
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, and 42.24.180;
3 and adding a new section to chapter 35.16 RCW.

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

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

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

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

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

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

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

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

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