018 c 301 § 5.]

Findings—Short title—2018 c 301: See notes following RCW 36.32.051.

RCW 36.32.055 Five-member commission—When authorized—Ballot proposition—Petition—Procedures. (1) The board of commissioners of any noncharter county with a population of three hundred thousand or more, and less than four hundred thousand, may cause a ballot proposition to be submitted at a general election to the voters of the county authorizing the board of commissioners to be increased to five members.

(2) As an alternative procedure, a ballot proposition shall be submitted to the voters of a noncharter county authorizing the board of commissioners to be increased to five members, upon petition of the county voters equal to at least ten percent of the voters voting at the last county general election. At least twenty percent of the signatures on the petition shall come from each of the existing commissioner districts.

Any petition requesting that such an election be held shall be submitted to the county auditor for verification of the signatures thereon. Within no more than thirty days after the submission of the petition, the auditor shall determine if the petition contains the requisite number of valid signatures. The auditor shall certify whether or not the petition has been signed by the requisite number of county voters and forward such petition to the board of county commissioners. If the petition has been signed by the requisite number of county voters, the board of county commissioners shall submit such a proposition to the voters for their approval or rejection at the next general election held at least sixty days after the proposition has been certified by the auditor. [2018 c 301 § 9; 1990 c 252 § 2.]

Effective date—2018 c 301 § 9: "Section 9 of this act takes effect January 1, 2021." [2018 c 301 § 13.]

Findings—Short title—2018 c 301: See notes following RCW 36.32.051.

RCW 36.32.0552 Five-member commission—Newly created positions—How filled—County divided into five districts. If the ballot proposition receives majority voter approval, the size of the board of county commissioners shall be increased to five members as provided in this section.

The two newly created positions shall be filled at elections to be held in the next year. The county shall, as provided in this section, be divided into five commissioner districts, so that each district shall comprise as nearly as possible one-fifth of the population of the county. No two members of the existing board of county commissioners may, at the time of the designation of such districts, permanently reside in one of the five districts. The

division of the county into five districts shall be accomplished as follows:

(1) The board of county commissioners shall, by the 90th day prior to the first day of the filing period described in RCW 29A.24.050 of the year following the election, adopt a resolution creating the districts;

(2) If by the 89th day prior to the first day of the filing period described in RCW 29A.24.050 of the year following the election the board of county commissioners has failed to create the districts, the prosecuting attorney of the county shall petition the superior court of the county to appoint a referee to designate the five commissioner districts. The referee shall designate such districts by no later than the 60th day prior to the first day of the filing period described in RCW 29A.24.050 of the year following the election. The two commissioner districts within which no existing member of the board of county commissioners permanently resides shall be designated as districts four and five. [2023 c 237 § 1; 1990 c 252 § 3.]

RCW 36.32.0554 Five-member commission—Newly created positions—Terms of initially elected commissioners. The terms of the persons who are initially elected to positions four and five under RCW 36.32.0552 shall be as follows:

(1) If the year in which the primary and general elections are held is an even-numbered year, the person elected to position four shall be elected for a two-year term, and the person elected to position five shall be elected for a four-year term; or

(2) If the year in which the primary and general elections are held is an odd-numbered year, the person elected to position four shall be elected for a one-year term, and the person elected to position five shall be elected for a three-year term.

The length of the terms shall be calculated from the first day of January in the year following the election. Each person elected pursuant to subsection (1) or (2) of this section shall take office immediately upon the issuance of a certificate of his or her election.

Thereafter, persons elected to commissioner positions four and five shall be elected for four-year terms and shall take office at the same time the other members of the board of county commissioners take office. [1990 c 252 § 4.]

RCW 36.32.0556 Five-member commissions—Four-year terms—Nominations by districts—Elected by entire county—Quorum. The commissioners in a five-member board of county commissioners shall be elected to four-year staggered terms. Each commissioner shall reside in a separate commissioner district. Each commissioner shall be nominated from a separate commissioner district by the voters of that district. Each shall be elected by the voters of the entire county. Three members of a five-member board of commissioners shall constitute a quorum to do business. [1990 c 252 § 5.]

RCW 36.32.0558 Five-member commissions—Vacancies. Vacancies on a board of county commissioners consisting of five members shall be filled as provided in RCW 36.32.070, except that:

(1) Whenever there are three or more vacancies, the governor shall appoint one or more commissioners until there are a total of three commissioners;

(2) Whenever there are two vacancies, the three commissioners shall fill one of the vacancies;

(3) Whenever there is one vacancy, the four commissioners shall fill the single vacancy; and

(4) Whenever there is a vacancy after the general election in a year that the position appears on the ballot and before the start of the next term, the term of the successor who is of the same party as the incumbent may commence once he or she has qualified as defined in RCW 29A.04.133 and shall continue through the term for which he or she was elected. [2015 c 53 § 64; 2003 c 238 § 2; 1990 c 252 § 6.]

Contingent effective date—2003 c 238: See note following RCW 36.16.110.

RCW 36.32.060 Conditions of official bond. The bond of each county commissioner shall be payable to the county, and it shall be conditioned that the commissioner shall well and faithfully discharge the duties of his or her office, and not approve, audit, or order paid any illegal, unwarranted, or unjust claim against the county for personal services. [2009 c 549 § 4064; 1963 c 4 § 36.32.060. Prior: 1955 c 157 § 10; prior: 1921 c 132 § 1, part; 1893 c 75 § 7, part; RRS § 4046, part.]

RCW 36.32.070 Vacancies on board. Whenever there is a vacancy in the board of county commissioners, except as provided in RCW 36.32.0558, it shall be filled as follows:

(1) If there are three vacancies, the governor of the state shall appoint two of the officers. The two commissioners thus appointed shall then meet and select the third commissioner. If the two appointed commissioners fail to agree upon selection of the third after the expiration of five days from the day they were appointed, the governor shall appoint the remaining commissioner.

(2) Whenever there are two vacancies in the office of county commissioner, the governor shall appoint one commissioner, and the two commissioners then in office shall appoint the third commissioner. If they fail to agree upon a selection after the expiration of five days from the day of the governor's appointment, the governor shall appoint the third commissioner.

(3) Whenever there is one vacancy in the office of county commissioner, the two remaining commissioners shall fill the vacancy. If the two commissioners fail to agree upon a selection after the expiration of five days from the day the vacancy occurred, the governor shall appoint the third commissioner.

(4) Whenever there is a vacancy in the office of county commissioner after the general election in a year that the position appears on the ballot and before the start of the next term, the term of the successor who is of the same party as the incumbent may commence once he or she has qualified as defined in RCW 29A.04.133 and shall continue through the term for which he or she was elected. [2015 c 53 § 65; 2003 c 238 § 3; 1990 c 252 § 7; 1963 c 4 § 36.32.070. Prior: 1933 c 100 § 1; RRS § 4038-1.]

Contingent effective date—2003 c 238: See note following RCW 36.16.110.

RCW 36.32.080 Regular meetings—Joint regular meetings—Regular meetings held outside of the county seat. (1) The county legislative authority of each county shall hold regular meetings at the county seat or at a location designated in accordance with subsection (2) or (3) of this section to transact any business required or permitted by law.

(2) (a) Any two or more county legislative authorities may hold a joint regular meeting solely in the county seat of a participating county if the agenda item or items relate to actions or considerations of mutual interest or concern to the participating legislative authorities.

(b) A legislative authority participating in a joint regular meeting held in accordance with this subsection (2) must, for purposes of the meeting, comply with notice requirements for special meetings provided in RCW 42.30.080. This subsection (2) (b) does not apply to the legislative authority of the county in which the meeting will be held.

(3) (a) As an alternative option, regular meetings may be held at a location outside of the county seat but within the county if the county legislative authority determines that holding a meeting at an alternate location would be in the interest of supporting greater citizen engagement in local government at the following intervals:

(i) Once per calendar month in a city with a greater population than the city in which the county seat is located; and

(ii) Once per calendar quarter in any other location.

(b) No more than one meeting per calendar month may be held at an alternate location as provided for in this subsection (3).

(c) The county legislative authority must give notice of any regular meeting held pursuant to this subsection (3) at least 30 days before the time of the meeting specified in the notice. At a minimum, notice must be:

(i) Posted on the county's website;

(ii) Published in a newspaper of general circulation in the county; and

(iii) Sent via electronic transmission to any resident of the county who has chosen to receive the notice required under this section at an email address. [2023 c 84 § 1; 2016 c 189 § 1. Prior: 2015 c 179 § 1; 2015 c 74 § 1; 1989 c 16 § 1; 1963 c 4 § 36.32.080; prior: 1893 c 105 § 1; Code 1881 § 2667; 1869 p 303 § 5; 1867 p 53 § 5; 1863 p 541 § 5; 1854 p 420 § 5; RRS § 4047. Cf. 1893 c 75 § 1; RRS § 4048.]

RCW 36.32.090 Special meetings—Joint special meetings. (1) The county legislative authority of each county may hold special meetings at the county seat or at a location designated in accordance with subsection (2) or (3) of this section to transact the business of the county. Notice of a special meeting shall be made as provided in RCW 42.30.080.

(2) A special meeting may be held outside of the county seat at any location within the county if the agenda item or items are of

unique interest or concern to the citizens of the portion of the county in which the special meeting is to be held.

(3) Any two or more county legislative authorities may hold a joint special meeting at the county seat or other agreed upon location within the jurisdiction of a participating county if the agenda item or items relate to actions or considerations of mutual interest or concern to the participating legislative authorities. [2015 c 74 § 2; 1989 c 16 § 2; 1963 c 4 § 36.32.090. Prior: Code 1881 § 2669; 1869 p 304 § 7; 1867 p 53 § 7; 1863 p 541 § 7; 1854 p 420 § 7; RRS § 4049. Cf. 1893 c 75 § 2; RRS § 4050.]

RCW 36.32.100 Chair of board—Election, powers. The board of county commissioners at their first session after the general election shall elect one of its number to preside at its meetings. He or she shall sign all documents requiring the signature of the board, and his or her signature as chair of the board shall be as legal and binding as if all members had affixed their names. In case the chair is absent at any meeting of the board, all documents requiring the signature of the board shall be signed by both members present. [2009 c 549 § 4065; 1963 c 4 § 36.32.100. Prior: Code 1881 § 2676; 1869 p 305 § 14; 1867 p 55 § 14; 1863 p 542 § 14; 1854 p 421 § 14; RRS § 4051.]

RCW 36.32.110 Clerk of board. The county auditor shall be the clerk of the board of county commissioners unless the board of county commissioners designates one of its employees to serve as clerk who shall attend its meetings and keep a record of its proceedings. [1981 c 240 § 1; 1963 c 4 § 36.32.110. Prior: Code 1881 § 2668; 1869 p 304 § 6; 1867 p 53 § 6; 1863 p 541 § 6; 1854 p 420 § 6; RRS § 4052.]

