
ENGROSSED SENATE BILL 6025

State of Washington

53rd Legislature

1994 Regular Session

By Senators Winsley and Haugen

Read first time 01/10/94. Referred to Committee on Government Operations.

1 AN ACT Relating to cities and towns; amending RCW 35.16.010,
2 35.16.020, 35.16.030, 35.16.040, 35.16.050, 35.27.010, 42.24.180, and
3 82.14.330; adding a new section to chapter 35.16 RCW; providing an
4 effective date; and declaring an emergency.

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

6 **Sec. 1.** RCW 35.16.010 and 1965 c 7 s 35.16.010 are each amended to
7 read as follows:

8 Upon the filing of a petition (~~((praying for an election to submit~~
9 ~~the question of excluding))~~ which is sufficient as determined by RCW
10 35A.01.040 requesting the exclusion from the boundaries of a city or
11 town of an area described by metes and bounds or by reference to a
12 recorded plat or government survey (~~((from the boundaries of a city or~~
13 ~~town))~~), signed by qualified voters (~~((thereof))~~) of the city or town
14 equal in number to not less than (~~((one-fifth))~~) ten percent of the
15 number of (~~((votes cast))~~) voters voting at the last general municipal
16 election, the city or town (~~((council))~~) legislative body shall (~~((cause~~
17 ~~to be submitted))~~) submit the question to the voters (~~((by a special~~
18 ~~election held for that purpose. Such special election shall not be~~
19 ~~held within ninety days next preceding any general election))~~). As an

1 alternate method, the legislative body of the city or town may by
2 resolution submit a proposal to the voters for excluding such a
3 described area from the boundaries of the city or town. The question
4 shall be submitted at the next general municipal election if one is to
5 be held within one hundred eighty days or at a special election called
6 for that purpose not less than ninety days nor more than one hundred
7 eighty days after the certification of sufficiency of the petition or
8 the passage of the resolution. The petition or resolution shall set
9 out and describe the territory to be excluded from the ((corporation))
10 city or town, together with the boundaries of the ((said corporation))
11 city or town as it will exist after such change is made.

12 **Sec. 2.** RCW 35.16.020 and 1985 c 469 s 19 are each amended to read
13 as follows:

14 Notice of a ~~((special))~~ corporate limit reduction election shall be
15 published ~~((for))~~ at least ~~((four))~~ once each week for two consecutive
16 weeks prior to the election in the official newspaper of the city or
17 town. The notice shall distinctly state the proposition to be
18 submitted, shall designate specifically the area proposed to be
19 excluded and the boundaries of the city or town as they would be after
20 the proposed exclusion of territory therefrom ~~((and shall require the~~
21 voters to cast ballots which)). The ballots shall contain the words
22 "For reduction of ((corporate)) city limits" and "Against reduction of
23 ((corporate)) city limits" or words equivalent thereto. ~~((This notice~~
24 shall be in addition to the notice required by chapter 29.27 RCW.))

25 **Sec. 3.** RCW 35.16.030 and 1965 c 7 s 35.16.030 are each amended to
26 read as follows:

27 ~~((On the Monday next succeeding a special corporate limit reduction~~
28 ~~election, the canvassing authority shall proceed to canvass the returns~~
29 ~~thereof and)) The election returns shall be canvassed as provided in
30 RCW 29.13.040. If three-fifths of the votes cast on the proposition
31 favor the reduction of the corporate limits, the ((council))
32 legislative body of the city or town, by an order entered on its
33 minutes, shall ((cause)) direct the clerk to make and transmit to the
34 office of the secretary of state a certified abstract of the vote. The
35 abstract shall show the ((whole)) total number of ((electors)) voters
36 voting, the number of votes cast for reduction and the number of votes
37 cast against reduction.~~

1 **Sec. 4.** RCW 35.16.040 and 1965 c 7 s 35.16.040 are each amended to
2 read as follows:

3 (~~Immediately~~) Promptly after the filing of the abstract of votes
4 with the office of the secretary of state, the legislative body of the
5 city or town (~~council~~) shall adopt an ordinance defining and fixing
6 the corporate limits after excluding the area as determined by the
7 election. The ordinance shall also describe the excluded territory by
8 metes and bounds or by reference to a recorded plat or government
9 survey and declare it no longer a part of the city or town.

