
HOUSE BILL 2321

State of Washington 52nd Legislature 1992 Regular Session

By Representative Rayburn

Read first time 01/15/92. Referred to Committee on Local Government.

1 AN ACT Relating to metropolitan municipal corporations; amending
2 RCW 35.58.020, 35.58.090, 35.58.100, 35.58.110, 35.58.112, 35.58.114,
3 35.58.116, 35.58.118, 35.58.120, 35.58.130, 35.58.140, 35.58.150,
4 35.58.160, 35.58.170, 35.58.180, 35.58.190, 35.58.200, 35.58.210,
5 35.58.220, 35.58.230, 35.58.240, 35.58.245, 35.58.250, 35.58.270,
6 35.58.280, 35.58.290, 35.58.300, 35.58.310, 35.58.320, 35.58.340,
7 35.58.350, 35.58.370, 35.58.410, 35.58.420, 35.58.430, 35.58.440,
8 35.58.450, 35.58.460, 35.58.470, 35.58.480, 35.58.490, 35.58.500,
9 35.58.530, 35.58.540, and 35.58.570; adding a new section to chapter
10 35.58 RCW; and declaring an emergency.

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

12 **Sec. 1.** RCW 35.58.020 and 1982 c 103 s 1 are each amended to read
13 as follows:

1 The definitions set forth in this section apply throughout this
2 chapter.

3 (1) "Metropolitan municipal corporation" means a municipal
4 corporation of the state of Washington created pursuant to this
5 chapter, or a county which has by ordinance or resolution assumed the
6 rights, powers, functions, and obligations of a metropolitan municipal
7 corporation pursuant to the provisions of chapter 36.56 RCW.

8 (2) "Metropolitan area" means the area contained within the
9 boundaries of a metropolitan municipal corporation, or within the
10 boundaries of an area proposed to be organized as such a corporation.

11 (3) "City" means an incorporated city or town.

12 (4) "Component city" means an incorporated city or town within a
13 metropolitan area.

14 (5) "Component county" means a county, all or part of which is
15 included within a metropolitan area.

16 (6) "Central city" means the city with the largest population in a
17 metropolitan area.

18 (7) "Central county" means the county containing the city with the
19 largest population in a metropolitan area.

20 (8) "Special district" means any municipal corporation of the state
21 of Washington other than a city, county, or metropolitan municipal
22 corporation.

23 (9) "Metropolitan council" means ~~((the))~~ a legislative body of a
24 metropolitan municipal corporation, or the legislative body of a county
25 which has by ordinance or resolution assumed the rights, powers,
26 functions, and obligations of a metropolitan municipal corporation
27 pursuant to the provisions of chapter 36.56 RCW.

28 (10) "City council" means the legislative body of any city or town.

29 (11) "Population" means the number of residents as shown by the
30 figures released for the most recent official state, federal, or county

1 census, or population determination made under the direction of the
2 office of financial management.

3 (12) "Metropolitan function" means any of the functions of
4 government named in RCW 35.58.050.

5 (13) "Authorized metropolitan function" means a metropolitan
6 function which a metropolitan municipal corporation shall have been
7 authorized to perform in the manner provided in this chapter.

8 (14) "Metropolitan public transportation" or "metropolitan
9 transportation" for the purposes of this chapter means the
10 transportation of packages, passengers, and their incidental baggage by
11 means other than by chartered bus, sightseeing bus, or any other motor
12 vehicle not on an individual fare-paying basis, together with the
13 necessary passenger terminals and parking facilities or other
14 properties necessary for passenger and vehicular access to and from
15 such people-moving systems(~~(:—PROVIDED, That)~~). However, nothing in
16 this chapter shall be construed to prohibit a metropolitan municipal
17 corporation from leasing its buses to private certified carriers; to
18 prohibit a metropolitan municipal corporation from providing school bus
19 service for the transportation of pupils; or to prohibit a metropolitan
20 municipal corporation from chartering an electric streetcar on rails
21 which it operates entirely within a city.

22 (15) "Pollution" has the meaning given in RCW 90.48.020.

23 (16) "Metropolitan council of the whole" means all members of all
24 metropolitan councils acting as one body to conduct the business of the
25 corporation as required by this chapter.

26 **Sec. 2.** RCW 35.58.090 and 1973 1st ex.s. c 195 s 23 are each
27 amended to read as follows:

28 The election on the formation of the metropolitan municipal
29 corporation shall be conducted by the auditor of the central county in

1 accordance with the general election laws of the state and the results
2 thereof shall be canvassed by the county canvassing board of the
3 central county, which shall certify the result of the election to the
4 board of county commissioners of the central county, and shall cause a
5 certified copy of such canvass to be filed in the office of the
6 secretary of state. Notice of the election shall be published in one
7 or more newspapers of general circulation in each component county in
8 the manner provided in the general election laws. No person shall be
9 entitled to vote at such election unless he is a qualified voter under
10 the laws of the state in effect at the time of such election and has
11 resided within the metropolitan area for at least thirty days preceding
12 the date of the election. The ballot proposition shall be in
13 substantially the following form:

14

15

"FORMATION OF METROPOLITAN

16

MUNICIPAL CORPORATION

17

Shall a metropolitan municipal corporation be established for
18 the area described in a resolution of the board of
19 commissioners of county adopted on the day of
20, 19.., to perform the metropolitan functions of
21 (here insert the title of each of the functions to
22 be authorized as set forth in the petition or initial
23 resolution).

24

YES.....()

25

NO.....()"

26

If a majority of the persons voting on the proposition residing
27 within the central city shall vote in favor thereof and a majority of

1 the persons voting on the proposition residing in the metropolitan area
2 outside of the central city shall vote in favor thereof, the
3 metropolitan municipal corporation shall thereupon be established and
4 the board of commissioners of the central county shall adopt a
5 resolution setting a time and place for the first meeting of the
6 metropolitan council of the whole which shall be held not later than
7 thirty days after the date of such election. A copy of such resolution
8 shall be transmitted to the legislative body of each component city and
9 county and of each special district which shall be affected by the
10 particular metropolitan functions authorized.

11 At the same election there shall be submitted to the voters
12 residing within the metropolitan area, for their approval or rejection,
13 a proposition authorizing the metropolitan municipal corporation, if
14 formed, to levy at the earliest time permitted by law on all taxable
15 property located within the metropolitan municipal corporation a
16 general tax, for one year, of twenty-five cents per thousand dollars of
17 assessed value in excess of any constitutional or statutory limitation
18 for authorized purposes of the metropolitan municipal corporation. The
19 proposition shall be expressed on the ballots in substantially the
20 following form:

21

22

"ONE YEAR TWENTY-FIVE CENTS

23

PER THOUSAND DOLLARS OF

24

ASSESSED VALUE LEVY

25 Shall the metropolitan municipal corporation, if formed, levy
26 a general tax of twenty-five cents per thousand dollars of
27 assessed value for one year upon all the taxable property
28 within said corporation in excess of the constitutional and/or

1 statutory tax limits for authorized purposes of the
2 corporation?

3 YES.....()

4 NO.....()"

5 Such proposition to be effective must be approved by a majority of at
6 least three-fifths of the persons voting on the proposition to levy
7 such tax in the manner set forth in Article VII, section 2(a) of the
8 Constitution of this state, as amended by Amendment 59 and as
9 thereafter amended.

10 **Sec. 3.** RCW 35.58.100 and 1967 c 105 s 2 are each amended to read
11 as follows:

12 A metropolitan municipal corporation may be authorized to perform
13 one or more metropolitan functions in addition to those which it has
14 previously been authorized to perform, with the approval of the voters
15 at an election, in the manner provided in this section.

16 An election to authorize a metropolitan municipal corporation to
17 perform one or more additional metropolitan functions may be called
18 pursuant to a resolution or a petition in the following manner:

19 (1) A resolution calling for such an election may be adopted by:

20 (a) The city council of the central city; or

21 (b) The city councils of at least one-half in number of the
22 component cities other than the central city; or

23 (c) The board of commissioners of the central county. Such
24 resolution shall be transmitted to the metropolitan council of the
25 whole.

26 (2) A petition calling for such an election shall be signed by at
27 least four percent of the registered voters residing within the

1 metropolitan area and shall be filed with the auditor of the central
2 county.

3 Any resolution or petition calling for such an election shall name
4 the additional metropolitan functions which the metropolitan municipal
5 corporation shall be authorized to perform.

6 Upon receipt of such a petition, the auditor shall examine the
7 signatures thereon and certify to the sufficiency thereof. For the
8 purpose of examining the signatures on such petition, the auditor shall
9 be permitted access to all voter registration books of any component
10 county and of all component cities. No person may withdraw his name
11 from a petition after it has been filed with the auditor. Within
12 thirty days following the receipt of such petition, the auditor shall
13 transmit the same to the metropolitan council of the whole, together
14 with his certificate as to the sufficiency of signatures thereon.

15 Upon receipt of a valid resolution or duly certified petition
16 calling for an election on the authorization of the performance of one
17 or more additional metropolitan functions, the metropolitan council of
18 the whole shall cause to be called a special election to be held not
19 more than one hundred and twenty days nor less than sixty days
20 following such receipt. Such special election shall be conducted and
21 canvassed as provided in this chapter for an election on the question
22 of forming a metropolitan municipal corporation. The ballot
23 proposition shall be in substantially the following form:

24 "Shall the metropolitan municipal corporation be
25 authorized to perform the additional metropolitan functions of
26 (here insert the title of each of the additional
27 functions to be authorized as set forth in the petition or
28 resolution)?

1 YES.....()

2 NO.....()"

3 If a majority of the persons voting on the proposition shall vote in
4 favor thereof, the metropolitan municipal corporation shall be
5 authorized to perform such additional metropolitan function or
6 functions.