RCW 36.32.120 Powers of legislative authorities. The legislative authorities of the several counties shall:

(1) Provide for the erection and repairing of courthouses, jails, and other necessary public buildings for the use of the county;

(2) Lay out, discontinue, or alter county roads and highways within their respective counties, and do all other necessary acts relating thereto according to law, except within cities and towns which have jurisdiction over the roads within their limits;

(3) License and fix the rates of ferriage; grant grocery and other licenses authorized by law to be by them granted at fees set by the legislative authorities which shall not exceed the costs of administration and operation of such licensed activities;

(4) Fix the amount of county taxes to be assessed according to the provisions of law, and cause the same to be collected as prescribed by law;

(5) Allow all accounts legally chargeable against the county not otherwise provided for, and audit the accounts of all officers having the care, management, collection, or disbursement of any money belonging to the county or appropriated to its benefit;

(6) Have the care of the county property and the management of the county funds and business and in the name of the county prosecute and defend all actions for and against the county, and such other powers as are or may be conferred by law;

(7) Make and enforce, by appropriate resolutions or ordinances, all such police and sanitary regulations as are not in conflict with state law, and within the unincorporated area of the county may adopt by reference Washington state statutes and recognized codes and/or compilations printed in book form relating to the construction of buildings, the installation of plumbing, the installation of electric wiring, health, or other subjects, and may adopt such codes and/or compilations or portions thereof, together with amendments thereto, or additions thereto: PROVIDED, That except for Washington state statutes, there shall be filed in the county auditor's office one copy of such codes and compilations ten days prior to their adoption by reference, and additional copies may also be filed in library or city offices within the county as deemed necessary by the county legislative authority: PROVIDED FURTHER, That no such regulation, code, compilation, and/or statute shall be effective unless before its adoption, a public hearing has been held thereon by the county legislative authority of which at least ten days' notice has been given. Any violation of such regulations, ordinances, codes, compilations, and/or statutes or resolutions shall constitute a misdemeanor or a civil violation subject to a monetary penalty: PROVIDED FURTHER, That violation of a regulation, ordinance, code, compilation, and/or statute relating to traffic including parking, standing, stopping, and pedestrian offenses is a traffic infraction, except that violation of a regulation, ordinance, code, compilation, and/or statute equivalent to those provisions of Title 46 RCW set forth in RCW 46.63.020 remains a misdemeanor. However, the punishment for any criminal ordinance shall be the same as the punishment provided in state law for the same crime and no act that is a state crime may be made a civil violation. The notice must set out a copy of the proposed regulations or summarize the content of each proposed regulation; or if a code is adopted by reference the notice shall set forth the full official title and a statement describing the general purpose of such code. For purposes of this subsection, a summary shall mean a brief description which succinctly describes the main points of the proposed regulation. When the county publishes a summary, the publication shall include a statement that the full text of the proposed regulation will be mailed upon request. An inadvertent mistake or omission in publishing the text or a summary of the content of a proposed regulation shall not render the regulation invalid if it is adopted. The notice shall also include the day, hour, and place of hearing and must be given by publication in the newspaper in which legal notices of the county are printed;

(8) Have power to compound and release in whole or in part any debt due to the county when in their opinion the interest of their county will not be prejudiced thereby, except in cases where they or any of them are personally interested;

(9) Have power to administer oaths or affirmations necessary in the discharge of their duties and commit for contempt any witness refusing to testify before them with the same power as district judges;

(10) Have power to declare by ordinance what shall be deemed a nuisance within the county, including but not limited to "litter" and "potentially dangerous litter" as defined in RCW 70A.200.030; to prevent, remove, and abate a nuisance at the expense of the parties creating, causing, or committing the nuisance; and to levy a special assessment on the land or premises on which the nuisance is situated to defray the cost, or to reimburse the county for the cost of abating

it. This assessment shall constitute a lien against the property which shall be of equal rank with state, county, and municipal taxes. [2020 c 20 § 1019; 2003 c 337 § 6; 1994 c 301 § 8; 1993 c 83 § 9; 1989 c 378 § 39; 1988 c 168 § 8; 1987 c 202 § 206; 1986 c 278 § 2; 1985 c 91 § 1; 1982 c 226 § 3; 1979 ex.s. c 136 § 35; 1975 1st ex.s. c 216 § 1; 1967 ex.s. c 59 § 1; 1963 c 4 § 36.32.120. Prior: 1961 c 27 § 2; prior: (i) 1947 c 61 § 1; 1943 c 199 § 1; Code 1881 § 2673; 1869 p 305 § 11; 1867 p 54 § 11; 1863 p 542 § 11; 1854 p 421 § 11; Rem. Supp. 1947 § 4056. (ii) Code 1881 § 2681; 1869 p 307 § 20; 1867 p 56 § 20; 1863 p 543 § 20; 1854 p 422 § 20; RRS § 4061. (iii) Code 1881 § 2687; 1869 p 308 § 26; 1867 p 57 § 26; 1863 p 545 § 28; 1854 p 423 § 22; RRS § 4071.]

Findings—2003 c 337: See note following RCW 70A.200.060.

Effective date—1993 c 83: See note following RCW 35.21.163.

Intent—1987 c 202: See note following RCW 2.04.190.

Severability—1986 c 278: See note following RCW 36.01.010.

Effective date—1982 c 226: See note following RCW 35.21.180.

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

RCW 36.32.121 Community revitalization financing—Public improvements. In addition to other authority that a county possesses, a county may provide any public improvement as defined under RCW 39.89.020, but this additional authority is limited to participating in the financing of the public improvements as provided under RCW 39.89.050.

This section does not limit the authority of a county to otherwise participate in the public improvements if that authority exists elsewhere. [2001 c 212 § 13.]

RCW 36.32.122 Authority to regulate massage therapists—Limitations. (1) A state licensed massage therapist seeking a county license to operate a massage business must provide verification of his or her state massage license as provided for in RCW 18.108.030.

(2) The county may charge a licensing or operating fee, but the fee charged a state licensed massage therapist shall not exceed the licensing or operating fee imposed on similar health care providers, such as physical therapists or occupational therapists, operating within the same county.

(3) A state licensed massage therapist is not subject to additional licensing requirements not currently imposed on similar health care providers, such as physical therapists or occupational therapists. [2016 c 41 § 25; 1991 c 182 § 3.]

Effective date—2016 c 41: See note following RCW 18.108.010.

RCW 36.32.125 Adoption of certain regulations proscribed. Nothing in this chapter shall permit the counties to adopt, by

reference or by ordinance, regulations relating to the subject matter contained in chapters 19.28, 43.22, 70.79, or 70.87 RCW. [1971 ex.s. c 117 § 2.]

Adoption of provisions relating to electricians and electrical installations by ordinance proscribed: RCW 19.28.101.

RCW 36.32.127 Driving while under the influence of liquor or drugs—Minimum penalties. No county may establish a penalty for an act that constitutes the crime of driving while under the influence of intoxicating liquor or any drug, as provided for in RCW 46.61.502, or the crime of being in actual physical control of a motor vehicle while under the influence of intoxicating liquor or any drug, as provided in RCW 46.61.504, that is less than the penalties prescribed for those crimes in RCW 46.61.5055. [1995 c 332 § 9; 1994 c 275 § 37; 1983 c 165 § 41.]

Severability—Effective dates—1995 c 332: See notes following RCW 46.20.308.

Short title—Effective date—1994 c 275: See notes following RCW 46.04.015.

Legislative finding, intent—Effective dates—Severability—1983 c 165: See notes following RCW 46.20.308.

RCW 36.32.130 Postponement of action. When only two members are present at a meeting of the board, and a division takes place on any question, the matter under consideration shall be postponed to the next subsequent meeting. [1963 c 4 § 36.32.130. Prior: Code 1881 § 2671; 1869 p 304 § 9; 1867 p 53 § 9; 1863 p 541 § 9; 1854 p 421 § 9; RRS § 4055.]

RCW 36.32.135 Official seal. The county commissioners of each county shall have and use a seal for the purpose of sealing their proceedings, and copies of the same when signed and sealed by the said county commissioners, and attested by their clerk, shall be admitted as evidence of such proceedings in the trial of any cause in any court in this state; and until such seal shall be provided, the private seal of the chair of such board of county commissioners shall be adopted as a seal. [2009 c 549 § 4066; 1963 c 4 § 36.32.135. Prior: Code 1881 § 2672; 1854 p 421 § 10; RRS § 4069. Formerly RCW 36.16.080.]

RCW 36.32.140 Record of proceedings. The board of county commissioners shall cause to be recorded, in a book kept for that purpose, all their proceedings and determinations touching all matters properly cognizable before it; and all books, accounts, vouchers, and papers, touching the business or property of the county shall be carefully kept by the clerk, and be open to public inspection. [1963 c 4 § 36.32.140. Prior: Code 1881 § 2675; 1869 p 305 § 13; 1867 p 54 § 13; 1863 p 542 § 13; 1854 p 421 § 13; RRS § 4072.]

RCW 36.32.150 Transcribing mutilated records. The county commissioners shall, when any of the county records become so mutilated that their handling becomes dangerous to the safety of such records, and when in the judgment of the county commissioners it may become necessary to, order the transcribing of said records at a sum not exceeding eight cents per folio of one hundred words, in books to be provided for that purpose by the county. [1963 c 4 § 36.32.150. Prior: 1893 c 14 § 1; RRS § 4065.]

RCW 36.32.155 Transcribing mutilated records—Prior transcribing validated. All records transcribed by order of any board of county commissioners in this state prior to the effective date of chapter 14, Laws of 1893, shall be and are hereby declared the legal records of said county the same as if transcribed under the provisions of RCW 36.32.150 through 36.32.170. [1963 c 4 § 36.32.155. Prior: 1893 c 14 § 4; RRS § 4068.]

RCW 36.32.160 Transcribing mutilated records—Auditor to direct transcribing, certify. The books containing the transcribed records shall be certified by the county auditor, under whose direction the transcribing was done, as being true copies of the original. [1963 c 4 § 36.32.160. Prior: 1893 c 14 § 2; RRS § 4066.]

RCW 36.32.170 Transcribing mutilated records—Original records to be preserved. All the original record books, after the transcribing thereof, shall be filed away in the auditor's office and only be used in case of contest on the correctness of the transcribed records. [1963 c 4 § 36.32.170. Prior: 1893 c 14 § 3; RRS § 4067.]

RCW 36.32.200 Special attorneys, employment of. It shall be unlawful for a county legislative authority to employ or contract with any attorney or counsel to perform any duty which any prosecuting attorney is authorized or required by law to perform, unless the contract of employment of such attorney or counsel has been first reduced to writing and approved by the presiding superior court judge of the county in writing endorsed thereon. This section shall not prohibit the appointment of deputy prosecuting attorneys in the manner provided by law.