10 **Sec. 5.** RCW 35.16.050 and 1965 c 7 s 35.16.050 are each amended to
11 read as follows:

12 (~~Immediately upon~~) A certified copy of the ordinance defining the
13 reduced city or town limits (~~going into effect, a certified copy~~
14 ~~thereof~~) together with a map showing the corporate limits as altered
15 shall be filed and recorded in the office of the county auditor of the
16 county in which the city or town is situated, (~~and thereupon the~~
17 ~~boundaries shall be as set forth therein~~) upon the effective date of
18 the ordinance. The new boundaries of the city or town shall take
19 effect immediately after they are filed and recorded with the county
20 auditor.

21 NEW SECTION. **Sec. 6.** A new section is added to chapter 35.16 RCW
22 to read as follows:

23 In regard to franchises previously granted for operation of any
24 public service business or facility within the territory excluded from
25 a city or town by proceedings under this chapter, the rights,
26 obligations, and duties of the legislative body of the county or other
27 political subdivision having jurisdiction over such territory and of
28 the franchise holder shall be as provided in RCW 35.02.160, relating to
29 inclusion of territory by an incorporation.

30 **Sec. 7.** RCW 35.27.010 and 1965 c 7 s 35.27.010 are each amended to
31 read as follows:

32 Every municipal corporation of the fourth class shall be entitled
33 the "Town of" (naming it), and by such name shall
34 have perpetual succession, may sue, and be sued in all courts and
35 places, and in all proceedings whatever; shall have and use a common
36 seal, alterable at the pleasure of the town authorities, and may

1 purchase, lease, receive, hold, and enjoy real and personal property
2 and control ((and)), lease, sublease, convey, or otherwise dispose of
3 the same for the common benefit.

4 **Sec. 8.** RCW 42.24.180 and 1984 c 128 s 11 are each amended to read
5 as follows:

6 In order to expedite the payment of claims, the legislative body of
7 any taxing district, as defined in RCW 43.09.260, may authorize the
8 issuance of warrants or checks in payment of claims after the
9 provisions of this chapter have been met and after the officer
10 designated by statute, or, in the absence of statute, an appropriate
11 charter provision, ordinance, or resolution of the taxing district, has
12 signed the checks or warrants, but before the legislative body has
13 acted to approve the claims. The legislative body may stipulate that
14 certain kinds or amounts of claims shall not be paid before the board
15 has reviewed the supporting documentation and approved the issue of
16 checks or warrants in payment of those claims. However, all of the
17 following conditions shall be met before the payment:

18 (1) The auditing officer and the officer designated to sign the
19 checks or warrants shall each be required to furnish an official bond
20 for the faithful discharge of his or her duties in an amount determined
21 by the legislative body but not less than fifty thousand dollars;

22 (2) The legislative body shall adopt contracting, hiring,
23 purchasing, and disbursing policies that implement effective internal
24 control;

25 (3) The legislative body shall provide for its review of the
26 documentation supporting claims paid and for its approval of all checks
27 or warrants issued in payment of claims at its next regularly scheduled
28 public meeting or, for cities and towns, at a regularly scheduled
29 public meeting within one month of issuance; and

30 (4) The legislative body shall require that if, upon review, it
31 disapproves some claims, the auditing officer and the officer
32 designated to sign the checks or warrants shall jointly cause the
33 disapproved claims to be recognized as receivables of the taxing
34 district and to pursue collection diligently until the amounts
35 disapproved are collected or until the legislative body is satisfied
36 and approves the claims.

1 **Sec. 9.** RCW 82.14.330 and 1993 sp.s. c 21 s 3 are each amended to
2 read as follows:

3 (1) The moneys deposited in the municipal criminal justice
4 assistance account for distribution under this section shall be
5 distributed to the cities of the state as follows:

6 (a) Twenty percent appropriated for distribution shall be
7 distributed to cities with a three-year average violent crime rate for
8 each one thousand in population in excess of one hundred fifty percent
9 of the state-wide three-year average violent crime rate for each one
10 thousand in population. The three-year average violent crime rate
11 shall be calculated using the violent crime rates for each of the
12 preceding three years from the annual reports on crime in Washington
13 state as published by the Washington association of sheriffs and police
14 chiefs. Moneys shall be distributed under this subsection (1)(a)
15 ratably based on population as last determined by the office of
16 financial management, but no city may receive more than one dollar per
17 capita. Moneys remaining undistributed under this subsection at the
18 end of each calendar year shall be distributed to the criminal justice
19 training commission to reimburse participating city law enforcement
20 agencies with ten or fewer full-time commissioned patrol officers the
21 cost of temporary replacement of each officer who is enrolled in basic
22 law enforcement training, as provided in RCW 43.101.200.