7 **Sec. 4.** RCW 35.58.110 and 1965 c 7 s 35.58.110 are each amended to
8 read as follows:

9 A metropolitan municipal corporation may be authorized to perform
10 one or more metropolitan functions in addition to those which it
11 previously has been authorized to perform, without an election, in the
12 manner provided in this section. A resolution providing for the
13 performance of such additional metropolitan function or functions shall
14 be adopted by the metropolitan council of the whole. A copy of such
15 resolution shall be transmitted by registered mail to the legislative
16 body of each component city and county. If, within ninety days after
17 the date of such mailing, a concurring resolution is adopted by the
18 legislative body of each component county, of each component city of
19 the first class, and of at least two-thirds of all other component
20 cities, and such concurring resolutions are transmitted to the
21 metropolitan council of the whole, (~~such~~) the council shall by
22 resolution declare that the metropolitan municipal corporation has been
23 authorized to perform such additional metropolitan function or
24 functions. A copy of such resolution shall be transmitted by
25 registered mail to the legislative body of each component city and
26 county and of each special district which will be affected by the
27 particular additional metropolitan function authorized.

1 **Sec. 5.** RCW 35.58.112 and 1967 c 105 s 7 are each amended to read
2 as follows:

3 The metropolitan council of the whole of a metropolitan municipal
4 corporation upon the affirmative vote of two-thirds of the members of
5 such council may make planning, engineering, legal, financial and
6 feasibility studies preliminary to or incident to the preparation of a
7 recommended comprehensive plan for any metropolitan function, and may
8 prepare such a recommended comprehensive plan before the metropolitan
9 municipal corporation has been authorized to perform such function.
10 The studies and plan may cover territory within and without the
11 metropolitan municipal corporation. A recommended comprehensive plan
12 prepared pursuant to this section for any metropolitan function may not
13 be adopted by the metropolitan council of the whole unless the
14 metropolitan municipal corporation shall have been authorized to
15 perform such function.

16 **Sec. 6.** RCW 35.58.114 and 1967 c 105 s 8 are each amended to read
17 as follows:

18 Whenever a recommended comprehensive plan for the performance of
19 any additional metropolitan function shall have been prepared and the
20 metropolitan council of the whole shall have found the plan to be
21 feasible the council may by resolution call a special election to
22 authorize the performance of such additional function without the
23 filing of the petitions or resolutions provided for in RCW 35.58.100.

24 If the metropolitan council shall determine that the performance of
25 such function requires enlargement of the metropolitan area, such
26 resolution shall contain a description of the boundaries of the
27 proposed metropolitan area and may be adopted only after a public
28 hearing thereon before the council. Notice of such hearing shall be
29 published once a week for at least two consecutive weeks in one or more

1 newspapers of general circulation within the proposed metropolitan
2 area. The notice shall contain a description of the boundaries of the
3 proposed metropolitan area, shall name the additional function or
4 functions to be performed and shall state the time and place of the
5 hearing and the fact that any changes in the boundaries of the proposed
6 metropolitan area will be considered at such time and place. At such
7 hearing any interested person may appear and be heard. The council may
8 make such changes in the proposed metropolitan area as they shall deem
9 reasonable and proper, but may not delete any portion of the existing
10 metropolitan area and may not delete any portion of the proposed
11 additional area which will create an island of included or excluded
12 lands. If the council shall determine that the proposed additional
13 area should be further enlarged, a second hearing shall be held and
14 notice given in the same manner as for the original hearing. The
15 council may adjourn the hearing or hearings from time to time.

16 Following the conclusion of such hearing or hearings the
17 metropolitan council of the whole may adopt a resolution fixing the
18 boundaries of the proposed metropolitan area and calling a special
19 election on the performance of such additional function. If the
20 metropolitan municipal corporation is then authorized to perform the
21 function of metropolitan sewage disposal the council may provide in
22 such resolution that local governmental agencies collecting sewage from
23 areas outside the metropolitan area as same is constituted on the date
24 of adoption of such resolution will not thereafter be required to
25 discharge such sewage into the metropolitan sewer system or to secure
26 approval of local construction plans from the metropolitan municipal
27 corporation unless such local agency shall first have entered into a
28 contract with the metropolitan municipal corporation for the disposal
29 of such sewage. The ((metropolitan)) council may also provide in such
30 resolution that the authorization to perform such additional function

1 be effective only if the voters at such election also authorize the
2 issuance of any general obligation bonds required to carry out the
3 recommended comprehensive plan.

4 The resolution calling such election shall fix the form of the
5 ballot proposition and the same may vary from that specified in RCW
6 35.58.100. If the metropolitan council of the whole shall find that
7 the issuance of general obligation bonds is necessary to perform such
8 additional function and to carry out such recommended comprehensive
9 plan then the ballot proposition shall set forth the principal amount
10 of such bonds and the maximum maturity thereof and the proposition
11 shall be so worded that the voters may by a single yes or no vote
12 authorize the performance of the designated function in the area
13 described in the resolution and the issuance of such general obligation
14 bonds.

15 The persons voting at such election shall be all of the qualified
16 voters who have resided within the boundaries of the proposed
17 metropolitan area for at least thirty days preceding the date of the
18 election. The election shall be conducted and canvassed as provided in
19 RCW 35.58.090.

20 If the resolution calling such election does not require the
21 approval of general obligation bonds as a condition of the performance
22 of such additional function and if a majority of the persons voting on
23 the ballot proposition residing within the existing metropolitan
24 municipal corporation shall vote in favor thereof and a majority of the
25 persons residing within the area proposed to be added to the existing
26 metropolitan municipal corporation shall vote in favor thereof the
27 boundaries described in the resolution calling the election shall
28 become the boundaries of the metropolitan municipal corporation and the
29 metropolitan municipal corporation shall be authorized to perform the
30 additional function described in the proposition.

1 If the resolution calling such election shall require the
2 authorization of general obligation bonds as a condition of the
3 performance of such additional function, then to be effective the
4 ballot proposition must be approved as provided in the preceding
5 paragraph and must also be approved by at least three-fifths of the
6 persons voting thereon and the number of persons voting on such
7 proposition must constitute not less than forty percent of the total
8 number of votes cast within such area at the last preceding state
9 general election.

10 **Sec. 7.** RCW 35.58.116 and 1967 c 105 s 9 are each amended to read
11 as follows:

12 The metropolitan council of the whole may at the same election
13 called to authorize the performance of an additional function or at a
14 special election called by the council after it has been authorized to
15 perform any metropolitan function submit a proposition for the issuance
16 of general obligation bonds for capital purposes as provided in RCW
17 35.58.450 or a proposition for the levy of a general tax for any
18 authorized purpose for one year in such total dollar amount as the
19 ((metropolitan)) council may determine and specify in such proposition.
20 Any such proposition to be effective must be assented to by at least
21 three-fifths of the persons voting thereon and the number of persons
22 voting on such proposition shall constitute not less than forty percent
23 of the total number of votes cast within the metropolitan area at the
24 last preceding state general election. Any such proposition shall only
25 be effective if the performance of the additional function shall be
26 authorized at such election or shall have been authorized prior
27 thereto.

1 **Sec. 8.** RCW 35.58.118 and 1971 ex.s. c 303 s 4 are each amended to
2 read as follows:

3 The metropolitan council of the whole may at any time by resolution
4 determine whether the metropolitan transportation function shall be
5 performed with an appointed commission pursuant to RCW 35.58.270 or by
6 the ((metropolitan)) council without the appointment of such a
7 commission((:—PROVIDED, That)). However, any resolution to perform
8 the metropolitan transportation function with an appointed commission
9 pursuant to RCW 35.58.270 shall not become effective until approved by
10 the voters residing within the boundaries of the metropolitan municipal
11 corporation.

12 **Sec. 9.** RCW 35.58.120 and 1983 c 92 s 1 are each amended to read
13 as follows:

14 An authorized metropolitan function of a metropolitan municipal
15 corporation, except water pollution abatement, shall be governed by a
16 metropolitan council composed of the following:

17 (1) One member (a) who shall be the elected county executive of the
18 central county, or (b) if there shall be no elected county executive,
19 one member who shall be selected by, and from, the board of
20 commissioners of the central county.

21 (2) One additional member for each county commissioner district or
22 county council district which shall contain fifteen thousand or more
23 persons residing within the metropolitan municipal corporation, who
24 shall be the county commissioner or county councilman from such
25 district;

26 (3) One additional member selected by the board of commissioners or
27 county council of each component county for each county commissioner
28 district or county council district containing fifteen thousand or more
29 persons residing in the unincorporated portion of such commissioner

1 district lying within the metropolitan municipal corporation each such
2 appointee to be a resident of such unincorporated portion;

3 (4) One member from each component city (~~((which shall have))~~) that
4 has a population of fifteen thousand or more persons, who shall be
5 (~~((the mayor of such city, if such city shall have the mayor council~~
6 ~~form of government, and in other cities shall be))~~) selected by, and
7 from, the mayor and city council of each (~~((of such cities))~~) city.

8 (5) One member representing all component cities which have less
9 than fifteen thousand population each, to be selected by and from the
10 mayors of such smaller cities in the following manner: The mayors of
11 all such cities shall meet prior to July 1 of each even-numbered year
12 at a time and place to be fixed by the metropolitan council. The
13 chairperson of the metropolitan council shall preside. After
14 nominations are made, successive ballots shall be taken until one
15 candidate receives a majority of all votes cast.

16 (6) One additional member selected by the city council of each
17 component city containing a population of fifteen thousand or more for
18 each fifty thousand population over and above the first fifteen
19 thousand, such members to be selected from such city council until all
20 councilmen are members and thereafter to be selected from other
21 officers of such city.