Any contract written pursuant to this section shall be limited to two years in duration. [1983 c 129 § 1; 1963 c 4 § 36.32.200. Prior: 1905 c 25 § 1; RRS § 4075.]

RCW 36.32.210 Inventory of county capitalized assets. Each board of county commissioners of the several counties of the state of Washington shall file with the auditor of the county a full and complete inventory of all capitalized assets kept in accordance with standards established by the state auditor. [2017 c 37 § 1; 2003 c 53 § 204; 1997 c 245 § 3; 1995 c 194 § 5; 1969 ex.s. c 182 § 2; 1963 c 108 § 1; 1963 c 4 § 36.32.210. Prior: 1931 c 95 § 1; RRS § 4056-1. FORMER PARTS OF SECTION: (i) 1931 c 95 § 2; RRS § 4056-2, now codified

as RCW 36.32.213. (ii) 1931 c 95 § 3; RRS § 4056-3, now codified as RCW 36.32.215.]

Intent—Effective date—2003 c 53: See notes following RCW 2.48.180.

State building code: Chapter 19.27 RCW.

RCW 36.32.232 Contract goals for county electric ferry vessel procurement. To increase small business participation in ferry vessel procurement, the Washington state department of transportation's office of equal opportunity shall establish contract goals for county electric ferry vessel procurement.

(1) The contract goal is defined as a percentage of the contract award amount that the prime contractor must meet by subcontracting with small business enterprises.

(2) Small business enterprises intending to benefit from the small business enterprise enforceable goals program established in this section must meet the definition of "small business" in RCW 39.26.010. [2021 c 224 § 2.]

RCW 36.32.234 Competitive bids—Electric ferries. Any county may use the following competitive bidding procedures for procurement and design of electric ferries:

(1)(a) After bids that are submitted in response to a competitive solicitation process are reviewed by the awarding county, the awarding county may:

(i) Reject all bids and rebid or cancel the competitive solicitation;

(ii) Request best and final offers from responsive and responsible bidders; or

(iii) Award the purchase or contract to the lowest responsive and responsible bidder.

(b) The county may award one or more contracts from a competitive solicitation.

(2) In determining whether the bidder is a responsible bidder, the county must consider the following elements:

(a) The ability, capacity, and skill of the bidder to perform the contract or provide the service required;

(b) The character, integrity, reputation, judgment, experience, and efficiency of the bidder;

(c) Whether the bidder can perform the contract within the time specified;

(d) The quality of performance of previous contracts or services;

(e) The previous and existing compliance by the bidder with laws relating to the contract or services;

(f) Whether, within the three-year period immediately preceding the date of the bid solicitation, the bidder has been determined by a final and binding citation and notice of assessment issued by the department of labor and industries or through a civil judgment entered by a court of limited or general jurisdiction to have willfully violated, as defined in RCW 49.48.082, any provision of chapter 49.46, 49.48, or 49.52 RCW; and

(g) Such other information as may be secured having a bearing on the decision to award the contract.

(3) Due to the unique aspects of electric ferry design and the importance of well-integrated ship and shore equipment, in determining the lowest responsive and responsible bidder for the design and procurement of an electric ferry, a county may consider best value criteria, including but not limited to:

(a) Whether the bid satisfies the needs of the county as specified in the solicitation documents;

(b) Whether the bid encourages diverse contractor participation;

(c) Whether the bid provides competitive pricing, economies, and efficiencies;

(d) Whether the bid considers human health and environmental impacts;

(e) Whether the bid appropriately weighs cost and noncost considerations;

(f) Life-cycle cost;

(g) Project manager capabilities, including subcontractor management;

(h) Proposed approach to overall project plan, including integration, commissioning, and acceptance testing; and

(i) Demonstrated contractor and subcontractor technical knowledge or specific technical capabilities to meet technical elements of the design specified in the bid documents.

(4) The solicitation document must clearly set forth the requirements and criteria that the contract will apply in evaluating bid submissions. Before award of a contract, a bidder shall submit to the contracting county a signed statement in accordance with chapter 5.50 RCW verifying under penalty of perjury that the bidder is in compliance with the responsible bidder criteria requirement of subsection (2)(f) of this section. A contracting county may award a contract in reasonable reliance upon such a sworn statement.

(5) The awarding county may at its discretion reject the bid of any contractor who has failed to perform satisfactorily on a previous contract with the county.

(6) After reviewing all bid submissions, a county may enter into negotiations with the lowest responsive and responsible bidder in order to determine if the bid may be improved. A county may not use this negotiation opportunity to permit a bidder to change a nonresponsive bid into a responsive bid.

(7) Except as provided in (a) of this subsection, all proceedings, records, contracts, and other public records relating to electric ferry design and procurement under this chapter shall be open to the inspection of any interested person, firm, or corporation in accordance with chapter 42.56 RCW.

(a) Trade secrets, as defined in RCW 19.108.010, or other proprietary information submitted by a bidder, offeror, or contractor in connection with electric ferry design and procurement under this chapter shall be exempt from disclosure under chapter 42.56 RCW pursuant to RCW 42.56.270 (1) and (2) if the bidder, offeror, or contractor specifically states in writing at the time specific identified materials or information is submitted to the county the reasons why protection is necessary and identifies the data or materials to be protected, and the county concurs that disclosure would harm the competitive position of the entity submitting the material and that disclosure would not serve public interest in ensuring fair and open competition for procurement.

(b) All documents related to a procurement under chapter 224, Laws of 2021 are exempt from disclosure until the notification of the highest scoring finalist is made or the selection process is terminated.

(8) Where critical equipment selections can be made to mature a ferry design, reducing cost and performance risk in shipyard contracts, these selections may be made and the chosen vendors specified by name in bid specifications without allowing substitutions. Counties and their consultants may evaluate cost and noncost considerations when making these selections provided that the selection is made in good faith to identify the equipment best suited to the county's needs.

(9) For purposes of this section, a county may designate a public works department as an alternative to the purchasing department as the lead agency for the design and procurement of electric ferries. [2021 c 224 § 1.]

RCW 36.32.235 Competitive bids—Purchasing department—Counties with a population of four hundred thousand or more—Public works procedures—Riverine and stormwater projects—Exceptions. (Effective until July 1, 2024.) (1) In each county which by resolution establishes a county purchasing department, the purchasing department shall enter into leases of personal property on a competitive basis and purchase all supplies, materials, and equipment on a competitive basis, for all departments of the county, as provided in this chapter and chapter 39.04 RCW, except that the county purchasing department is not required to make purchases that are paid from the county road fund or equipment rental and revolving fund.

(2) As used in this section:

(a) "Public works" has the same definition as in RCW 39.04.010.

(b) "Riverine project" means a project of construction, alteration, repair, replacement, or improvement other than ordinary maintenance, executed at the cost of the state or of any municipality, or which is by law a lien or charge on any property, carried out on a river or stream and its tributaries and associated floodplains, beds, banks, and waters for the purpose of improving aquatic habitat, improving water quality, restoring floodplain function, or providing flood protection.

(c) "Stormwater project" means a project of construction, alteration, repair, replacement, or improvement other than ordinary maintenance, executed at the cost of the state or of any municipality, or which is by law a lien or charge on any property, carried out on a municipal separate storm sewer system, and any connections to the system, that is regulated under a state-issued national pollutant discharge elimination system general municipal stormwater permit for the purpose of improving control of stormwater runoff quantity and quality from developed land, safely conveying stormwater runoff, or reducing erosion or other water quality impacts caused by municipal separate storm sewer system discharges.

(3) Except as otherwise specified in this chapter or in chapter 36.77 RCW, all counties subject to these provisions shall contract on a competitive basis for all public works after bids have been submitted to the county upon specifications therefor. Such specifications shall be in writing and shall be filed with the clerk of the county legislative authority for public inspection.

(4) An advertisement shall be published in the county official newspaper stating the time and place where bids will be opened, the time after which bids will not be received, the character of the work to be done, the materials and equipment to be furnished, and that specifications therefor may be seen at the office of the clerk of the county legislative authority. An advertisement shall also be published in a legal newspaper of general circulation in or as near as possible to that part of the county in which such work is to be done. If the county official newspaper is a newspaper of general circulation covering at least forty percent of the residences in that part of the county in which such public works are to be done, then the publication of an advertisement of the applicable specifications in the county official newspaper is sufficient. Such advertisements shall be published at least once at least thirteen days prior to the last date upon which bids will be received.

(5) The bids shall be in writing, may be in either hard copy or electronic form as specified by the county, shall be filed with the clerk, shall be opened and read in public at the time and place named therefor in the advertisements, and, after being opened, shall be filed for public inspection. No bid may be considered for public work unless it is accompanied by a bid deposit in the form of a surety bond, postal money order, cash, cashier's check, or certified check in an amount equal to five percent of the amount of the bid proposed.

(6) The contract for the public work shall be awarded to the lowest responsible bidder. Any or all bids may be rejected for good cause. The county legislative authority shall require from the successful bidder for such public work a contractor's bond in the amount and with the conditions imposed by law.

(7) If the bidder to whom the contract is awarded fails to enter into the contract and furnish the contractor's bond as required within ten days after notice of the award, exclusive of the day of notice, the amount of the bid deposit shall be forfeited to the county and the contract awarded to the next lowest and best bidder. The bid deposit of all unsuccessful bidders shall be returned after the contract is awarded and the required contractor's bond given by the successful bidder is accepted by the county legislative authority. Immediately after the award is made, the bid quotations obtained shall be recorded and open to public inspection and shall be available by telephone inquiry.

(8) As limited by subsection (11) of this section, a county subject to these provisions may have public works performed by county employees in any annual or biennial budget period equal to a dollar value not exceeding ten percent of the public works construction budget, including any amount in a supplemental public works construction budget, over the budget period.

Whenever a county subject to these provisions has had public works performed in any budget period up to the maximum permitted amount for that budget period, all remaining public works except emergency work under subsection (13) of this section within that budget period shall be done by contract pursuant to public notice and call for competitive bids as specified in subsection (3) of this section. The state auditor shall report to the state treasurer any county subject to these provisions that exceeds this amount and the extent to which the county has or has not reduced the amount of public works it has performed by public employees in subsequent years.

(9) A county may procure public works with a unit priced contract under this section for the purpose of completing anticipated types of

work based on hourly rates or unit pricing for one or more categories of work or trades.

(a) For the purposes of this section, "unit priced contract" means a competitively bid contract in which public works are anticipated on a recurring basis to meet the business or operational needs of the county, under which the contractor agrees to a fixed period indefinite quantity delivery of work, at a defined unit price for each category of work.

(b) Unit priced contracts must be executed for an initial contract term not to exceed one year, with the county having the option of extending or renewing the unit priced contract for one additional year.

