

HOUSE BILL REPORT

ESSB 6505

As Reported By House Committee On:
Government Operations

Title: An act relating to clarifying and harmonizing provisions in Titles 35 and 41 RCW.

Brief Description: Clarifying and harmonizing provisions relating to cities and towns.

Sponsors: Senate Committee on Government Operations (originally sponsored by Senators Hale and Haugen).

Brief History:

Committee Activity:

Government Operations: 2/21/96, 2/23/96 [DPA].

HOUSE COMMITTEE ON GOVERNMENT OPERATIONS

Majority Report: Do pass as amended. Signed by 15 members: Representatives Reams, Chairman; Cairnes, Vice Chairman; Goldsmith, Vice Chairman; Rust, Ranking Minority Member; Scott, Assistant Ranking Minority Member; Conway; R. Fisher; Hargrove; Honeyford; Hymes; Mulliken; Scheuerman; D. Schmidt; Van Luven and Wolfe.

Staff: Bill Lynch (786-7092).

Background: The law pertaining to towns states that no person shall hold any elective office in a town unless he is a resident and an elector of the town. There is no parallel provision within the statutes governing second-class cities.

The procedure for the disincorporation of a city or town requires that a recent census reflect that the population of the city or town is less than 4,000. A disincorporation election may not be held unless the city or town has a population of less than 4,000.

A city may assume management and control of all or a portion of a sewer or water district which is located entirely within or partially within the city. No provision is made for a city to assume management and control of all or a portion of a water or sewer district which has no territory within the city limits.

Any appointive officer or employee of a city governed by a commission form of government who exerts influence to induce other officers or employees of the city to

favor any candidate for any city office or who contributes anything in any way to a person for election purposes shall be discharged by the commission. There is no similar requirement for appointive officers or employees of cities with other types of governance.

When creating or granting a franchise or privilege, a second-class city must do so by ordinance. The ordinance may not be voted on until five days after its introduction and must be approved by at least five members of the city council. The city may require a bond from the franchise. There are two other statutes with conflicting provisions which apply to the granting of franchises by second-class cities.

In a town, all appointive officers and employees shall hold office at the pleasure of the mayor and are not subject to confirmation by the town council. There is no requirement that the mayor be subject to applicable laws or regulations relating to civil service.

General state law provides that the cost of a hospitalization and medical policy is not additional compensation to the employees or elected officials covered. Elected officials include, but are not limited to, school board members and commissioners for fire protection, port, public utility, water, sewer, and hospital districts. Officers of code cities, noncode cities, and towns are not expressly included.

The statutes pertaining to newly incorporated cities do not address the fixing of the term of the mayor during the interim period between the date the newly-elected officials are qualified and the official date of incorporation.

The statutes pertaining to newly incorporated cities do not address the ownership of land that is part of a park and recreation district.

Summary of Bill: Various provisions in the laws governing cities and towns are amended.

- It is provided in the chapter governing second-class cities that no person may hold an elective office in the city unless he or she is a resident and registered voter of the city.
- The requirement that a city or town have a population of less than 4,000 in order to proceed with a disincorporation election is repealed.
- Provision is made for a city to assume jurisdiction of a water or sewer district, whether or not any of the territory or assessed valuation of the district is within the city, pursuant to a contract approved by the board of commissioners of the water or sewer district and the legislative body of the city.

- It is expressly provided that the mayor of a town is subject to applicable laws and regulations relating to civil service when appointing, employing, or discharging town officers or employees.
- The provision which requires the dismissal of an employee or officer of a city with a commission form of government who contributes to a campaign or attempts to influence others on a campaign is repealed.
- It is expressly provided that the cost of hospitalization and medical insurance for elected officials of code cities, noncode cities, and towns is not considered additional compensation.
- Redundant provisions regulating the manner of granting franchises by second-class cities are repealed.
- Newly incorporated cities which adopt a council-manager form of government may fix the term of the mayor during the interim period.
- The governing body of a city or town incorporated after August 1, 1995, may submit a proposition to the voters of a park and recreation district to take over all the assets and liabilities of a park and recreation district located wholly within the city or town's boundaries. The proposition must be voted on at a general election. If a majority of the votes cast favor the reversion of park district property, then all assets and liabilities of the park and recreation district become assets and liabilities of the new city. Any special assessments or levies will continue to be collected against the property formerly in the park and recreation district. All funds of the district must be used for the purpose they were collected.

Amended Bill Compared to Engrossed Substitute Bill: Language is added to require a vote before the city could take over the property of a park and recreation district. Additional language is added to clarify that moneys collected for park district purposes must be used for those purposes.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: These are mostly technical corrections to the city laws. The law is ambiguous as to what happens to park and recreation district land that becomes part of a newly-incorporated city.

Testimony Against: None.

Testified: Senator Hale, prime sponsor; Jim Justice, Association of Washington Cities; Stan Flemming, Mayor of University Place; and Lorna Smith, city councilmember of University Place.