22 (7) (~~((For any metropolitan municipal corporation which shall be~~
23 ~~authorized to perform the function of metropolitan water pollution~~
24 ~~abatement, two additional members who shall be commissioners of a sewer~~
25 ~~district or a water district which is operating a sewer system and is~~
26 ~~a component part of the metropolitan municipal corporation and shall~~
27 ~~participate only in those council actions which relate to the~~
28 ~~performance of the function of metropolitan water pollution abatement.~~
29 ~~The commissioners of all such sewer districts and water districts which~~
30 ~~are component parts of the metropolitan municipal corporation shall~~

1 meet on the first Tuesday of the month following May 21, 1971 and
2 thereafter on the second Tuesday of June of each even numbered year at
3 seven o'clock p.m. at the office of the board of county commissioners
4 of the central county. After election of a chairman, nominations shall
5 be made to select members to serve on the metropolitan council and
6 successive ballots taken for each member until one candidate receives
7 a majority of votes cast. The two members so selected shall not be
8 from districts whose boundaries come within ten miles of each other.

9 (8)) One member, who shall be chairman of the metropolitan
10 council, selected by the other members of the council. The member
11 shall not hold any public office of or be an employee of any component
12 city or component county of the metropolitan municipal corporation.

13 (8) If there are two metropolitan councils within a metropolitan
14 municipal corporation, a person may be a member of both councils unless
15 provided otherwise by this chapter or by resolution of the metropolitan
16 council of the whole. Each member of the metropolitan council of the
17 whole shall have one vote. If a person is a member of both councils,
18 that person has only one vote on the metropolitan council of the whole.

19 **Sec. 10.** RCW 35.58.130 and 1965 c 7 s 35.58.130 are each amended
20 to read as follows:

21 At the first meeting of the metropolitan council of the whole
22 following the formation of a metropolitan municipal corporation, the
23 mayor of the central city shall serve as temporary chairman. If the
24 mayor of the central city is not appointed to the metropolitan council,
25 a person selected by members of the city council shall serve as
26 temporary chairman. As its first official act the council shall elect
27 a chairman. The chairman shall be a voting member of the council and
28 shall preside at all meetings. In the event of his absence or
29 inability to act the council shall select one of its members to act as

1 chairman pro tempore. A majority of all members of the council shall
2 constitute a quorum for the transaction of business. A smaller number
3 of council members than a quorum may adjourn from time to time and may
4 compel the attendance of absent members in such manner and under such
5 penalties as the council may provide. The council shall determine its
6 own rules and order of business, shall provide by resolution for the
7 manner and time of holding all regular and special meetings and shall
8 keep a journal of its proceedings which shall be a public record.
9 Every legislative act of the council of a general or permanent nature
10 shall be by resolution.

11 **Sec. 11.** RCW 35.58.140 and 1971 ex.s. c 303 s 6 are each amended
12 to read as follows:

13 Each member of a metropolitan council except those selected under
14 the provisions of RCW 35.58.120(1)(a), (5), and (7), (~~and (8), 7~~) shall
15 hold office at the pleasure of the body (~~which~~) that selected him.
16 Each member, who shall hold office ex officio, may not hold office
17 after he ceases to hold the position of elected county executive,
18 mayor, commissioner, or councilman. The chairman shall hold office
19 until the second Tuesday in July of each even-numbered year and may, if
20 reelected, serve more than one term. Each member shall hold office
21 until his successor has been selected as provided in this chapter.

22 **Sec. 12.** RCW 35.58.150 and 1984 c 44 s 1 are each amended to read
23 as follows:

24 A vacancy in the office of a member of (~~the~~) a metropolitan
25 council shall be filled in the same manner as provided for the original
26 selection. The meeting of mayors to fill a vacancy of the member
27 selected under the provisions of RCW 35.58.120(~~(4) or of special~~
28 ~~district representatives to fill a vacancy of a member selected under~~

1 ~~RCW 35.58.120(7))~~ (5) shall be held at ~~((such))~~ a time and place ~~((as~~
2 ~~shall be))~~ designated by the chairman of the metropolitan council of
3 the whole after ten days' written notice mailed to the mayors of each
4 of the cities specified in RCW 35.58.120~~((4) or to the representatives~~
5 ~~of the special purpose districts specified in RCW 35.58.120(7),~~
6 ~~whichever is applicable))~~ (5).

7 NEW SECTION. Sec. 13. A new section is added to chapter 35.58 RCW
8 to read as follows:

9 (1) The function of water pollution abatement must be governed by
10 a metropolitan council created for that function and organized under
11 this section.

12 (2) The metropolitan council governing water pollution abatement
13 shall comprise one member from each city, sewer district, and water
14 district that, under contract between the metropolitan municipal
15 corporation and the city, sewer district, and water district,
16 participates in the design, construction, operation, or maintenance of
17 the facilities for water pollution abatement.

18 A city's member of the metropolitan council shall be appointed by,
19 and from, the city's mayor and city council. A sewer district's and a
20 water district's member of the metropolitan council shall be appointed
21 by, and from, the commissioners of the respective district.

22 Each member of the metropolitan council shall have a vote equal to
23 the population within the respective member's constituency. A motion
24 or action of the metropolitan council shall be approved by a two-thirds
25 vote of the members.

26 **Sec. 14.** RCW 35.58.160 and 1985 c 330 s 1 are each amended to read
27 as follows:

1 The ~~((chairman))~~ chair and committee ~~((chairmen))~~ chairs of ~~((the))~~
2 a metropolitan council, except elected public officials serving on a
3 full-time salaried basis, may receive such compensation as the other
4 members of the metropolitan council of the whole shall provide.
5 Members of ~~((the))~~ a council other than the ~~((chairman))~~ chair and
6 committee ~~((chairmen))~~ chairs shall receive compensation of fifty
7 dollars per day or portion thereof for attendance at metropolitan
8 council or committee meetings, or for performing other services on
9 behalf of the metropolitan municipal corporation, but not exceeding a
10 total of four thousand eight hundred dollars in any year, in addition
11 to any compensation which they may receive as officers of component
12 cities or counties~~((:—PROVIDED, That))~~. If a member is a member or
13 chair of more than one council, or a chair of more than one committee,
14 the member shall be compensated for performing services for only one
15 council or committee. Elected public officers serving in such
16 capacities on a full-time basis shall not receive compensation for
17 attendance at metropolitan, council, or committee meetings, or
18 otherwise performing services on behalf of the metropolitan municipal
19 corporation~~((:—PROVIDED FURTHER, That))~~. Committee ~~((chairmen))~~
20 chairs shall not receive compensation in any one year greater than one-
21 third of the compensation authorized for the county commissioners or
22 county councilmen of the central county.

23 Any member of ~~((the))~~ a council may waive all or any portion of his
24 or her compensation payable under this section as to any month or
25 months during his or her term of office, by a written waiver filed with
26 ~~((the))~~ that council as provided in this section. The waiver, to be
27 effective, must be filed any time after the member's selection and
28 prior to the date on which the compensation would otherwise be paid.
29 The waiver shall specify the month or period of months for which it is
30 made.

1 All members of ((the)) a council shall be reimbursed for expenses
2 actually incurred by them in the conduct of official business for the
3 metropolitan municipal corporation.

4 **Sec. 15.** RCW 35.58.170 and 1965 c 7 s 35.58.170 are each amended
5 to read as follows:

6 The name of a metropolitan municipal corporation shall be
7 established by ((its)) the metropolitan council of the whole. Each
8 metropolitan municipal corporation shall adopt a corporate seal
9 containing the name of the corporation and the date of its formation.

10 **Sec. 16.** RCW 35.58.180 and 1974 ex.s. c 84 s 3 are each amended to
11 read as follows:

12 In addition to the powers specifically granted by this chapter a
13 metropolitan municipal corporation shall have all powers which are
14 necessary to carry out the purposes of the metropolitan municipal
15 corporation and to perform authorized metropolitan functions. A
16 metropolitan municipal corporation may contract with the United States
17 or any agency thereof, any state or agency thereof, any other
18 metropolitan municipal corporation, any county, city, special district,
19 or governmental agency and any private person, firm or corporation for
20 the purpose of receiving gifts or grants or securing loans or advances
21 for preliminary planning and feasibility studies, or for the design,
22 construction or operation of metropolitan facilities and a metropolitan
23 municipal corporation may contract with any governmental agency or with
24 any private person, firm or corporation for the use by either
25 contracting party of all or any part of the facilities, structures,
26 lands, interests in lands, air rights over lands and rights of way of
27 all kinds which are owned, leased or held by the other party and for
28 the purpose of planning, constructing or operating any facility or

1 performing any service which the metropolitan municipal corporation may
2 be authorized to operate or perform, on such terms as may be agreed
3 upon by the contracting parties(~~(:—PROVIDED, That)~~). However, before
4 any contract for the lease or operation of any metropolitan public
5 transportation facilities shall be let to any private person, firm or
6 corporation, a general schedule of rental rates for bus equipment with
7 or without drivers shall be publicly posted applicable to all private
8 certificated carriers, and for other facilities competitive bids shall
9 first be called upon such notice, bidder qualifications and bid
10 conditions as the metropolitan council or commission for the function
11 of transportation shall determine.

12 A metropolitan municipal corporation may sue and be sued in its
13 corporate capacity in all courts and in all proceedings.

14 **Sec. 17.** RCW 35.58.190 and 1965 c 7 s 35.58.190 are each amended
15 to read as follows:

16 The metropolitan council of the whole shall provide by resolution
17 the effective date on which the metropolitan municipal corporation will
18 commence to perform any one or more of the metropolitan functions which
19 it shall have been authorized to perform.