(c) Invitations for unit price bids shall include, for purposes of the bid evaluation, estimated quantities of the anticipated types of work or trades, and specify how the county will issue or release work assignments, work orders, or task authorizations pursuant to a unit priced contract for projects, tasks, or other work based on the hourly rates or unit prices bid by the contractor. The contract must be awarded to the lowest responsible bidder as defined under RCW 39.04.010. Whenever possible, the county must invite at least one bid from a certified minority or woman contractor who otherwise qualifies under this section.

(d) Unit price contractors shall pay prevailing wages for all work that would otherwise be subject to the requirements of chapter 39.12 RCW. Prevailing wages for all work performed pursuant to each work order must be the prevailing wage rates in effect at the beginning date for each contract year. Unit priced contracts must have prevailing wage rates updated annually. Intents and affidavits for prevailing wages paid must be submitted annually for all work completed within the previous twelve-month period of the unit priced contract.

(10) If a county subject to these provisions has public works performed by public employees in any budget period that are in excess of this ten percent limitation, the amount in excess of the permitted amount shall be reduced from the otherwise permitted amount of public works that may be performed by public employees for that county in its next budget period. Ten percent of the motor vehicle fuel tax distributions to that county shall be withheld if two years after the year in which the excess amount of work occurred, the county has failed to so reduce the amount of public works that it has performed by public employees. The amount withheld shall be distributed to the county when it has demonstrated in its reports to the state auditor that the amount of public works it has performed by public employees has been reduced as required.

(11) In addition to the percentage limitation provided in subsection (8) of this section, counties subject to these provisions containing a population of four hundred thousand or more shall not have public employees perform: A public works project in excess of ninety thousand dollars if more than a single craft or trade is involved with the public works project, a riverine project or stormwater project in excess of two hundred fifty thousand dollars if more than a single craft or trade is involved with the riverine project or stormwater project, a public works project in excess of forty-five thousand dollars if only a single craft or trade is involved with the public works project, or a riverine project or stormwater project in excess of one hundred twenty-five thousand dollars if only a single craft or trade is involved with the riverine

project or stormwater project. A public works project, a riverine project, and a stormwater project means a complete project. The restrictions in this subsection do not permit the division of the project into units of work or classes of work to avoid the restriction on work that may be performed by public employees on a single project.

The cost of a separate public works project shall be the costs of materials, supplies, equipment, and labor on the construction of that project. The value of the public works budget shall be the value of all the separate public works projects within the budget.

(12) In addition to the accounting and recordkeeping requirements contained in chapter 39.04 RCW, any county which uses public employees to perform public works projects under RCW 36.32.240(1) shall prepare a year-end report to be submitted to the state auditor indicating the total dollar amount of the county's public works construction budget and the total dollar amount for public works projects performed by public employees for that year.

The year-end report submitted pursuant to this subsection to the state auditor shall be in accordance with the standard form required by RCW 43.09.205.

(13) Notwithstanding any other provision in this section, counties may use public employees without any limitation for emergency work performed under an emergency declared pursuant to RCW 36.32.270, and any such emergency work shall not be subject to the limitations of this section. Publication of the description and estimate of costs relating to correcting the emergency may be made within seven days after the commencement of the work. Within two weeks of the finding that such an emergency existed, the county legislative authority shall adopt a resolution certifying the damage to public facilities and costs incurred or anticipated relating to correcting the emergency. Additionally this section shall not apply to architectural and engineering or other technical or professional services performed by public employees in connection with a public works project.

(14) In lieu of the procedures of subsections (3) through (12) of this section, a county may let contracts using the small works roster process provided in RCW 39.04.155.

Whenever possible, the county shall invite at least one proposal from a certified minority or woman contractor who shall otherwise qualify under this section.

(15) The allocation of public works projects to be performed by county employees shall not be subject to a collective bargaining agreement.

(16) This section does not apply to performance-based contracts, as defined in *RCW 39.35A.020(4), that are negotiated under chapter 39.35A RCW.

(17) Nothing in this section prohibits any county from allowing for preferential purchase of products made from recycled materials or products that may be recycled or reused.

(18) This section does not apply to contracts between the public stadium authority and a team affiliate under RCW 36.102.060(4), or development agreements between the public stadium authority and a team affiliate under RCW 36.102.060(7) or leases entered into under RCW 36.102.060(8). [2019 c 434 § 8. Prior: 2016 c 95 § 8; 2016 c 19 § 8; 2009 c 229 § 6; 2000 c 138 § 206; 1997 c 220 § 401 (Referendum Bill No. 48, approved June 17, 1997); 1996 c 219 § 2.]

***Reviser's note:** RCW 39.35A.020 was amended by 2022 c 128 § 2, changing subsection (4) to subsection (6).

Finding—Intent—2019 c 434: See note following RCW 35.23.352.

Intent—2016 c 95: See note following RCW 36.62.252.

Intent—2016 c 19: See note following RCW 36.87.120.

Purpose—Part headings not law—2000 c 138: See notes following RCW 39.04.155.

Referendum—Other legislation limited—Legislators' personal intent not indicated—Reimbursements for election—Voters' pamphlet, election requirements—1997 c 220: See RCW 36.102.800 through 36.102.803.

RCW 36.32.235 Competitive bids—Purchasing department—Counties with a population of 400,000 or more—Public works procedures—Riverine and stormwater projects—Exceptions. (Effective July 1, 2024.) (1) In each county which by resolution establishes a county purchasing department, the purchasing department shall enter into leases of personal property on a competitive basis and purchase all supplies, materials, and equipment on a competitive basis, for all departments of the county, as provided in this chapter and chapter 39.04 RCW, except that the county purchasing department is not required to make purchases that are paid from the county road fund or equipment rental and revolving fund.

(2) As used in this section:

(a) "Public works" has the same definition as in RCW 39.04.010.

(b) "Riverine project" means a project of construction, alteration, repair, replacement, or improvement other than ordinary maintenance, executed at the cost of the state or of any municipality, or which is by law a lien or charge on any property, carried out on a river or stream and its tributaries and associated floodplains, beds, banks, and waters for the purpose of improving aquatic habitat, improving water quality, restoring floodplain function, or providing flood protection.

(c) "Stormwater project" means a project of construction, alteration, repair, replacement, or improvement other than ordinary maintenance, executed at the cost of the state or of any municipality, or which is by law a lien or charge on any property, carried out on a municipal separate storm sewer system, and any connections to the system, that is regulated under a state-issued national pollutant discharge elimination system general municipal stormwater permit for the purpose of improving control of stormwater runoff quantity and quality from developed land, safely conveying stormwater runoff, or reducing erosion or other water quality impacts caused by municipal separate storm sewer system discharges.

(3) Except as otherwise specified in this chapter or in chapter 36.77 RCW, all counties subject to these provisions shall contract on a competitive basis for all public works after bids have been submitted to the county upon specifications therefor. Such specifications shall be in writing and shall be filed with the clerk of the county legislative authority for public inspection.

(4) An advertisement shall be published in the county official newspaper stating the time and place where bids will be opened, the time after which bids will not be received, the character of the work

to be done, the materials and equipment to be furnished, and that specifications therefor may be seen at the office of the clerk of the county legislative authority. An advertisement shall also be published in a legal newspaper of general circulation in or as near as possible to that part of the county in which such work is to be done. If the county official newspaper is a newspaper of general circulation covering at least 40 percent of the residences in that part of the county in which such public works are to be done, then the publication of an advertisement of the applicable specifications in the county official newspaper is sufficient. Such advertisements shall be published at least once at least 13 days prior to the last date upon which bids will be received.

(5) The bids shall be in writing, may be in either hard copy or electronic form as specified by the county, shall be filed with the clerk, shall be opened and read in public at the time and place named therefor in the advertisements, and, after being opened, shall be filed for public inspection. No bid may be considered for public work unless it is accompanied by a bid deposit in the form of a surety bond, postal money order, cash, cashier's check, or certified check in an amount equal to five percent of the amount of the bid proposed.

(6) The contract for the public work shall be awarded to the lowest responsible bidder. Any or all bids may be rejected for good cause. The county legislative authority shall require from the successful bidder for such public work a contractor's bond in the amount and with the conditions imposed by law.

(7) If the bidder to whom the contract is awarded fails to enter into the contract and furnish the contractor's bond as required within 10 days after notice of the award, exclusive of the day of notice, the amount of the bid deposit shall be forfeited to the county and the contract awarded to the next lowest and best bidder. The bid deposit of all unsuccessful bidders shall be returned after the contract is awarded and the required contractor's bond given by the successful bidder is accepted by the county legislative authority. Immediately after the award is made, the bid quotations obtained shall be recorded and open to public inspection and shall be available by telephone inquiry.

(8) As limited by subsection (11) of this section, a county subject to these provisions may have public works performed by county employees in any annual or biennial budget period equal to a dollar value not exceeding ten percent of the public works construction budget, including any amount in a supplemental public works construction budget, over the budget period.

Whenever a county subject to these provisions has had public works performed in any budget period up to the maximum permitted amount for that budget period, all remaining public works except emergency work under subsection (13) of this section within that budget period shall be done by contract pursuant to public notice and call for competitive bids as specified in subsection (3) of this section. The state auditor shall report to the state treasurer any county subject to these provisions that exceeds this amount and the extent to which the county has or has not reduced the amount of public works it has performed by public employees in subsequent years.

(9) A county may procure public works with a unit priced contract under this section for the purpose of completing anticipated types of work based on hourly rates or unit pricing for one or more categories of work or trades.

(a) For the purposes of this section, "unit priced contract" means a competitively bid contract in which public works are anticipated on a recurring basis to meet the business or operational needs of the county, under which the contractor agrees to a fixed period indefinite quantity delivery of work, at a defined unit price for each category of work.

(b) Unit priced contracts must be executed for an initial contract term not to exceed one year, with the county having the option of extending or renewing the unit priced contract for one additional year.

(c) Invitations for unit price bids shall include, for purposes of the bid evaluation, estimated quantities of the anticipated types of work or trades, and specify how the county will issue or release work assignments, work orders, or task authorizations pursuant to a unit priced contract for projects, tasks, or other work based on the hourly rates or unit prices bid by the contractor. The contract must be awarded to the lowest responsible bidder as defined under RCW 39.04.010. Whenever possible, the county must invite at least one bid from a certified minority or woman contractor who otherwise qualifies under this section.

(d) Unit price contractors shall pay prevailing wages for all work that would otherwise be subject to the requirements of chapter 39.12 RCW. Prevailing wages for all work performed pursuant to each work order must be the prevailing wage rates in effect at the beginning date for each contract year. Unit priced contracts must have prevailing wage rates updated annually. Intents and affidavits for prevailing wages paid must be submitted annually for all work completed within the previous 12-month period of the unit priced contract.