23 (b) Sixteen percent shall be distributed to cities ratably based on
24 population as last determined by the office of financial management,
25 but no city may receive less than one thousand dollars.

26 The moneys deposited in the municipal criminal justice assistance
27 account for distribution under this subsection shall be distributed at
28 such times as distributions are made under RCW 82.44.150.

29 Moneys distributed under this subsection shall be expended
30 exclusively for criminal justice purposes and shall not be used to
31 replace or supplant existing funding. Criminal justice purposes are
32 defined as activities that substantially assist the criminal justice
33 system, which may include circumstances where ancillary benefit to the
34 civil justice system occurs, and which includes domestic violence
35 services such as those provided by domestic violence programs,
36 community advocates, and legal advocates, as defined in RCW 70.123.020.
37 Existing funding for purposes of this subsection is defined as calendar
38 year 1989 actual operating expenditures for criminal justice purposes.
39 Calendar year 1989 actual operating expenditures for criminal justice

1 purposes exclude the following: Expenditures for extraordinary events
2 not likely to reoccur, changes in contract provisions for criminal
3 justice services, beyond the control of the local jurisdiction
4 receiving the services, and major nonrecurring capital expenditures.

5 (2) In addition to the distributions under subsection (1) of this
6 section:

7 (a) Fourteen percent shall be distributed to cities that have
8 initiated innovative law enforcement strategies, including alternative
9 sentencing and crime prevention programs. No city may receive more
10 than one dollar per capita under this subsection (2)(a).

11 (b) Twenty percent shall be distributed to cities that have
12 initiated programs to help at-risk children or child abuse victim
13 response programs. No city may receive more than fifty cents per
14 capita under this subsection (2)(b).

15 (c) Twenty percent shall be distributed to cities that have
16 initiated programs designed to reduce the level of domestic violence
17 within their jurisdictions or to provide counseling for domestic
18 violence victims. No city may receive more than fifty cents per capita
19 under this subsection (2)(c).

20 (d) Ten percent shall be distributed to cities that contract with
21 another governmental agency for a majority of the city's law
22 enforcement services.

23 Moneys distributed under this subsection shall be distributed to
24 those cities that submit funding requests under this subsection to the
25 department of community, trade, and economic development based on
26 criteria developed under RCW 82.14.335. Allocation of funds shall be
27 in proportion to the population of qualified jurisdictions, but the
28 distribution to a city shall not exceed the amount of funds requested.
29 Cities shall submit requests for program funding to the department of
30 community, trade, and economic development by November 1 of each year
31 for funding the following year. The department shall certify to the
32 state treasurer the cities eligible for funding under this subsection
33 and the amount of each allocation.

34 ~~((One half of the moneys distributed under (a) through (d) of this
35 subsection shall be distributed on March 1st and the remaining one half
36 of the moneys shall be distributed on September 1st))~~ The moneys
37 deposited in the municipal criminal justice assistance account for
38 distribution under this subsection shall be distributed at the times as
39 distributions are made under RCW 82.44.150. Moneys remaining

1 undistributed under this subsection at the end of each calendar year
2 shall be distributed to the criminal justice training commission to
3 reimburse participating city law enforcement agencies with ten or fewer
4 full-time commissioned patrol officers the cost of temporary
5 replacement of each officer who is enrolled in basic law enforcement
6 training, as provided in RCW 43.101.200.

7 If a city is found by the state auditor to have expended funds
8 received under this subsection in a manner that does not comply with
9 the criteria under which the moneys were received, the city shall be
10 ineligible to receive future distributions under this subsection until
11 the use of the moneys are justified to the satisfaction of the director
12 or are repaid to the state general fund. The director may allow
13 noncomplying use of moneys received under this subsection upon a
14 showing of hardship or other emergent need.

15 (3) Notwithstanding other provisions of this section, the
16 distributions to any city that substantially decriminalizes or repeals
17 its criminal code after July 1, 1990, and that does not reimburse the
18 county for costs associated with criminal cases under RCW 3.50.800 or
19 3.50.805(2), shall be made to the county in which the city is located.

20 NEW SECTION. **Sec. 10.** Section 9 of this act is necessary for the
21 immediate preservation of the public peace, health, or safety, or
22 support of the state government and its existing public institutions,
23 and shall take effect March 1, 1994.

--- END ---