20 **Sec. 18.** RCW 35.58.200 and 1975 c 36 s 1 are each amended to read
21 as follows:

22 If a metropolitan municipal corporation (~~(shall be)~~) is authorized
23 to perform the function of metropolitan water pollution abatement, it
24 shall have the following powers, exercised by the metropolitan council
25 for water pollution abatement, in addition to the general powers
26 granted by this chapter:

27 (1) To prepare a comprehensive water pollution abatement plan
28 including provisions for waterborne pollutant removal, water quality

1 improvement, sewage disposal, and storm water drainage for the
2 metropolitan area.

3 (2) To acquire by purchase, condemnation, gift, or grant and to
4 lease, construct, add to, improve, replace, repair, maintain, operate
5 and regulate the use of metropolitan facilities for water pollution
6 abatement, including but not limited to, removal of waterborne
7 pollutants, water quality improvement, sewage disposal and storm water
8 drainage within or without the metropolitan area, including but not
9 limited to trunk, interceptor and outfall sewers, whether used to carry
10 sanitary waste, storm water, or combined storm and sanitary sewage,
11 lift and pumping stations, pipelines, drains, sewage treatment plants,
12 flow control structures together with all lands, property rights,
13 equipment and accessories necessary for such facilities. Sewer
14 facilities which are owned by a county, city, or special district may
15 be acquired or used by the metropolitan municipal corporation only with
16 the consent of the legislative body of the county, city, or special
17 districts owning such facilities. Counties, cities, and special
18 districts are hereby authorized to convey or lease such facilities to
19 metropolitan municipal corporations or to contract for their joint use
20 on such terms as may be fixed by agreement between the legislative body
21 of such county, city, or special district and the metropolitan council
22 for water pollution abatement, without submitting the matter to the
23 voters of such county, city, or district.

24 (3) To require counties, cities, special districts and other
25 political subdivisions to discharge sewage collected by such entities
26 from any portion of the metropolitan area which can drain by gravity
27 flow into such metropolitan facilities as may be provided to serve such
28 areas when the metropolitan council for water pollution abatement shall
29 declare by resolution that the health, safety, or welfare of the people
30 within the metropolitan area requires such action.

1 (4) To fix rates and charges for the use of metropolitan water
2 pollution abatement facilities, and to expend the moneys so collected
3 for authorized water pollution abatement activities.

4 (5) To establish minimum standards for the construction of local
5 water pollution abatement facilities and to approve plans for
6 construction of such facilities by component counties or cities or by
7 special districts, which are connected to the facilities of the
8 metropolitan municipal corporation. No such county, city, or special
9 district shall construct such facilities without first securing such
10 approval.

11 (6) To acquire by purchase, condemnation, gift, or grant, to lease,
12 construct, add to, improve, replace, repair, maintain, operate and
13 regulate the use of facilities for the local collection of sewage or
14 storm water in portions of the metropolitan area not contained within
15 any city or special district operating local public sewer facilities
16 and, with the consent of the legislative body of any such city or
17 special district, to exercise such powers within such city or special
18 district and for such purpose to have all the powers conferred by law
19 upon such city or special district with respect to such local
20 collection facilities(~~(:—PROVIDED, That)~~). However, such consent
21 shall not be required if the department of ecology certifies that a
22 water pollution problem exists within any such city or special district
23 and notifies the city or special district to correct such problem and
24 corrective construction of necessary local collection facilities shall
25 not have been commenced within one year after notification. All costs
26 of such local collection facilities shall be paid for by the area
27 served thereby.

28 (7) To participate fully in federal and state programs under the
29 federal water pollution control act (86 Stat. 816 et seq., 33 U.S.C.
30 1251 et seq.) and to take all actions necessary to secure to itself or

1 its component agencies the benefits of that act and to meet the
2 requirements of that act, including but not limited to the following:

3 (a) Authority to develop and implement such plans as may be
4 appropriate or necessary under the act(~~(-)~~);

5 (b) Authority to require by appropriate regulations that its
6 component agencies comply with all effluent treatment and limitation
7 requirements, standards of performance requirements, pretreatment
8 requirements, a user charge and industrial cost recovery system
9 conforming to federal regulation, and all conditions of national permit
10 discharge elimination system permits issued to the metropolitan
11 municipal corporation or its component agencies. Adoption of such
12 regulations and compliance therewith shall not constitute a breach of
13 any sewage disposal contract between a metropolitan municipal
14 corporation and its component agencies nor a defense to an action for
15 the performance of all terms and conditions of such contracts not
16 inconsistent with such regulations and such contracts, as modified by
17 such regulations, shall be in all respects valid and enforceable.

18 **Sec. 19.** RCW 35.58.210 and 1974 ex.s. c 70 s 7 are each amended to
19 read as follows:

20 If a metropolitan municipal corporation (~~(shall be)~~) is authorized
21 to perform the function of metropolitan water pollution abatement, the
22 metropolitan council of the whole shall, prior to the effective date of
23 the assumption of such function, cause a metropolitan water pollution
24 abatement advisory committee to be formed by notifying the legislative
25 body of each component city and county which operates a sewer system to
26 appoint one person to serve on such advisory committee and the board of
27 commissioners of each sewer district and water district which operates
28 a sewer system, any portion of which lies within the metropolitan area,
29 to appoint one person to serve on such committee who shall be a

1 commissioner of such a sewer or water district. The metropolitan water
2 pollution abatement advisory committee shall meet at the time and place
3 provided in the notice and elect a chairman. The members of such
4 committee shall serve at the pleasure of the appointing bodies and
5 shall receive no compensation other than reimbursement for expenses
6 actually incurred in the performance of their duties. The function of
7 such advisory committee shall be to advise the metropolitan council for
8 pollution abatement in matters relating to the performance of the water
9 pollution (~~abatement~~) abatement function.

10 **Sec. 20.** RCW 35.58.220 and 1965 c 7 s 35.58.220 are each amended
11 to read as follows:

12 If a metropolitan municipal corporation (~~shall be~~) is authorized
13 to perform the function of metropolitan water supply, it shall have the
14 following powers in addition to the general powers granted by this
15 chapter:

16 (1) To prepare a comprehensive plan for the development of sources
17 of water supply, trunk supply mains and water treatment and storage
18 facilities for the metropolitan area.

19 (2) To acquire by purchase, condemnation, gift or grant and to
20 lease, construct, add to, improve, replace, repair, maintain, operate
21 and regulate the use of metropolitan facilities for water supply within
22 or without the metropolitan area, including buildings, structures,
23 water sheds, wells, springs, dams, settling basins, intakes, treatment
24 plants, trunk supply mains and pumping stations, together with all
25 lands, property, equipment and accessories necessary to enable the
26 metropolitan municipal corporation to obtain and develop sources of
27 water supply, treat and store water and deliver water through trunk
28 supply mains. Water supply facilities which are owned by a city or
29 special district may be acquired or used by the metropolitan municipal

1 corporation only with the consent of the legislative body of the city
2 or special district owning such facilities. Cities and special
3 districts are hereby authorized to convey or lease such facilities to
4 metropolitan municipal corporations or to contract for their joint use
5 on such terms as may be fixed by agreement between the legislative body
6 of such city or special district and the metropolitan council for
7 metropolitan water supply, without submitting the matter to the voters
8 of such city or district.

9 (3) To fix rates and charges for water supplied by the metropolitan
10 municipal corporation.

11 (4) To acquire by purchase, condemnation, gift or grant and to
12 lease, construct, add to, improve, replace, repair, maintain, operate
13 and regulate the use of facilities for the local distribution of water
14 in portions of the metropolitan area not contained within any city or
15 water district and, with the consent of the legislative body of any
16 city or water district, to exercise such powers within such city or
17 water district and for such purpose to have all the powers conferred by
18 law upon such city or water district with respect to such local
19 distribution facilities. All costs of such local distribution
20 facilities shall be paid for by the area served thereby.

21 **Sec. 21.** RCW 35.58.230 and 1965 c 7 s 35.58.230 are each amended
22 to read as follows:

23 If a metropolitan municipal corporation (~~shall be~~) is authorized
24 to perform the function of metropolitan water supply, the metropolitan
25 council of the whole shall, prior to the effective date of the
26 assumption of such function, cause a metropolitan water advisory
27 committee to be formed by notifying the legislative body of each
28 component city which operates a water system to appoint one person to
29 serve on such advisory committee and the board of commissioners of each

1 water district, any portion of which lies within the metropolitan area,
2 to appoint one person to serve on such committee who shall be a water
3 district commissioner. The metropolitan water advisory committee shall
4 meet at the time and place provided in the notice and elect a chairman.
5 The members of such committee shall serve at the pleasure of the
6 appointing bodies and shall receive no compensation other than
7 reimbursement for expenses actually incurred in the performance of
8 their duties. The function of such advisory committee shall be to
9 advise the metropolitan council with respect to matters relating to the
10 performance of the water supply function.

11 **Sec. 22.** RCW 35.58.240 and 1981 c 25 s 1 are each amended to read
12 as follows:

13 If a metropolitan municipal corporation (~~shall be~~) is authorized
14 to perform the function of metropolitan transportation, it shall have
15 the following powers in addition to the general powers granted by this
16 chapter:

17 (1) To prepare, adopt, and carry out a general comprehensive plan
18 for public transportation service which will best serve the residents
19 of the metropolitan area and to amend said plan from time to time to
20 meet changed conditions and requirements.

21 (2) To acquire by purchase, condemnation, gift, or grant and to
22 lease, construct, add to, improve, replace, repair, maintain, operate,
23 and regulate the use of metropolitan transportation facilities and
24 properties within or without the metropolitan area, including systems
25 of surface, underground, or overhead railways, tramways, buses, or any
26 other means of local transportation except taxis, and including
27 escalators, moving sidewalks, or other people-moving systems, passenger
28 terminal and parking facilities and properties, and such other
29 facilities and properties as may be necessary for passenger and

1 vehicular access to and from such people-moving systems, terminal and
2 parking facilities and properties, together with all lands, rights of
3 way, property, equipment, and accessories necessary for such systems
4 and facilities. Public transportation facilities and properties which
5 are owned by any city may be acquired or used by the metropolitan
6 municipal corporation only with the consent of the city council of the
7 city owning such facilities. Cities are hereby authorized to convey or
8 lease such facilities to metropolitan corporations or to contract for
9 their joint use on such terms as may be fixed by agreement between the
10 city council of such city and the metropolitan council for metropolitan
11 transportation, without submitting the matter to the voters of such
12 city.