(10) If a county subject to these provisions has public works performed by public employees in any budget period that are in excess of this ten percent limitation, the amount in excess of the permitted amount shall be reduced from the otherwise permitted amount of public works that may be performed by public employees for that county in its next budget period. Ten percent of the motor vehicle fuel tax distributions to that county shall be withheld if two years after the year in which the excess amount of work occurred, the county has failed to so reduce the amount of public works that it has performed by public employees. The amount withheld shall be distributed to the county when it has demonstrated in its reports to the state auditor that the amount of public works it has performed by public employees has been reduced as required.

(11) In addition to the percentage limitation provided in subsection (8) of this section, counties subject to these provisions containing a population of 400,000 or more shall not have public employees perform: A public works project in excess of \$90,000 if more than a single craft or trade is involved with the public works project, a riverine project or stormwater project in excess of \$250,000 if more than a single craft or trade is involved with the riverine project or stormwater project, a public works project in excess of \$45,000 if only a single craft or trade is involved with the public works project, or a riverine project or stormwater project in excess of \$125,000 if only a single craft or trade is involved with the riverine project or stormwater project. A public works project, a riverine project, and a stormwater project means a complete project. The restrictions in this subsection do not permit the division of the

project into units of work or classes of work to avoid the restriction on work that may be performed by public employees on a single project.

The cost of a separate public works project shall be the costs of materials, supplies, equipment, and labor on the construction of that project. The value of the public works budget shall be the value of all the separate public works projects within the budget.

(12) In addition to the accounting and recordkeeping requirements contained in chapter 39.04 RCW, any county which uses public employees to perform public works projects under RCW 36.32.240(1) shall prepare a year-end report to be submitted to the state auditor indicating the total dollar amount of the county's public works construction budget and the total dollar amount for public works projects performed by public employees for that year.

The year-end report submitted pursuant to this subsection to the state auditor shall be in accordance with the standard form required by RCW 43.09.205.

(13) Notwithstanding any other provision in this section, counties may use public employees without any limitation for emergency work performed under an emergency declared pursuant to RCW 36.32.270, and any such emergency work shall not be subject to the limitations of this section. Publication of the description and estimate of costs relating to correcting the emergency may be made within seven days after the commencement of the work. Within two weeks of the finding that such an emergency existed, the county legislative authority shall adopt a resolution certifying the damage to public facilities and costs incurred or anticipated relating to correcting the emergency. Additionally this section shall not apply to architectural and engineering or other technical or professional services performed by public employees in connection with a public works project.

(14) In lieu of the procedures of subsections (3) through (12) of this section, a county may let contracts using the small works roster process provided in RCW 39.04.151 through 39.04.154.

Whenever possible, the county shall invite at least one proposal from a certified minority or woman contractor who shall otherwise qualify under this section.

(15) The allocation of public works projects to be performed by county employees shall not be subject to a collective bargaining agreement.

(16) This section does not apply to performance-based contracts, as defined in RCW 39.35A.020(6), that are negotiated under chapter 39.35A RCW.

(17) Nothing in this section prohibits any county from allowing for preferential purchase of products made from recycled materials or products that may be recycled or reused.

(18) This section does not apply to contracts between the public stadium authority and a team affiliate under RCW 36.102.060(4), or development agreements between the public stadium authority and a team affiliate under RCW 36.102.060(7) or leases entered into under RCW 36.102.060(8). [2023 c 395 § 24; 2019 c 434 § 8. Prior: 2016 c 95 § 8; 2016 c 19 § 8; 2009 c 229 § 6; 2000 c 138 § 206; 1997 c 220 § 401 (Referendum Bill No. 48, approved June 17, 1997); 1996 c 219 § 2.]

Effective date—2023 c 395 §§ 1-30, 32-34, 36, and 37: See note following RCW 39.04.010.

Findings—Intent—2023 c 395: See note following RCW 39.04.010.

Finding—Intent—2019 c 434: See note following RCW 35.23.352.

Intent—2016 c 95: See note following RCW 36.62.252.

Intent—2016 c 19: See note following RCW 36.87.120.

Purpose—Part headings not law—2000 c 138: See notes following RCW 39.04.155.

Referendum—Other legislation limited—Legislators' personal intent not indicated—Reimbursements for election—Voters' pamphlet, election requirements—1997 c 220: See RCW 36.102.800 through 36.102.803.

RCW 36.32.240 Competitive bids—Purchasing department—Counties with a population of less than four hundred thousand. (1) In any county the county legislative authority may by resolution establish a county purchasing department.

(2) In each county with a population of less than four hundred thousand which exercises this option, the purchasing department shall contract on a competitive basis for all public works, enter into leases of personal property on a competitive basis, and purchase all supplies, materials, and equipment, on a competitive basis, for all departments of the county, as provided in this chapter and chapter 39.04 RCW, except that the county purchasing department is not required to make purchases for the county hospital, or make purchases that are paid from the county road fund or equipment rental and revolving fund. [2009 c 229 § 7; 1996 c 219 § 1; 1993 c 198 § 5; 1991 c 363 § 57; 1985 c 169 § 8; 1983 c 3 § 77; 1974 ex.s. c 52 § 1; 1967 ex.s. c 144 § 15; 1963 c 4 § 36.32.240. Prior: 1961 c 169 § 1; 1949 c 33 § 1; 1945 c 61 § 1; Rem. Supp. 1949 § 10322-15.]

Purpose—Captions not law—1991 c 363: See notes following RCW 2.32.180.

Severability—1967 ex.s. c 144: See note following RCW 36.900.030.

RCW 36.32.245 Competitive bids—Requirements—Advertisements—Exceptions. (1) No contract for the purchase of materials, equipment, or supplies may be entered into by the county legislative authority or by any elected or appointed officer of the county until after bids have been submitted to the county. Bid specifications shall be in writing and shall be filed with the clerk of the county legislative authority for public inspection. An advertisement shall be published in the official newspaper of the county stating the time and place where bids will be opened, the time after which bids will not be received, the materials, equipment, supplies, or services to be purchased, and that the specifications may be seen at the office of the clerk of the county legislative authority. The advertisement shall be published at least once at least thirteen days prior to the last date upon which bids will be received.

(2) The bids shall be in writing, may be in either hard copy or electronic form as specified by the county, and shall be filed with

the clerk. The bids shall be opened and read in public at the time and place named in the advertisement. Contracts requiring competitive bidding under this section may be awarded only to the lowest responsible bidder. Immediately after the award is made, the bid quotations shall be recorded and open to public inspection and shall be available by telephone inquiry. Any or all bids may be rejected for good cause.

(3) For advertisement and formal sealed bidding to be dispensed with as to purchases between ten thousand and fifty thousand dollars, the county legislative authority must use the uniform process to award contracts as provided in RCW 39.04.190. Advertisement and formal sealed bidding may be dispensed with as to purchases of less than ten thousand dollars upon the order of the county legislative authority.

(4) This section does not apply to performance-based contracts, as defined in *RCW 39.35A.020(4), that are negotiated under chapter 39.35A RCW; or contracts and purchases for the printing of election ballots, voting machine labels, and all other election material containing the names of candidates and ballot titles.

(5) Nothing in this section shall prohibit the legislative authority of any county from allowing for preferential purchase of products made from recycled materials or products that may be recycled or reused.

(6) This section does not apply to contracting for public defender services by a county. [2016 c 95 § 9; 2007 c 88 § 1. Prior: 1993 c 233 § 1; 1993 c 198 § 7; 1991 c 363 § 62.]

***Reviser's note:** RCW 39.35A.020 was amended by 2022 c 128 § 2, changing subsection (4) to subsection (6).

Intent—2016 c 95: See note following RCW 36.62.252.

Purpose—Captions not law—1991 c 363: See notes following RCW 2.32.180.

RCW 36.32.250 Competitive bids—Contract procedure—Contracts under forty thousand dollars—Small works roster process. (Effective until July 1, 2024.) No contract for public works may be entered into by the county legislative authority or by any elected or appointed officer of the county until after bids have been submitted to the county upon specifications therefor. Such specifications shall be in writing and shall be filed with the clerk of the county legislative authority for public inspection. An advertisement shall be published in the county official newspaper stating the time and place where bids will be opened, the time after which bids will not be received, the character of the work to be done, the materials and equipment to be furnished, and that specifications therefor may be seen at the office of the clerk of the county legislative authority. An advertisement shall also be published in a legal newspaper of general circulation in or as near as possible to that part of the county in which such work is to be done. If the county official newspaper is a newspaper of general circulation covering at least forty percent of the residences in that part of the county in which such public works are to be done, then the publication of an advertisement of the applicable specifications in the county official newspaper shall be sufficient. Such advertisements shall be published at least once at least thirteen days prior to the last date upon which bids will be received. The bids

shall be in writing, shall be filed with the clerk, shall be opened and read in public at the time and place named therefor in the advertisements, and after being opened, shall be filed for public inspection. No bid may be considered for public work unless it is accompanied by a bid deposit in the form of a surety bond, postal money order, cash, cashier's check, or certified check in an amount equal to five percent of the amount of the bid proposed. The contract for the public work shall be awarded to the lowest responsible bidder. Any or all bids may be rejected for good cause. The county legislative authority shall require from the successful bidder for such public work a contractor's bond in the amount and with the conditions imposed by law. If the bidder to whom the contract is awarded fails to enter into the contract and furnish the contractor's bond as required within ten days after notice of the award, exclusive of the day of notice, the amount of the bid deposit shall be forfeited to the county and the contract awarded to the next lowest and best bidder. A low bidder who claims error and fails to enter into a contract is prohibited from bidding on the same project if a second or subsequent call for bids is made for the project. The bid deposit of all unsuccessful bidders shall be returned after the contract is awarded and the required contractor's bond given by the successful bidder is accepted by the county legislative authority. In the letting of any contract for public works involving less than forty thousand dollars, advertisement and competitive bidding may be dispensed with on order of the county legislative authority. Immediately after the award is made, the bid quotations obtained shall be recorded and open to public inspection and shall be available by telephone inquiry.

As an alternative to requirements under this section, a county may let contracts using the small works roster process under RCW 39.04.155.

This section does not apply to performance-based contracts, as defined in *RCW 39.35A.020(4), that are negotiated under chapter 39.35A RCW. [2009 c 229 § 8; 2000 c 138 § 207; 1996 c 18 § 3; 1993 c 198 § 8; 1991 c 363 § 58. Prior: 1989 c 431 § 57; 1989 c 244 § 6; prior: 1985 c 369 § 1; 1985 c 169 § 9; 1977 ex.s. c 267 § 1; 1975 1st ex.s. c 230 § 1; 1967 ex.s. c 144 § 16; 1967 c 97 § 1; 1965 c 113 § 1; 1963 c 4 § 36.32.250; prior: 1945 c 61 § 2; Rem. Supp. 1945 § 10322-16.]

***Reviser's note:** RCW 39.35A.020 was amended by 2022 c 128 § 2, changing subsection (4) to subsection (6).

Purpose—Part headings not law—2000 c 138: See notes following RCW 39.04.155.