13 The facilities and properties of a metropolitan public
14 transportation system whose vehicles will operate primarily within the
15 rights of way of public streets, roads, or highways, may be acquired,
16 developed and operated without the corridor and design hearings which
17 are required by RCW 35.58.273 for mass transit facilities operating on
18 a separate right of way.

19 (3) To fix rates, tolls, fares, and charges for the use of such
20 facilities and to establish various routes and classes of service.
21 Fares or charges may be adjusted or eliminated for any distinguishable
22 class of users including, but not limited to, senior citizens,
23 handicapped persons, and students. Classes of service and fares will
24 be maintained in the several parts of the metropolitan area at such
25 levels as will provide, insofar as reasonably practicable, that the
26 portion of any annual transit operating deficit of the metropolitan
27 municipal corporation attributable to the operation of all routes,
28 taken as a whole, which are located within the central city is
29 approximately in proportion to the portion of total taxes collected by
30 or on behalf of the metropolitan municipal corporation for transit

1 purposes within the central city, and that the portion of such annual
2 transit operating deficit attributable to the operation of all routes,
3 taken as a whole, which are located outside the central city, is
4 approximately in proportion to the portion of such taxes collected
5 outside the central city.

6 In the event any metropolitan municipal corporation shall extend
7 its metropolitan transportation function to any area or service already
8 offered by any company holding a certificate of public convenience and
9 necessity from the Washington utilities and transportation commission
10 under RCW 81.68.040, it shall by purchase or condemnation acquire at
11 the fair market value, from the person holding the existing certificate
12 for providing the services, that portion of the operating authority and
13 equipment representing the services within the area of public
14 operation.

15 **Sec. 23.** RCW 35.58.245 and 1971 ex.s. c 303 s 1 are each amended
16 to read as follows:

17 Notwithstanding any other provision of chapter 35.58 RCW a
18 metropolitan municipal corporation may perform the function of
19 metropolitan public transportation only if the performance of such
20 function is authorized by election. The metropolitan council of the
21 whole may call such election and certify the ballot proposition. The
22 election shall be conducted and canvassed as provided in RCW 35.58.090
23 and the municipality shall be authorized to perform the function of
24 metropolitan public transportation if a majority of the persons voting
25 on the proposition shall vote in favor.

26 **Sec. 24.** RCW 35.58.250 and 1965 c 7 s 35.58.250 are each amended
27 to read as follows:

1 Except in accordance with an agreement made as provided herein,
2 upon the effective date on which the metropolitan municipal corporation
3 commences to perform the metropolitan transportation function, no
4 person or private corporation shall operate a local public passenger
5 transportation service within the metropolitan area with the exception
6 of taxis, busses owned or operated by a school district or private
7 school, and busses owned or operated by any corporation or organization
8 solely for the purposes of the corporation or organization and for the
9 use of which no fee or fare is charged.

10 An agreement may be entered into between the metropolitan municipal
11 corporation and any person or corporation legally operating a local
12 public passenger transportation service wholly within or partly within
13 and partly without the metropolitan area and on said effective date
14 under which such person or corporation may continue to operate such
15 service or any part thereof for such time and upon such terms and
16 conditions as provided in such agreement. Where any such local public
17 passenger transportation service will be required to cease to operate
18 within the metropolitan area, the metropolitan council for
19 transportation or transportation commission formed under RCW 35.58.270
20 may agree with the owner of such service to purchase the assets used in
21 providing such service, or if no agreement can be reached, the council
22 or commission shall condemn such assets in the manner provided herein
23 for the condemnation of other properties.

24 Wherever a privately owned public carrier operates wholly or partly
25 within a metropolitan municipal corporation, the Washington utilities
26 and transportation commission shall continue to exercise jurisdiction
27 over such operation as provided by law.

28 **Sec. 25.** RCW 35.58.270 and 1967 c 105 s 12 are each amended to
29 read as follows:

1 If a metropolitan municipal corporation (~~((shall be))~~) is authorized
2 to perform the function of metropolitan transportation with a
3 commission form of management, (~~((a metropolitan transit commission))~~)
4 the metropolitan council of the whole shall (~~((be formed))~~) form prior to
5 the effective date of the assumption of such function. Except as
6 provided in this section, the metropolitan transit commission shall
7 exercise all powers of the metropolitan municipal corporation with
8 respect to metropolitan transportation facilities, including but not
9 limited to the power to construct, acquire, maintain, operate, extend,
10 alter, repair, control and manage a local public transportation system
11 within and without the metropolitan area, to establish new passenger
12 transportation services and to alter, curtail, or abolish any services
13 as the commission may deem desirable and to fix tolls and fares.

14 The comprehensive plan for public transportation service and any
15 amendments thereof shall be adopted by the metropolitan council of the
16 whole and the metropolitan transit commission shall provide
17 transportation facilities and service consistent with such plan. The
18 metropolitan transit commission shall authorize expenditures for
19 transportation purposes within the budget adopted by the
20 (~~((metropolitan))~~) council. Tolls and fares may be fixed or altered by
21 the commission only after approval thereof by the (~~((metropolitan))~~)
22 council. Bonds of the metropolitan municipal corporation for public
23 transportation purposes shall be issued by the metropolitan council of
24 the whole as provided in this chapter.

25 The metropolitan transit commission shall consist of seven members.
26 Six of such members shall be appointed by the metropolitan council of
27 the whole and the seventh member shall be the chairman of the
28 (~~((metropolitan))~~) council who shall be ex officio the chairman of the
29 metropolitan transit commission. Three of the six appointed members of
30 the commission shall be residents of the central city and three shall

1 be residents of the metropolitan area outside of the central city. The
2 three central city members of the first metropolitan transit commission
3 shall be selected from the existing transit commission of the central
4 city, if there be a transit commission in such city. The terms of
5 first appointees shall be for one, two, three, four, five and six
6 years, respectively. Thereafter, commissioners shall serve for a term
7 of four years. Compensation of transit commissioners shall be
8 determined by the ((metropolitan)) council.

9 **Sec. 26.** RCW 35.58.280 and 1965 c 7 s 35.58.280 are each amended
10 to read as follows:

11 If a metropolitan municipal corporation ((shall be)) is authorized
12 to perform the function of metropolitan garbage disposal, it shall have
13 the following powers in addition to the general powers granted by this
14 chapter:

15 (1) To prepare a comprehensive garbage disposal plan for the
16 metropolitan area.

17 (2) To acquire by purchase, condemnation, gift, or grant and to
18 lease, construct, add to, improve, replace, repair, maintain, operate
19 and regulate the use of metropolitan facilities for garbage disposal
20 within or without the metropolitan area, including garbage disposal
21 sites, central collection station sites, structures, machinery and
22 equipment for the operation of central collection stations and for the
23 hauling and disposal of garbage by any means, together with all lands,
24 property, equipment and accessories necessary for such facilities.
25 Garbage disposal facilities which are owned by a city or county may be
26 acquired or used by the metropolitan municipal corporation only with
27 the consent of the legislative body of the city or county owning such
28 facilities. Cities and counties are hereby authorized to convey or
29 lease such facilities to metropolitan municipal corporations or to

1 contract for their joint use on such terms as may be fixed by agreement
2 between the legislative body of such city or county and the
3 metropolitan council for garbage disposal or, if none, the metropolitan
4 council of the whole, without submitting the matter to the voters of
5 such city or county.

6 (3) To fix rates and charges for the use of metropolitan garbage
7 disposal facilities.

8 (4) With the consent of any component city, to acquire by purchase,
9 condemnation, gift or grant and to lease, construct, add to, improve,
10 replace, repair, maintain, operate and regulate the use of facilities
11 for the local collection of garbage within such city, and for such
12 purpose to have all the powers conferred by law upon such city with
13 respect to such local collection facilities. Nothing herein contained
14 shall be deemed to authorize the local collection of garbage except in
15 component cities. All costs of such local collection facilities shall
16 be paid for by the area served thereby.

17 **Sec. 27.** RCW 35.58.290 and 1965 c 7 s 35.58.290 are each amended
18 to read as follows:

19 If a metropolitan municipal corporation (~~shall be~~) is authorized
20 to perform the function of metropolitan parks and parkways, it shall
21 have the following powers in addition to the general powers granted by
22 this chapter:

23 (1) To prepare a comprehensive plan of metropolitan parks and
24 parkways.

25 (2) To acquire by purchase, condemnation, gift or grant, to lease,
26 construct, add to, improve, develop, replace, repair, maintain, operate
27 and regulate the use of metropolitan parks and parkways, together with
28 all lands, rights of way, property, equipment and accessories necessary
29 therefor. A park or parkway shall be considered to be a metropolitan

1 facility if the metropolitan council for parks and parkways or, if
2 none, the metropolitan council of the whole shall by resolution find it
3 to be of use and benefit to all or a major portion of the residents of
4 the metropolitan area. Parks or parkways which are owned by a
5 component city or county may be acquired or used by the metropolitan
6 municipal corporation only with the consent of the legislative body of
7 such city or county. Cities and counties are hereby authorized to
8 convey or lease such facilities to metropolitan municipal corporations
9 or to contract for their joint use on such terms as may be fixed by
10 agreement between the legislative bodies of such city or county and the
11 metropolitan council for parks and parkways or, if none, the
12 metropolitan council of the whole, without submitting the matter to the
13 voters of such city or county. If parks or parkways which have been
14 acquired or used as metropolitan facilities shall no longer be used for
15 park purposes by the metropolitan municipal corporation, such
16 facilities shall revert to the component city or county which formerly
17 owned them.