Purpose—Captions not law—1991 c 363: See notes following RCW 2.32.180.

Severability—1967 ex.s. c 144: See note following RCW 36.900.030.

Subcontractors to be identified by bidder, when: RCW 39.30.060.

RCW 36.32.250 Competitive bids—Contract procedure—Contracts under \$40,000—Small works roster process. (Effective July 1, 2024.)
No contract for public works may be entered into by the county

legislative authority or by any elected or appointed officer of the county until after bids have been submitted to the county upon specifications therefor. Such specifications shall be in writing and shall be filed with the clerk of the county legislative authority for public inspection. An advertisement shall be published in the county official newspaper stating the time and place where bids will be opened, the time after which bids will not be received, the character of the work to be done, the materials and equipment to be furnished, and that specifications therefor may be seen at the office of the clerk of the county legislative authority. An advertisement shall also be published in a legal newspaper of general circulation in or as near as possible to that part of the county in which such work is to be done. If the county official newspaper is a newspaper of general circulation covering at least forty percent of the residences in that part of the county in which such public works are to be done, then the publication of an advertisement of the applicable specifications in the county official newspaper shall be sufficient. Such advertisements shall be published at least once at least 13 days prior to the last date upon which bids will be received. The bids shall be in writing, shall be filed with the clerk, shall be opened and read in public at the time and place named therefor in the advertisements, and after being opened, shall be filed for public inspection. No bid may be considered for public work unless it is accompanied by a bid deposit in the form of a surety bond, postal money order, cash, cashier's check, or certified check in an amount equal to five percent of the amount of the bid proposed. The contract for the public work shall be awarded to the lowest responsible bidder. Any or all bids may be rejected for good cause. The county legislative authority shall require from the successful bidder for such public work a contractor's bond in the amount and with the conditions imposed by law. If the bidder to whom the contract is awarded fails to enter into the contract and furnish the contractor's bond as required within ten days after notice of the award, exclusive of the day of notice, the amount of the bid deposit shall be forfeited to the county and the contract awarded to the next lowest and best bidder. A low bidder who claims error and fails to enter into a contract is prohibited from bidding on the same project if a second or subsequent call for bids is made for the project. The bid deposit of all unsuccessful bidders shall be returned after the contract is awarded and the required contractor's bond given by the successful bidder is accepted by the county legislative authority. In the letting of any contract for public works involving less than forty thousand dollars, advertisement and competitive bidding may be dispensed with on order of the county legislative authority. Immediately after the award is made, the bid quotations obtained shall be recorded and open to public inspection and shall be available by telephone inquiry.

As an alternative to requirements under this section, a county may let contracts using the small works roster process under RCW 39.04.151 through 39.04.154.

This section does not apply to performance-based contracts, as defined in RCW 39.35A.020(6), that are negotiated under chapter 39.35A RCW. [2023 c 395 § 25; 2009 c 229 § 8; 2000 c 138 § 207; 1996 c 18 § 3; 1993 c 198 § 8; 1991 c 363 § 58. Prior: 1989 c 431 § 57; 1989 c 244 § 6; prior: 1985 c 369 § 1; 1985 c 169 § 9; 1977 ex.s. c 267 § 1; 1975 1st ex.s. c 230 § 1; 1967 ex.s. c 144 § 16; 1967 c 97 § 1; 1965 c 113 § 1; 1963 c 4 § 36.32.250; prior: 1945 c 61 § 2; Rem. Supp. 1945 § 10322-16.]

Effective date—2023 c 395 §§ 1-30, 32-34, 36, and 37: See note following RCW 39.04.010.

Findings—Intent—2023 c 395: See note following RCW 39.04.010.

Purpose—Part headings not law—2000 c 138: See notes following RCW 39.04.155.

Purpose—Captions not law—1991 c 363: See notes following RCW 2.32.180.

Severability—1967 ex.s. c 144: See note following RCW 36.900.030.

Subcontractors to be identified by bidder, when: RCW 39.30.060.

RCW 36.32.253 Competitive bids—Leases of personal property. No lease of personal property may be entered into by the county legislative authority or by any elected or appointed officer of the county except upon use of the procedures specified in this chapter and chapter 39.04 RCW for awarding contracts for purchases when it leases personal property from the lowest responsible bidder. [1993 c 198 § 6; 1991 c 363 § 63.]

Purpose—Captions not law—1991 c 363: See notes following RCW 2.32.180.

RCW 36.32.256 Competitive bids—Multiple awards for road maintenance materials. A county when calling for competitive bids for the procurement of road maintenance materials may award to multiple bidders for the same commodity when the bid specifications provide for the factors of haul distance to be included in the determination of which vendor is truly the lowest price to the county. The county may readvertise for additional bidders and vendors if it deems it necessary in the public interest. [1991 c 363 § 61.]

Purpose—Captions not law—1991 c 363: See notes following RCW 2.32.180.

RCW 36.32.260 Competitive bids—Purchasing agent. In any county having a purchasing department the board of county commissioners shall appoint a county purchasing agent, who shall be the head of such purchasing department. The county purchasing agent shall have had previous purchasing experience as purchasing agent of a commercial, industrial, institutional, or governmental plant or agency, and shall be placed under such bond as the board may require. The board may establish a central storeroom or storerooms in charge of the county purchasing agent in which supplies and equipment may be stored and issued upon proper requisition by department heads. The purchasing agent shall be responsible for maintaining perpetual inventories of supplies and equipment and shall at least yearly, or oftener when so required by the board, report to the county commissioners a balancing of the inventory record with the actual amount of supplies or

equipment on hand. [1963 c 4 § 36.32.260. Prior: 1961 c 169 § 2; 1945 c 61 § 3; Rem. Supp. 1945 § 10322-17.]

RCW 36.32.265 Competitive bids—Inapplicability to certain agreements relating to water pollution control, solid waste handling facilities. RCW 36.32.240, 36.32.250, and 36.32.260 do not apply to the selection of persons or entities to construct or develop water pollution control facilities or to provide water pollution control services under RCW 70A.140.040 or the selection of persons or entities to construct or develop solid waste handling facilities or to provide solid waste handling services under RCW 36.58.090. [2021 c 65 § 25; 1989 c 399 § 8; 1987 c 436 § 9.]

Explanatory statement—2021 c 65: See note following RCW 53.54.030.

RCW 36.32.270 Competitive bids—Exemptions. The county legislative authority may waive the competitive bidding requirements of this chapter pursuant to RCW 39.04.280 if an exemption contained within that section applies to the purchase or public work. [1998 c 278 § 4; 1963 c 4 § 36.32.270. Prior: 1961 c 169 § 3; 1945 c 61 § 4; Rem. Supp. 1945 § 10322-18.]

RCW 36.32.280 Regulation of watercourses. The state in the exercise of its sovereign and police power authorizes any county alone or acting jointly with any other county to regulate and control the flow of waters, both navigable and nonnavigable, within such county or counties, for the purpose of preventing floods which may threaten or cause damage, public or private. [1963 c 4 § 36.32.280. Prior: 1921 c 30 § 1; RRS § 4057-1.]

RCW 36.32.290 Regulation of watercourses—Removal of obstructions. When the board of county commissioners of any county deems it essential to the public interest for flood prevention purposes it may remove drifts, jams, logs, debris, gravel, earth, stone or bars forming obstructions to the stream, or other material from the beds, channels, and banks of watercourses in any manner deemed expedient, including the deposit thereof on bars not forming obstructions to the stream, or on subsidiary or high water channels of such watercourses. [1963 c 4 § 36.32.290. Prior: 1921 c 30 § 2; RRS § 4057-2.]

RCW 36.32.300 Regulation of watercourses—Trees may be removed from riverbanks. When any forest trees are situated upon the bank of any watercourse or so close thereto as to be in danger of falling into it, the owner or occupant of any of the premises shall be notified to remove them forthwith. The notice shall be based upon a resolution or order of the county commissioners and may be given by mail to the last known address of the owner or occupant. If the trees are not removed within ten days after the date of the notice, the county may thereupon

fell them. [1963 c 4 § 36.32.300. Prior: 1921 c 30 § 3; RRS § 4057-3.]

RCW 36.32.302 Transfer of ownership of county-owned vessel—

Review of vessel's physical condition. (1) Prior to transferring ownership of a county-owned vessel, the county shall conduct a thorough review of the physical condition of the vessel, the vessel's operating capability, and any containers and other materials that are not fixed to the vessel.

(2) If the county determines that the vessel is in a state of advanced deterioration or poses a reasonably imminent threat to human health or safety, including a threat of environmental contamination, the county may: (a) Not transfer the vessel until the conditions identified under this subsection have been corrected; or (b) permanently dispose of the vessel by landfill, deconstruction, or other related method.

(3) Vessels taken into custody under chapter 79.100 RCW are not subject to this section or RCW 36.32.304. [2013 c 291 § 19.]

RCW 36.32.304 Transfer of ownership of county-owned vessel—

Further requirements. (1) Following the inspection required under RCW 36.32.302 and prior to transferring ownership of a county-owned vessel, a county shall obtain the following from the transferee:

(a) The purposes for which the transferee intends to use the vessel; and

(b) Information demonstrating the prospective owner's intent to obtain legal moorage following the transfer, in the manner determined by the county.

(2) (a) The county shall remove any containers or other materials that are not fixed to the vessel and contain hazardous substances, as defined under RCW 70A.305.020.

(b) However, the county may transfer a vessel with:

(i) Those containers or materials described under (a) of this subsection where the transferee demonstrates to the county's satisfaction that the container's or material's presence is consistent with the anticipated use of the vessel; and

(ii) A reasonable amount of fuel as determined by the county, based on factors including the vessel's size, condition, and anticipated use of the vessel including initial destination following transfer.

(c) The county may consult with the department of ecology in carrying out the requirements of this subsection.

(3) Prior to sale, and unless the vessel has a title or valid marine document, the county is required to apply for a certificate of title for the vessel under RCW 88.02.510 and register the vessel under RCW 88.02.550. [2020 c 20 § 1020; 2013 c 291 § 20.]

RCW 36.32.330 Appeals from board's action. Any person may appeal to the superior court from any decision or order of the board of county commissioners. Such appeal shall be taken within twenty days after the decision or order, and the appellant shall within that time serve notice of appeal on the county commissioners. The notice shall be in writing and shall be delivered to at least one of the county

commissioners personally, or left with the county auditor. The appellant shall, within ten days after service of the notice of appeal give a bond to the county with one or more sureties, to be approved by the county auditor, conditioned for the payment of all costs which shall be adjudged against him or her on such appeal in the superior court. The practice regulating appeals from and writs of certiorari to justice's courts shall, insofar as applicable, govern in matters of appeal from a decision or order of the board of county commissioners.