18 (3) To fix fees and charges for the use of metropolitan park and
19 parkway facilities.

20 **Sec. 28.** RCW 35.58.300 and 1965 c 7 s 35.58.300 are each amended
21 to read as follows:

22 If a metropolitan municipal corporation (~~shall be~~) is authorized
23 to perform the function of metropolitan parks and parkways, a
24 metropolitan park board shall be formed prior to the effective date of
25 the assumption of such function. Except as provided in this section,
26 the metropolitan park board shall exercise all powers of the
27 metropolitan municipal corporation with respect to metropolitan park
28 and parkway facilities.

1 The metropolitan park board shall authorize expenditures for park
2 and parkway purposes within the budget adopted by the metropolitan
3 council of the whole. Bonds of the metropolitan municipal corporation
4 for park and parkway purposes shall be issued by the metropolitan
5 council as provided in this chapter.

6 The metropolitan park board shall consist of five members appointed
7 by the metropolitan council for parks and parkways or, if none, the
8 metropolitan council of the whole at least two of whom shall be
9 residents of the central city. The terms of first appointees shall be
10 for one, two, three, four and five years, respectively. Thereafter
11 members shall serve for a term of four years. Compensation of park
12 board members shall be determined by the ((metropolitan)) council.

13 **Sec. 29.** RCW 35.58.310 and 1965 c 7 s 35.58.310 are each amended
14 to read as follows:

15 If a metropolitan municipal corporation ((shall be)) is authorized
16 to perform the function of metropolitan comprehensive planning, it
17 shall have the following powers in addition to the general powers
18 granted by this chapter:

19 (1) To prepare a recommended comprehensive land use and capital
20 facilities plan for the metropolitan area.

21 (2) To review proposed zoning ordinances and resolutions or
22 comprehensive plans of component cities and counties and make
23 recommendations thereon. Such proposed zoning ordinances and
24 resolutions or comprehensive plans must be submitted to the
25 metropolitan council of the whole prior to adoption and may not be
26 adopted until reviewed and returned by the ((metropolitan)) council.
27 The ((metropolitan)) council shall cause such ordinances, resolutions
28 and plans to be reviewed by the planning staff of the metropolitan
29 municipal corporation and return such ordinances, resolutions and

1 plans, together with their findings and recommendations thereon within
2 sixty days following their submission.

3 (3) To provide planning services for component cities and counties
4 upon request and upon payment therefor by the cities or counties
5 receiving such service.

6 **Sec. 30.** RCW 35.58.320 and 1965 c 7 s 35.58.320 are each amended
7 to read as follows:

8 A metropolitan municipal corporation (~~shall have~~) has power to
9 acquire by purchase and condemnation all lands and property rights,
10 both within and without the metropolitan area, which are necessary for
11 its purposes. Such right of eminent domain shall be exercised by the
12 metropolitan council of the whole in the same manner and by the same
13 procedure as is or may be provided by law for cities of the first
14 class, except insofar as such laws may be inconsistent with the
15 provisions of this chapter.

16 **Sec. 31.** RCW 35.58.340 and 1965 c 7 s 35.58.340 are each amended
17 to read as follows:

18 Except as otherwise provided herein, a metropolitan municipal
19 corporation may sell, or otherwise dispose of any real or personal
20 property acquired in connection with any authorized metropolitan
21 function and which is no longer required for the purposes of the
22 metropolitan municipal corporation in the same manner as provided for
23 cities of the first class. When the metropolitan council of the whole
24 determines that a metropolitan facility or any part thereof which has
25 been acquired from a component city or county without compensation is
26 no longer required for metropolitan purposes, but is required as a
27 local facility by the city or county from which it was acquired, the

1 ((metropolitan)) council shall by resolution transfer it to such city
2 or county.

3 **Sec. 32.** RCW 35.58.350 and 1965 c 7 s 35.58.350 are each amended
4 to read as follows:

5 All the powers and functions of a metropolitan municipal
6 corporation shall be vested in the metropolitan council of the whole
7 unless expressly vested in specific officers, boards, ((or))
8 commissions, or a metropolitan council by this chapter. Without
9 limitation of the foregoing authority, or of other powers given it by
10 this chapter, the metropolitan council of the whole shall have the
11 following powers:

12 (1) To establish offices, departments, boards and commissions in
13 addition to those provided by this chapter ((which)) that are necessary
14 to carry out the purposes of the metropolitan municipal corporation,
15 and to prescribe the functions, powers and duties thereof.

16 (2) To appoint or provide for the appointment of, and to remove or
17 to provide for the removal of, all officers and employees of the
18 metropolitan municipal corporation except those whose appointment or
19 removal is otherwise provided by this chapter.

20 (3) To fix the salaries, wages and other compensation of all
21 officers and employees of the metropolitan municipal corporation unless
22 the same shall be otherwise fixed in this chapter.

23 (4) To employ such engineering, legal, financial, or other
24 specialized personnel as may be necessary to accomplish the purposes of
25 the metropolitan municipal corporation.

26 **Sec. 33.** RCW 35.58.370 and 1965 c 7 s 35.58.370 are each amended
27 to read as follows:

1 The metropolitan council of the whole shall establish and provide
2 for the operation and maintenance of a personnel merit system for the
3 employment, classification, promotion, demotion, suspension, transfer,
4 layoff and discharge of its appointive officers and employees solely on
5 the basis of merit and fitness without regard to political influence or
6 affiliation. The person appointed or body created for the purpose of
7 administering such personnel system shall have power to make, amend and
8 repeal rules and regulations as are deemed necessary for such merit
9 system. Such rules and regulations shall provide:

10 (1) That the person to be discharged or demoted must be presented
11 with the reasons for such discharge or demotion specifically stated;
12 and

13 (2) That he shall be allowed a reasonable time in which to reply
14 thereto in writing and that he be given a hearing thereon within a
15 reasonable time.

16 **Sec. 34.** RCW 35.58.410 and 1965 c 7 s 35.58.410 are each amended
17 to read as follows:

18 On or before the third Monday in June of each year, the
19 metropolitan council of the whole of each metropolitan municipal
20 corporation shall adopt a budget for the following calendar year. Such
21 budget shall include a separate section for each authorized
22 metropolitan function. Expenditures shall be segregated as to
23 operation and maintenance expenses and capital and betterment outlays.
24 Administrative and other expense general to the corporation shall be
25 allocated between the authorized metropolitan functions. The budget
26 shall contain an estimate of all revenues to be collected during the
27 following budget year, including any surplus funds remaining unexpended
28 from the preceding year. The remaining funds required to meet budget
29 expenditures, if any, shall be designated as "supplemental income" and

1 shall be obtained from the component cities and counties in the manner
2 provided in this chapter. ((The)) A metropolitan council shall not be
3 required to confine capital or betterment expenditures made from bond
4 proceeds or emergency expenditures to items provided in the budget.
5 The affirmative vote of three-fourths of all members of the
6 metropolitan council of the whole shall be required to authorize
7 emergency expenditures.

8 **Sec. 35.** RCW 35.58.420 and 1965 c 7 s 35.58.420 are each amended
9 to read as follows:

10 Each component city shall pay such proportion of the supplemental
11 income of the metropolitan municipal corporation as the assessed
12 valuation of property within its limits bears to the total assessed
13 valuation of taxable property within the metropolitan area. Each
14 component county shall pay such proportion of such supplemental income
15 as the assessed valuation of the property within the unincorporated
16 area of such county lying within the metropolitan area bears to the
17 total assessed valuation of taxable property within the metropolitan
18 area. In making such determination, the metropolitan council of the
19 whole shall use the last available assessed valuations. The
20 ((metropolitan)) council shall certify to each component city and
21 county, prior to the fourth Monday in June of each year, the share of
22 the supplemental income to be paid by such component city or county for
23 the next calendar year. The latter shall then include such amount in
24 its budget for the ensuing calendar year, and during such year shall
25 pay to the metropolitan municipal corporation, in equal quarterly
26 installments, the amount of its supplemental income share from whatever
27 sources may be available to it.

1 **Sec. 36.** RCW 35.58.430 and 1965 c 7 s 35.58.430 are each amended
2 to read as follows:

3 The treasurer of each component county shall create a separate fund
4 into which shall be paid all money collected from taxes levied by the
5 metropolitan municipal corporation on property in such county and such
6 money shall be forwarded quarterly by the treasurer of each such county
7 to the treasurer of the central county as directed by the metropolitan
8 council of the whole. The treasurer of the central county shall act as
9 the treasurer of the metropolitan municipal corporation and shall
10 establish and maintain such funds as may be authorized by the
11 ((metropolitan)) council. Money shall be disbursed from such funds
12 upon warrants drawn by the auditor of the central county as authorized
13 by the ((metropolitan)) council. The central county shall be
14 reimbursed by the metropolitan municipal corporation for services
15 rendered by the treasurer and auditor of the central county in
16 connection with the receipt and disbursement of such funds. The
17 expense of all special elections held pursuant to this chapter shall be
18 paid by the metropolitan municipal corporation.

19 **Sec. 37.** RCW 35.58.440 and 1965 c 7 s 35.58.440 are each amended
20 to read as follows:

21 It shall be the duty of the assessor of each component county to
22 certify annually to the metropolitan council of the whole the aggregate
23 assessed valuation of all taxable property in his county situated in
24 any metropolitan municipal corporation as the same appears from the
25 last assessment roll of his county.