Nothing herein contained shall be construed to prevent a party having a claim against any county in this state from enforcing the collection thereof by civil action in any court of competent jurisdiction after the same has been presented to and filed as provided by law and disallowed in whole or in part by the board of county commissioners of the proper county. Such action must, however, be commenced within the time limitation provided in *RCW 36.45.030. [2009 c 549 § 4068; 1963 c 4 § 36.32.330. Prior: 1957 c 224 § 5; 1893 c 121 § 1; Code 1881 § 2695; 1869 p 308 § 29; 1867 p 57 § 29; 1863 p 545 § 30; 1854 p 423 § 24; RRS § 4076. Cf. 1879 p 143 §§ 1, 2.]

***Reviser's note:** RCW 36.45.030 was repealed by 1993 c 449 § 13.

RCW 36.32.335 Coordination of county administrative programs—Legislative declaration. The public necessity for the coordination of county administrative programs, especially in the fields of highways and social security, be and is hereby recognized. [1963 c 4 § 36.32.335. Prior: 1939 c 188 § 1; RRS § 4077-2.]

RCW 36.32.340 Coordination of county administrative programs—Duties incident to. The county commissioners shall take such action as is necessary to effect coordination of their administrative programs and prepare reports annually on the operations of all departments under their jurisdiction. [1998 c 245 § 27; 1963 c 4 § 36.32.340. Prior: 1939 c 188 § 2; RRS § 4077-3.]

RCW 36.32.350 Coordination of county administrative programs—Coordinating agency—Agency reimbursement. County legislative authorities may designate the Washington state association of counties as a coordinating agency in the execution of duties imposed by RCW 36.32.335 through 36.32.360 and reimburse the association from county current expense funds in the county legislative authority's budget for the costs of any such services rendered. Such reimbursement shall be paid on vouchers submitted to the county auditor and approved by the county legislative authority in the manner provided for the disbursement of other current expense funds and the vouchers shall set forth the nature of the service rendered, supported by affidavit that the service has actually been performed. [1991 c 363 § 59; 1973 1st ex.s. c 195 § 30; 1971 ex.s. c 85 § 3; 1970 ex.s. c 47 § 1; 1963 c 4 § 36.32.350. Prior: 1947 c 49 § 1; 1939 c 188 § 3; Rem. Supp. 1947 § 4077-4.]

Purpose—Captions not law—1991 c 363: See notes following RCW 2.32.180.

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

Associations of municipal corporations or municipal officers to furnish information to legislature and governor: RCW 44.04.170.

Merger of state association of counties with state association of county officials: RCW 36.47.070.

Winter recreation advisory committee, representative of association of counties as member: RCW 79A.05.255.

RCW 36.32.360 Coordination of county administrative programs—Attendance at conventions authorized. County commissioners are hereby authorized to take such other and further action as may be deemed necessary to the compliance with the intent of RCW 36.32.335 through 36.32.360, including attendance at such state or district meetings as may be required to formulate the reports directed in RCW 36.32.340. [1963 c 4 § 36.32.360. Prior: 1939 c 188 § 4; RRS § 4077-5.]

RCW 36.32.370 Land surveys. Except as otherwise provided in this title, the board of county commissioners, through a surveyor employed by it shall execute all surveys of land that may be required by the county. The certificate of the surveyor so employed of any survey made of lands within the county shall be presumptive evidence of the facts therein contained. [1963 c 4 § 36.32.370. Prior: (i) 1895 c 77 § 3; RRS § 4144. (ii) 1895 c 77 § 4; RRS § 4145.]

RCW 36.32.380 Land surveys—Record of surveys. Except as otherwise provided in this title, the board of county commissioners shall cause to be recorded in a suitable book all surveys except such as are made for a temporary purpose. The record book shall be so constructed as to have one page for diagrams to be numbered progressively and the opposite page for notes and remarks; no diagram shall be so constructed as to scale less than one inch to twenty chains. [1963 c 4 § 36.32.380. Prior: 1895 c 77 § 5; RRS § 4150.]

RCW 36.32.390 Nonmonthly employees, vacations and sick leaves. Each employee of any county in this state who is employed on an hourly or per diem basis, who shall have worked fifteen hundred hours or more in any one year may in the discretion of the board of county commissioners be given the same vacations and sick leaves as are provided for the employees of the county employed on a monthly basis. [1963 c 4 § 36.32.390. Prior: 1951 c 187 § 1.]

RCW 36.32.400 Health care and group insurance. Subject to chapter 48.62 RCW, any county by a majority vote of its board of county commissioners may enter into contracts to provide health care services and/or group insurance for the benefit of its employees, and may pay all or any part of the cost thereof. Any two or more counties, by a majority vote of their respective boards of county commissioners

may, if deemed expedient, join in the procuring of such health care services and/or group insurance, and the board of county commissioners of each participating county may, by appropriate resolution, authorize their respective counties to pay all or any portion of the cost thereof.

Nothing in this section shall impair the eligibility of any employee of a county, municipality, or other political subdivision under RCW 41.04.205. [1991 sp.s. c 30 § 21; 1975-'76 2nd ex.s. c 106 § 7; 1963 c 4 § 36.32.400. Prior: 1957 c 106 § 1; 1955 c 51 § 1.]

Effective date, implementation, application—1991 sp.s. c 30: See RCW 48.62.900.

RCW 36.32.410 Participation in Economic Opportunity Act programs. The board of county commissioners of any county is hereby authorized and empowered in its discretion by resolution or ordinance passed by a majority of the board, to take whatever action it deems necessary to enable the county to participate in the programs set forth in the Economic Opportunity Act of 1964 (Public Law 88-452; 78 Stat. 508), as amended. Such participation may be engaged in as a sole county operation or in conjunction or cooperation with the state, any other county, city, or municipal corporation, or any private corporation qualified under said Economic Opportunity Act. [1971 ex.s. c 177 § 1; 1965 c 14 § 1.]

RCW 36.32.415 Low-income housing—Loans and grants. A county may assist in the development or preservation of publicly or privately owned housing for persons of low income by providing loans or grants of general county funds to the owners or developers of the housing. The loans or grants shall be authorized by the legislative authority of a county. They may be made to finance all or a portion of the cost of construction, reconstruction, acquisition, or rehabilitation of housing that will be occupied by a person or family of low income. As used in this section, "low income" means income that does not exceed eighty percent of the median income for the standard metropolitan statistical area in which the county is located. Housing constructed with loans or grants made under this section shall not be considered public works or improvements subject to competitive bidding or a purchase of services subject to the prohibition against advance payment for services: PROVIDED, That whenever feasible the borrower or grantee shall make every reasonable and practicable effort to utilize a competitive public bidding process. [1986 c 248 § 2.]

RCW 36.32.420 Youth agencies—Establishment authorized. See RCW 35.21.630.

RCW 36.32.425 Juvenile curfews. (1) The legislative authority of any county has the authority to enact an ordinance, for the purpose of preserving the public safety or reducing acts of violence by or against juveniles that are occurring at such rates as to be beyond the capacity of the police to assure public safety, establishing times and conditions under which juveniles may be present on the public streets,

in the public parks, or in any other public place during specified hours.

(2) The ordinance shall not contain any criminal sanctions for a violation of the ordinance. [1994 sp.s. c 7 § 504.]

Finding—Intent—Severability—1994 sp.s. c 7: See notes following RCW 43.70.540.

RCW 36.32.430 Parks, may designate name of. The board of county commissioners is authorized to designate the name of any park established by the county. [1965 ex.s. c 76 § 3.]

Acquisition of property for park, recreational, viewpoint, greenbelt, conservation, historic, scenic, or view purposes: RCW 36.34.340.

RCW 36.32.435 Historic preservation—Authorization to acquire property, borrow money, issue bonds, etc. Any county may acquire title to or any interest in real and personal property for the purpose of historic preservation and may restore, improve, maintain, manage, and lease the property for public or private use and may enter into contracts, borrow money, and issue bonds and other obligations for such purposes. This authorization shall not expand the eminent domain powers of counties. [1984 c 203 § 4.]

Severability—1984 c 203: See note following RCW 35.43.140.

RCW 36.32.440 Staff to aid in purchasing, poverty programs, parks, emergency services, budget, etc., authorized. The board of county commissioners of the several counties may employ such staff as deemed appropriate to serve the several boards directly in matters including but not limited to purchasing, poverty and relief programs, parks and recreation, emergency services, budgetary preparations set forth in RCW 36.40.010-36.40.050, code enforcement and general administrative coordination. Such authority shall in no way infringe upon or relieve the county auditor of responsibilities contained in RCW *36.22.010(9) and 36.22.020. [1974 ex.s. c 171 § 3; 1969 ex.s. c 252 § 3.]

***Reviser's note:** RCW 36.22.010 was amended by 1984 c 128 § 2, changing subsection (9) to subsection (8); and was subsequently amended by 1995 c 194 § 1, changing subsection (8) to subsection (6).

RCW 36.32.450 Tourist promotion. Any county in this state acting through its council or other legislative body shall have power to expend moneys and conduct promotion of resources and facilities in the county or general area by advertising, publicizing, or otherwise distributing information for the purpose of attracting visitors and encouraging tourist expansion. [1971 ex.s. c 61 § 1.]

RCW 36.32.460 Employee safety award programs. The board of county commissioners may establish an employee safety award program to

reward and encourage the safe performance of assigned duties by county employees.

The board may establish standards and regulations necessary or appropriate for the proper administration and for otherwise accomplishing the purposes of such program.

The board may authorize every department head and other officer of county government who oversees or directs county employees to make the determination as to whether an employee safety award will be made.

Such awards shall be made annually from the county general fund by warrant on vouchers duly authorized by the board according to the following schedule based upon safe and accident-free performance:

5 years.....	\$ 2.50
10 years.....	5.00
15 years.....	7.50
20 years.....	10.00
25 years.....	12.50
30 years.....	20.00:

PROVIDED, That the board may give such department heads and other officers overseeing and directing county employees discretion to purchase a noncash award of equal value in lieu of the cash award. If a noncash award is given the warrants shall be made payable to the business enterprise from which the noncash award is purchased.

However, safety awards made to persons whose safe and accident-free performance has directly benefited the county road system shall be made from the county road fund by warrant on vouchers duly authorized by the board. [1971 c 79 § 1.]

RCW 36.32.470 Fire protection, ambulance or other emergency services provided by municipal corporations within county—Financial and other assistance authorized. The legislative authority of any county shall have the power to furnish, upon such terms as the board may deem proper, with or without consideration, financial or other assistance to any municipal corporation, or political subdivision within such county for the purpose of implementing the fire protection, ambulance, medical or other emergency services provided by such municipal corporation, or political subdivision: PROVIDED, That no such municipal corporation or political subdivision shall be authorized to expend any funds or property received as part of such assistance for any purpose, or in any manner, for which it could not otherwise legally expend its own funds. [1974 ex.s. c 51 § 1.]

Ambulance services may be provided by county: RCW 36.01.100.

RCW 36.32.475 Regulation of automatic number or location identification—Prohibited. No county may enact or enforce an ordinance or regulation mandating automatic number identification or automatic location identification for a private telecommunications system or for a provider of private shared telecommunications services. [1995 c 243 § 8.]

Findings—Severability—1995 c 243: See notes following RCW 80.36.555.

RCW 36.32.480 Emergency medical service districts—Creation authorized—Composition of governing body. (1) A county legislative authority may adopt an ordinance creating an emergency medical service district in all or a portion of the unincorporated area of the county and, pursuant to subsection (2) of this section, within the corporate limits of any city or town. The ordinance may only be adopted after a public hearing has been held on the creation of such a district and the county legislative authority makes a finding that it is in the public interest to create the district.

An emergency medical service district shall be a quasi-municipal corporation and an independent taxing "authority" within the meaning of Article 7, Section 1, Washington State Constitution. Emergency medical service districts shall also be "taxing authorities" within the meaning of Article 7, Section 2, Washington State Constitution.

An emergency medical service district shall have the authority to provide emergency medical services.

(2) When any part of a proposed emergency medical service district includes an area within the corporate limits of a city or town, the governing body of the city or town shall approve the inclusion, and the county governing body shall maintain a certified copy of the resolution of approval before adopting an ordinance including the area.

(3) The members of the county legislative authority shall compose the governing body of any emergency medical service district which is created within the county: PROVIDED, That where an emergency medical service district includes an area within the corporate limits of a city or town, the emergency medical service district may be governed as provided in an interlocal agreement adopted pursuant to chapter 39.34 RCW. The voters of an emergency medical service district must be registered voters residing within the service area. [2000 c 31 § 1; 1979 ex.s. c 200 § 2.]

Severability—1979 ex.s. c 200: See note following RCW 84.52.069.

Levy for emergency medical care and services: RCW 84.52.069.

RCW 36.32.490 County freeholders—Method of filling vacancies. Vacancies in the position of county freeholder shall be filled with a person qualified for the position who is appointed by majority action of the remaining county freeholders. [1984 c 163 § 1.]

RCW 36.32.510 Right-of-way donations—Credit against required improvements. Where the zoning and planning provisions of a county require landscaping, parking, or other improvements as a condition to granting permits for commercial or industrial developments, the county may credit donations of right-of-way in excess of that required for traffic improvement against such landscaping, parking, or other requirements. [1987 c 267 § 10.]

Right-of-way donations: Chapter 47.14 RCW.

RCW 36.32.520 Child care facilities—Review of need and demand—Adoption of ordinances. If a county operating under home rule charter

zones pursuant to its inherent charter authority and not pursuant to chapter 35.63 RCW, nor chapter 36.70 RCW, and that county does not provide for the siting of family day care homes in zones or areas that are designated for single-family or other residential uses, and for the siting of mini-day care centers and day care centers in zones or areas that are designated for any residential or commercial uses, the county shall conduct a review of the need and demand for child care facilities, including the cost of any conditional or special use permit that may be required. The review shall be completed by August 30, 1990. A copy of the findings, conclusions, and recommendations resulting from the review shall be sent to the *department of community development by September 30, 1990.

On or before June 30, 1991, each municipality that plans and zones under this chapter shall have adopted an ordinance or ordinances that are necessary to implement the findings of this review, if the findings indicate that such changes are necessary, or shall notify the *department of community development as to why such implementing ordinances were not adopted. [1989 c 335 § 8.]

***Reviser's note:** Powers, duties, and functions of the department of community development and the department of trade and economic development were transferred to the department of community, trade, and economic development by 1993 c 280, effective July 1, 1994. The "department of community, trade, and economic development" was renamed the "department of commerce" by 2009 c 565.

Findings—Purpose—Severability—1989 c 335: See notes following RCW 35.63.170.

Definitions for RCW 36.32.520: See RCW 35.63.170.

RCW 36.32.525 Conditional and special use permit applications by parties licensed or certified by the department of social and health services or the department of corrections—Mediation prior to appeal required. A final decision by a hearing examiner involving a conditional or special use permit application under a home rule charter that is requested by a party that is licensed or certified by the department of social and health services or the department of corrections is subject to mediation under RCW 35.63.260 before an appeal may be filed. [1998 c 119 § 5.]

RCW 36.32.540 Settlement of Indian claims. (1) The settlement of Indian land and other claims against public and private property owners is declared to be in the interest of public health and safety, orderly government, environmental protection, economic development, and the social well-being of the citizens of this state, and to specifically benefit the properties released from those claims.

It is the purpose of *this act to encourage the settlement of such Indian land and other claims lawsuits by permitting the establishment and use of local improvement districts to finance all or a portion of the settlement costs of such lawsuits.

(2) A local improvement district may be established by a county legislative authority to finance all or part of the settlement costs in an Indian land and other claims settlement related to public and private property located within the incorporated or unincorporated

areas of the county. The settlement of an Indian land and other claims lawsuit shall be deemed to be an improvement that may be financed in whole or in part through use of a local improvement district.

(3) Except as expressly provided in this section, all matters relating to the establishment and operation of such a local improvement district, the levying and collection of special assessments, the issuance of local improvement district bonds and other obligations, and all related matters, shall be subject to the provisions of chapter 36.94 RCW concerning the use of local improvement districts to finance sewer or water facilities. The requirements of chapter 36.94 RCW concerning the preparation of a general plan and formation of a review committee shall not apply to a local improvement district used to finance all or a portion of Indian land and other claims settlements. The resolution or petition that initiates the creation of a local improvement district used to finance all or a portion of an Indian land and other claims settlement shall describe the general nature of the Indian land and other claims and the proposed settlement. The value of a contribution by any person, municipal corporation, political subdivision, or the state of money, real property, or personal property to the settlement of Indian land and other claims shall be credited to any assessment for a local improvement district under this section. [1989 1st ex.s. c 4 § 3.]

***Reviser's note:** "This act" consists of the enactment of this section, RCW 35.43.280, and an uncodified section.

Severability—1989 1st ex.s. c 4: See note following RCW 35.43.280.

RCW 36.32.550 Conformance with chapter 43.97 RCW required. With respect to the National Scenic Area, as defined in the Columbia River Gorge National Scenic Area Act, P.L. 99-663, the exercise of any power or authority by a county pursuant to this chapter shall be subject to and in conformity with the requirements of chapter 43.97 RCW, including the Interstate Compact adopted by RCW 43.97.015, and with the management plan regulations and ordinances adopted by the Columbia River Gorge commission pursuant to the Compact. [1987 c 499 § 8.]

RCW 36.32.560 Home rule charter counties—Residential care facilities—Review of need and demand—Adoption of ordinances. If a county operating under home rule charter zones pursuant to its inherent charter authority and not pursuant to chapter 35.63 RCW, nor chapter 36.70 RCW, and that county does not provide for the siting of residential care facilities in zones or areas that are designated for single-family or other residential uses, the county shall conduct a review of the need and demand for the facilities, including the cost of any conditional or special use permit that may be required. The review shall be completed by August 30, 1990. A copy of the findings, conclusions, and recommendations resulting from the review shall be sent to the *department of community development by September 30, 1990.

On or before June 30, 1991, each municipality that plans and zones under this chapter shall have adopted an ordinance or ordinances that are necessary to implement the findings of this review, if the findings indicate that such changes are necessary, or shall notify the

*department of community development as to why such implementing ordinances were not adopted. [1989 c 427 § 40.]

***Reviser's note:** Powers, duties, and functions of the department of community development and the department of trade and economic development were transferred to the department of community, trade, and economic development by 1993 c 280, effective July 1, 1994. The "department of community, trade, and economic development" was renamed the "department of commerce" by 2009 c 565.

RCW 36.32.570 Conservation area acquisition and maintenance.

The legislative authority of each county may acquire a fee simple interest, or lesser interest, in conservation areas in the county and may maintain the conservation areas. The conservation areas may be acquired and maintained with moneys obtained from the excise tax under RCW 82.46.070, or any other moneys available for such purposes.

As used in this section, the term "conservation area" means land and water that has environmental, agricultural, aesthetic, cultural, scientific, historic, scenic, or low-intensity recreational value for existing and future generations, and includes, but is not limited to, open spaces, wetlands, marshes, aquifer recharge areas, shoreline areas, natural areas, and other lands and waters that are important to preserve flora and fauna. [1990 1st ex.s. c 5 § 2.]

Purpose—1990 1st ex.s. c 5: "The purpose of this act is to provide a mechanism for the acquisition and maintenance of conservation areas through an orderly process that is approved by the voters of a county. The authorities provided in this act are supplemental, and shall not be construed to limit otherwise existing authorities." [1990 1st ex.s. c 5 § 1.]

RCW 36.32.580 Home rule charter counties subject to limitations on moratoria, interim zoning controls. A charter county that plans under the authority of its charter is subject to the provisions of RCW 36.70.795. [1992 c 207 § 5.]

RCW 36.32.590 Building construction projects—County prohibited from requiring state agencies or local governments to provide bond or other security as a condition for issuance of permit. A county legislative authority may not require any state agency or unit of local government to secure the performance of a permit requirement with a surety bond or other financial security device, including cash or assigned account, as a condition of issuing a permit to that unit of local government for a building construction project.

As used in this section, "building construction project" includes, in addition to its usual meaning, associated landscaping, street alteration, pedestrian or vehicular access alteration, or other amenities or alterations necessarily associated with the project. [1993 c 439 § 3.]

RCW 36.32.600 Amateur radio antennas—Local regulation to conform with federal law. No county shall enact or enforce an ordinance or regulation that fails to conform to the limited

preemption entitled "Amateur Radio Preemption, 101 FCC 2nd 952 (1985)" issued by the federal communications commission. An ordinance or regulation adopted by a county with respect to amateur radio antennas shall conform to the limited federal preemption, that states local regulations that involve placement, screening, or height of antennas based on health, safety, or aesthetic considerations must be crafted to reasonably accommodate amateur communications, and to represent the minimal practicable regulation to accomplish the local authority's legitimate purpose. [1994 c 50 § 3.]

Effective date—1994 c 50: See note following RCW 35.21.315.

RCW 36.32.610 Library capital facility areas authorized. A county legislative authority may establish a library capital facility area pursuant to chapter 27.15 RCW. [1995 c 368 § 8.]

Findings—1995 c 368: See RCW 27.15.005.

RCW 36.32.620 Abandoned or derelict vessels. A county has the authority, subject to the processes and limitation outlined in chapter 79.100 RCW, to store, strip, use, auction, sell, salvage, scrap, or dispose of an abandoned or derelict vessel found on or above publicly or privately owned aquatic lands within the jurisdiction of the county. [2002 c 286 § 17.]

Effective date—2002 c 286: See RCW 79.100.901.