26 **Sec. 38.** RCW 35.58.450 and 1984 c 186 s 18 are each amended to
27 read as follows:

1 Notwithstanding the limitations of chapter 39.36 RCW and any other
2 statutory limitations otherwise applicable and limiting municipal debt,
3 a metropolitan municipal corporation shall have the power to contract
4 indebtedness and issue general obligation bonds and to pledge the full
5 faith and credit of the corporation to the payment thereof, for any
6 authorized capital purpose of the metropolitan municipal corporation,
7 not to exceed an amount, together with any outstanding nonvoter
8 approved general indebtedness, equal to three-fourths of one percent of
9 the value of the taxable property within the metropolitan municipal
10 corporation, as the term "value of the taxable property" is defined in
11 RCW 39.36.015. A metropolitan municipal corporation may additionally
12 contract indebtedness and issue general obligation bonds, for any
13 authorized capital purpose of a metropolitan municipal corporation,
14 together with any other outstanding general indebtedness, not to exceed
15 an amount equal to five percent of the value of the taxable property
16 within the corporation, as the term "value of the taxable property" is
17 defined in RCW 39.36.015, when a proposition authorizing the
18 indebtedness has been approved by three-fifths of the persons voting on
19 said proposition at said election at which such election the total
20 number of persons voting on such bond proposition shall constitute not
21 less than forty percent of the total number of votes cast within the
22 area of said metropolitan municipal corporation at the last preceding
23 state general election. Such general obligation bonds may be
24 authorized in any total amount in one or more propositions and the
25 amount of such authorization may exceed the amount of bonds which could
26 then lawfully be issued. Such bonds may be issued in one or more
27 series from time to time out of such authorization. The elections
28 shall be held pursuant to RCW 39.36.050.

29 Whenever the voters of a metropolitan municipal corporation have,
30 pursuant to RCW 84.52.056, approved excess property tax levies to

1 retire such bond issues, both the principal of and interest on such
2 general obligation bonds may be made payable from annual tax levies to
3 be made upon all the taxable property within the metropolitan municipal
4 corporation in excess of the constitutional and/or statutory tax
5 limit. The principal of and interest on any general obligation bond
6 may be made payable from any other taxes or any special assessments
7 which the metropolitan municipal corporation may be authorized to levy
8 or from any otherwise unpledged revenue which may be derived from the
9 ownership or operation of properties or facilities incident to the
10 performance of the authorized function for which such bonds are issued
11 or may be made payable from any combination of the foregoing sources.
12 The metropolitan council of the whole may include in the principal
13 amount of such bond issue an amount for engineering, architectural,
14 planning, financial, legal, urban design and other services incident to
15 acquisition or construction solely for authorized capital purposes and
16 may include an amount to establish a guaranty fund for revenue bonds
17 issued solely for capital purposes.

18 General obligation bonds shall be issued and sold by the
19 metropolitan council of the whole as provided in chapter 39.46 RCW and
20 shall mature in not to exceed forty years from the date of issue.

21 **Sec. 39.** RCW 35.58.460 and 1983 c 167 s 48 are each amended to
22 read as follows:

23 (1) A metropolitan municipal corporation may issue revenue bonds to
24 provide funds to carry out its authorized metropolitan water pollution
25 abatement, water supply, garbage disposal or transportation purposes,
26 without submitting the matter to the voters of the metropolitan
27 municipal corporation. The metropolitan council of the whole shall
28 create a special fund or funds for the sole purpose of paying the
29 principal of and interest on the bonds of each such issue, into which

1 fund or funds the ((metropolitan)) council may obligate the
2 metropolitan municipal corporation to pay such amounts of the gross
3 revenue of the particular utility constructed, acquired, improved,
4 added to, or repaired out of the proceeds of sale of such bonds, as the
5 ((metropolitan)) council shall determine and may obligate the
6 metropolitan municipal corporation to pay such amounts out of otherwise
7 unpledged revenue which may be derived from the ownership, use or
8 operation of properties or facilities owned, used or operated incident
9 to the performance of the authorized function for which such bonds are
10 issued or out of otherwise unpledged fees, tolls, charges, tariffs,
11 fares, rentals, special taxes or other sources of payment lawfully
12 authorized for such purpose, as the metropolitan council shall
13 determine. The principal of, and interest on, such bonds shall be
14 payable only out of such special fund or funds, and the owners of such
15 bonds shall have a lien and charge against the gross revenue of such
16 utility or any other revenue, fees, tolls, charges, tariffs, fares,
17 special taxes or other authorized sources pledged to the payment of
18 such bonds.

19 Such revenue bonds and the interest thereon issued against such
20 fund or funds shall be a valid claim of the owners thereof only as
21 against such fund or funds and the revenue pledged therefor, and shall
22 not constitute a general indebtedness of the metropolitan municipal
23 corporation.

24 Each such revenue bond shall state upon its face that it is payable
25 from such special fund or funds, and all revenue bonds issued under
26 this chapter shall be negotiable securities within the provisions of
27 the law of this state. Such revenue bonds may be registered either as
28 to principal only or as to principal and interest as provided in RCW
29 39.46.030, or may be bearer bonds; shall be in such denominations as
30 the metropolitan council of the whole shall deem proper; shall be

1 payable at such time or times and at such places as shall be determined
2 by the metropolitan council of the whole; shall bear interest at such
3 rate or rates as shall be determined by the metropolitan council of the
4 whole; shall be signed by the chairman and attested by the secretary of
5 the metropolitan council of the whole, one of which signatures may be
6 a facsimile signature, and the seal of the metropolitan municipal
7 corporation shall be impressed or imprinted thereon; any attached
8 interest coupons shall be signed by the facsimile signatures of said
9 officials.

10 Such revenue bonds shall be sold in such manner, at such price and
11 at such rate or rates of interest as the metropolitan council of the
12 whole shall deem to be for the best interests of the metropolitan
13 municipal corporation, either at public or private sale.

14 The metropolitan council of the whole may at the time of the
15 issuance of such revenue bonds make such covenants with the owners of
16 said bonds as it may deem necessary to secure and guarantee the payment
17 of the principal thereof and the interest thereon, including but not
18 being limited to covenants to set aside adequate reserves to secure or
19 guarantee the payment of such principal and interest, to maintain rates
20 sufficient to pay such principal and interest and to maintain adequate
21 coverage over debt service, to appoint a trustee or trustees for the
22 bond owners to safeguard the expenditure of the proceeds of sale of
23 such bonds and to fix the powers and duties of such trustee or trustees
24 and to make such other covenants as the ((metropolitan)) council may
25 deem necessary to accomplish the most advantageous sale of such bonds.
26 The ((metropolitan)) council may also provide that revenue bonds
27 payable out of the same source may later be issued on a parity with
28 revenue bonds being issued and sold.

29 The metropolitan council of the whole may include in the principal
30 amount of any such revenue bond issue an amount to establish necessary

1 reserves, an amount for working capital and an amount necessary for
2 interest during the period of construction of any such metropolitan
3 facilities plus six months. The ((metropolitan)) council may, if it
4 deems it to the best interest of the metropolitan municipal
5 corporation, provide in any contract for the construction or
6 acquisition of any metropolitan facilities or additions or improvements
7 thereto or replacements or extensions thereof that payment therefor
8 shall be made only in such revenue bonds at the par value thereof.

9 If the metropolitan municipal corporation shall fail to carry out
10 or perform any of its obligations or covenants made in the
11 authorization, issuance and sale of such bonds, the owner of any such
12 bond may bring action against the metropolitan municipal corporation
13 and compel the performance of any or all of such covenants.

14 (2) Notwithstanding subsection (1) of this section, such bonds may
15 be issued and sold in accordance with chapter 39.46 RCW.

16 **Sec. 40.** RCW 35.58.470 and 1970 ex.s. c 56 s 40 are each amended
17 to read as follows:

18 The metropolitan council of the whole may, by resolution, without
19 submitting the matter to the voters of the metropolitan municipal
20 corporation, provide for the issuance of funding or refunding general
21 obligation bonds to refund any outstanding general obligation bonds or
22 any part thereof at maturity, or before maturity if they are by their
23 terms or by other agreement subject to prior redemption, with the right
24 in the ((metropolitan)) council to combine various series and issues of
25 the outstanding bonds by a single issue of funding or refunding bonds,
26 and to issue refunding bonds to pay any redemption premium payable on
27 the outstanding bonds being refunded. The funding or refunding general
28 obligation bonds shall, except as specifically provided in this

1 section, be issued in accordance with the provisions of this chapter
2 with respect to general obligation bonds.

3 The metropolitan council of the whole may, by resolution, without
4 submitting the matter to the voters of the metropolitan municipal
5 corporation, provide for the issuance of funding or refunding revenue
6 bonds to refund any outstanding revenue bonds or any part thereof at
7 maturity, or before maturity if they are by their terms or by agreement
8 subject to prior redemption, with the right in the ((metropolitan))
9 council to combine various series and issues of the outstanding bonds
10 by a single issue of refunding bonds, and to issue refunding bonds to
11 pay any redemption premium payable on the outstanding bonds being
12 refunded. The funding or refunding revenue bonds shall be payable only
13 out of a special fund created out of the gross revenue of the
14 particular utility, and shall be a valid claim only as against such
15 special fund and the amount of the revenue of the utility pledged to
16 the fund. The funding or refunding revenue bonds shall, except as
17 specifically provided in this section, be issued in accordance with the
18 provisions of this chapter with respect to revenue bonds.

19 The metropolitan council of the whole may exchange the funding or
20 refunding bonds at par for the bonds ((which)) that are being funded or
21 refunded, or it may sell them in such manner, at such price and at such
22 rate or rates of interest as it deems for the best interest of the
23 metropolitan municipal corporation.

24 **Sec. 41.** RCW 35.58.480 and 1965 c 7 s 35.58.480 are each amended
25 to read as follows:

26 A metropolitan municipal corporation shall have the power when
27 authorized by a majority of all members of the metropolitan council of
28 the whole to borrow money from any component city or county and such
29 cities or counties are hereby authorized to make such loans or advances

1 on such terms as may be mutually agreed upon by the legislative bodies
2 of the metropolitan municipal corporation and any such component city
3 or county to provide funds to carry out the purposes of the
4 metropolitan municipal corporation.

5 **Sec. 42.** RCW 35.58.490 and 1965 c 7 s 35.58.490 are each amended
6 to read as follows:

7 If a metropolitan municipal corporation shall have been authorized
8 to levy a general tax on all taxable property located within the
9 metropolitan municipal corporation in the manner provided in this
10 chapter, either at the time of the formation of the metropolitan
11 municipal corporation or subsequently, the metropolitan council of the
12 whole shall have the power to authorize the issuance of interest
13 bearing warrants on such terms and conditions as the ((metropolitan))
14 council shall provide, same to be repaid from the proceeds of such tax
15 when collected.

16 **Sec. 43.** RCW 35.58.500 and 1965 c 7 s 35.58.500 are each amended
17 to read as follows:

18 The metropolitan municipal corporation shall have the power to levy
19 special assessments payable over a period of not exceeding twenty years
20 on all property within the metropolitan area specially benefited by any
21 improvement, on the basis of special benefits conferred, to pay in
22 whole, or in part, the damages or costs of any such improvement, and
23 for such purpose may establish local improvement districts and enlarged
24 local improvement districts, issue local improvement warrants and bonds
25 to be repaid by the collection of local improvement assessments and
26 generally to exercise with respect to any improvements which it may be
27 authorized to construct or acquire the same powers as may now or
28 hereafter be conferred by law upon cities of the first class. Such

1 local improvement districts shall be created and such special
2 assessments levied and collected and local improvement warrants and
3 bonds issued and sold in the same manner as shall now or hereafter be
4 provided by law for cities of the first class. The duties imposed upon
5 the city treasurer under such acts shall be imposed upon the treasurer
6 of the county in which such local improvement district shall be
7 located.

8 A metropolitan municipal corporation may provide that special
9 benefit assessments levied in any local improvement district may be
10 paid into such revenue bond redemption fund or funds as may be
11 designated by the metropolitan council of the whole to secure the
12 payment of revenue bonds issued to provide funds to pay the cost of
13 improvements for which such assessments were levied. If local
14 improvement district assessments shall be levied for payment into a
15 revenue bond fund, the local improvement district created therefor
16 shall be designated a utility local improvement district.

17 **Sec. 44.** RCW 35.58.530 and 1969 ex.s. c 135 s 3 are each amended
18 to read as follows:

19 Territory annexed to a component city after the establishment of a
20 metropolitan municipal corporation shall by such act be annexed to such
21 corporation. Territory within a metropolitan municipal corporation may
22 be annexed to a city which is not within such metropolitan municipal
23 corporation in the manner provided by law and in such event either (1)
24 such city may be annexed to such metropolitan municipal corporation by
25 ordinance of the legislative body of the city concurred in by
26 resolution of the metropolitan council, or (2) if such city shall not
27 be so annexed such territory shall remain within the metropolitan
28 municipal corporation unless such city shall by resolution of its
29 legislative body request the withdrawal of such territory subject to

1 any outstanding indebtedness of the metropolitan corporation and the
2 metropolitan council of the whole shall by resolution consent to such
3 withdrawal.

4 Any territory contiguous to a metropolitan municipal corporation
5 and lying wholly within an incorporated city or town may be annexed to
6 such metropolitan municipal corporation by ordinance of the legislative
7 body of such city or town requesting such annexation concurred in by
8 resolution of the metropolitan council of the whole.

9 Any other territory adjacent to a metropolitan municipal
10 corporation may be annexed thereto by vote of the qualified electors
11 residing in the territory to be annexed, in the manner provided in this
12 chapter. An election to annex such territory may be called pursuant to
13 a petition or resolution in the following manner:

14 (1) A petition calling for such an election shall be signed by at
15 least four percent of the qualified voters residing within the
16 territory to be annexed and shall be filed with the auditor of the
17 central county.

18 (2) A resolution calling for such an election may be adopted by the
19 metropolitan council of the whole.

20 Any resolution or petition calling for such an election shall
21 describe the boundaries of the territory to be annexed, and state that
22 the annexation of such territory to the metropolitan municipal
23 corporation will be conducive to the welfare and benefit of the persons
24 or property within the metropolitan municipal corporation and within
25 the territory proposed to be annexed.

26 Upon receipt of such a petition, the auditor shall examine the same
27 and certify to the sufficiency of the signatures thereon. For the
28 purpose of examining the signatures on such petition, the auditor shall
29 be permitted access to the voter registration books of each city within
30 the territory proposed to be annexed and of each county a portion of

1 which shall be located within the territory proposed to be annexed. No
2 person may withdraw his name from a petition after it has been filed
3 with the auditor. Within thirty days following the receipt of such
4 petition, the auditor shall transmit the same to the metropolitan
5 council of the whole, together with his certificate as to the
6 sufficiency thereof.

7 **Sec. 45.** RCW 35.58.540 and 1965 c 7 s 35.58.540 are each amended
8 to read as follows:

9 Upon receipt of a duly certified petition calling for an election
10 on the annexation of territory to a metropolitan municipal corporation,
11 or if the metropolitan council of the whole shall determine without a
12 petition being filed, that an election on the annexation of any
13 adjacent territory shall be held, the ((metropolitan)) council shall
14 fix a date for a public hearing thereon which shall be not more than
15 sixty nor less than forty days following the receipt of such petition
16 or adoption of such resolution. Notice of such hearing shall be
17 published once a week for at least four consecutive weeks in one or
18 more newspapers of general circulation within the territory proposed to
19 be annexed. The notice shall contain a description of the boundaries
20 of the territory proposed to be annexed and shall state the time and
21 place of the hearing thereon and the fact that any changes in the
22 boundaries of such territory will be considered at such time and place.
23 At such hearing or any continuation thereof, any interested person may
24 appear and be heard on all matters relating to the proposed annexation.
25 The ((metropolitan)) council may make such changes in the boundaries of
26 the territory proposed to be annexed as it shall deem reasonable and
27 proper, but may not delete any portion of the proposed area which will
28 create an island of included or excluded lands and may not delete a
29 portion of any city. If the ((metropolitan)) council shall determine

1 that any additional territory should be included in the territory to be
2 annexed, a second hearing shall be held and notice given in the same
3 manner as for the original hearing. The ((metropolitan)) council may
4 adjourn the hearing on the proposed annexation from time to time not
5 exceeding thirty days in all. At the next regular meeting following
6 the conclusion of such hearing, the ((metropolitan)) council shall, if
7 it finds that the annexation of such territory will be conducive to the
8 welfare and benefit of the persons and property therein and the welfare
9 and benefit of the persons and property within the metropolitan
10 municipal corporation, adopt a resolution fixing the boundaries of the
11 territory to be annexed and causing to be called a special election on
12 such annexation to be held not more than one hundred twenty days nor
13 less than sixty days following the adoption of such resolution.

14 **Sec. 46.** RCW 35.58.570 and 1989 c 389 s 1 are each amended to read
15 as follows:

16 (1) A metropolitan municipal corporation that is engaged in the
17 transmission, treatment, and disposal of sewage may impose a capacity
18 charge on users of the metropolitan municipal corporation's sewage
19 facilities when the user connects, reconnects, or establishes a new
20 service. The capacity charge shall be approved by the metropolitan
21 council ((of the metropolitan municipal corporation)) for water
22 pollution abatement and reviewed and reapproved annually.

23 (2) The capacity charge shall be based upon the cost of the sewage
24 facilities' excess capacity that is necessary to provide sewerage
25 treatment for new users to the system. The capacity charge, which may
26 be collected over a period of fifteen years, shall not exceed:

27 (a) Seven dollars per month per residential customer equivalent for
28 connections and reconnections occurring prior to January 1, 1996; and

1 (b) Ten dollars and fifty cents per month per residential customer
2 equivalent for connections and reconnections occurring after January 1,
3 1996, and prior to January 1, 2001.

4 For connections and reconnections occurring after January 1, 2001,
5 the capacity charge shall not exceed fifty percent of the basic sewer
6 rate per residential customer equivalent established by the
7 metropolitan municipal corporation at the time of the connection or
8 reconnection.

9 (3) The capacity charge for a building other than a single-family
10 residence shall be based on the projected number of residential
11 customer equivalents to be represented by the building, considering its
12 intended use.

13 (4) The metropolitan council (~~(of the metropolitan municipal~~
14 ~~corporation))~~ for water pollution abatement shall enforce the
15 collection of the capacity charge in the same manner provided for the
16 collection, enforcement, and payment of rates and charges for sewer
17 districts provided in RCW 56.16.100 and 56.16.110. At least thirty
18 days before commencement of an action to foreclose a lien for a
19 capacity charge, the (~~metropolitan municipal corporation~~) council
20 shall send written notice of delinquency in payment of the capacity
21 charge to any first mortgage or deed of trust holder of record at the
22 address of record.

23 (5) As used in this section, "sewage facilities" means capital
24 projects identified since January 1, 1982, to July 23, 1989, in the
25 metropolitan municipal corporation's comprehensive water pollution
26 abatement plan. "Residential customer equivalent" shall have the same
27 meaning used by the metropolitan municipal corporation in determining
28 rates and charges at the time the capacity charge is imposed.

1 NEW SECTION. **Sec. 47.** This act is necessary for the immediate
2 preservation of the public peace, health, or safety, or support of the
3 state government and its existing public institutions, and shall take
4 effect immediately.

5 NEW SECTION. **Sec. 48.** If any provision of this act or its
6 application to any person or circumstance is held invalid, the
7 remainder of the act or the application of the provision to other
8 persons or circumstances is not affected.