
HOUSE BILL 1707

State of Washington

54th Legislature

1995 Regular Session

By Representatives Hargrove, Sheahan and Pelesky

Read first time 02/06/95. Referred to Committee on Government Operations.

1 AN ACT Relating to classification of cities and towns; amending RCW
2 35.22.010, 35.33.020, 35.34.020, and 35.86.010; reenacting and amending
3 RCW 35.23.051, 35.23.101, and 35A.06.020; and repealing RCW 35A.61.010.

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

5 **Sec. 1.** RCW 35.22.010 and 1965 c 7 s 35.22.010 are each amended to
6 read as follows:

7 Cities of the first class shall be organized and governed according
8 to the law providing for the government of cities having a population
9 of ~~((twenty))~~ ten thousand or more inhabitants that have adopted a
10 charter in accordance with Article ~~((11))~~ XI, section 10 of the state
11 Constitution.

12 **Sec. 2.** RCW 35.23.051 and 1994 c 223 s 17 and 1994 c 81 s 36 are
13 each reenacted and amended to read as follows:

14 General municipal elections in second class cities ~~((not operating~~
15 ~~under the commission form of government))~~ shall be held biennially in
16 the odd-numbered years and shall be subject to general election law.

17 The terms of office of the mayor, city attorney, clerk, and
18 treasurer shall be four years and until their successors are elected

1 and qualified and assume office in accordance with RCW 29.04.170:
2 PROVIDED, That if the offices of city attorney, clerk, and treasurer
3 are made appointive, the city attorney, clerk, and treasurer shall not
4 be appointed for a definite term: PROVIDED FURTHER, That the term of
5 the elected treasurer shall not commence in the same biennium in which
6 the term of the mayor commences, nor in which the terms of the city
7 attorney and clerk commence if they are elected.

8 Council positions shall be numbered in each second class city so
9 that council position seven has a two-year term of office and council
10 positions one through six shall each have four-year terms of office.
11 Each councilmember shall remain in office until a successor is elected
12 and qualified and assumes office in accordance with RCW 29.04.170.

13 In its discretion the council of a second class city may divide the
14 city by ordinance into a convenient number of wards, not exceeding six,
15 fix the boundaries of the wards, and change the ward boundaries from
16 time to time and as provided in RCW 29.70.100. No change in the
17 boundaries of any ward shall be made within one hundred twenty days
18 next before the date of a general municipal election, nor within twenty
19 months after the wards have been established or altered. However, if
20 a boundary change results in one ward being represented by more
21 councilmembers than the number to which it is entitled, those having
22 the shortest unexpired terms shall be assigned by the council to wards
23 where there is a vacancy, and the councilmembers so assigned shall be
24 deemed to be residents of the wards to which they are assigned for
25 purposes of determining whether those positions are vacant.

26 Whenever such city is so divided into wards, the city council shall
27 designate by ordinance the number of councilmembers to be elected from
28 each ward, apportioning the same in proportion to the population of the
29 wards. Thereafter the councilmembers so designated shall be elected by
30 the voters resident in such ward, or by general vote of the whole city
31 as may be designated in such ordinance. Council position seven shall
32 not be associated with a ward and the person elected to that position
33 may reside anywhere in the city and voters throughout the city may vote
34 at a primary to nominate candidates for position seven, when a primary
35 is necessary, and at a general election to elect the person to council
36 position seven. ~~((When))~~ Additional territory that is added to the
37 city ~~((it may))~~ shall, by act of the council, be annexed to contiguous
38 wards without affecting the right to redistrict at the expiration of
39 twenty months after last previous division. The removal of a

1 councilmember from the ward for which he or she was elected shall
2 create a vacancy in such office.

3 Wards shall be redrawn as provided in chapter 29.70 RCW. Wards
4 shall be used as follows: (1) Only a resident of the ward may be a
5 candidate for, or hold office as, a councilmember of the ward; and (2)
6 only voters of the ward may vote at a primary to nominate candidates
7 for a councilmember of the ward. Voters of the entire city may vote at
8 the general election to elect a councilmember of a ward, unless the
9 city had prior to January 1, 1994, limited the voting in the general
10 election for any or all council positions to only voters residing
11 within the ward associated with the council positions. If a city had
12 so limited the voting in the general election to only voters residing
13 within the ward, then the city shall be authorized to continue to do
14 so. The elections for the remaining council position or council
15 positions that are not associated with a ward shall be conducted as if
16 the wards did not exist.

17 **Sec. 3.** RCW 35.23.101 and 1994 c 223 s 19 and 1994 c 81 s 38 are
18 each reenacted and amended to read as follows:

19 The council of a second class city may declare a council position
20 vacant if the councilmember is absent for three consecutive regular
21 meetings without permission of the council. In addition, a vacancy in
22 an elective office shall occur and shall be filled as provided in
23 chapter 42.12 RCW.

24 Vacancies in offices other than that of mayor or city councilmember
25 shall be filled by appointment of the mayor.

26 If there is a temporary vacancy in an appointive office due to
27 illness, absence from the city, or other temporary inability to act,
28 the mayor may appoint a temporary appointee to exercise the duties of
29 the office until the temporary disability of the incumbent is removed.

30 **Sec. 4.** RCW 35.33.020 and 1985 c 175 s 4 are each amended to read
31 as follows:

32 The provisions of this chapter apply to all cities of the first
33 class (~~(which)~~) that have a population of less than three hundred
34 thousand, to all cities of the second (~~(and third classes)~~) class, and
35 to all towns, except those cities and towns (~~(which)~~) that have adopted
36 an ordinance under RCW 35.34.040 providing for a biennial budget.

1 **Sec. 5.** RCW 35.34.020 and 1985 c 175 s 5 are each amended to read
2 as follows:

3 This chapter applies to all cities of the first(~~(7)~~) and second(~~(7~~
4 ~~and third)~~) classes and to all towns (~~(which)~~), that have by ordinance
5 adopted this chapter authorizing the adoption of a fiscal biennium
6 budget.

7 **Sec. 6.** RCW 35.86.010 and 1975 1st ex.s. c 221 s 1 are each
8 amended to read as follows:

9 Cities of the first(~~(7)~~) and second(~~(7~~
10 ~~and third)~~) classes are
11 authorized to provide off-street parking space and facilities located
12 on land dedicated for park or civic center purposes, or on other
13 municipally-owned land where the primary purpose of such off-street
14 parking facility is to provide parking for persons who use such park or
15 civic center facilities. In addition a city may own other off-street
parking facilities and operate them in accordance with RCW 35.86A.120.

16 **Sec. 7.** RCW 35A.06.020 and 1994 c 223 s 27 and 1994 c 81 s 68 are
17 each reenacted and amended to read as follows:

18 The classifications of municipalities (~~(which existed prior to the~~
19 ~~time this title goes into effect~~)~~(~~) as first class cities, second class
20 cities, unclassified cities, and towns(~~(~~)~~)~~), and the restrictions,
21 limitations, duties, and obligations specifically imposed by law upon
22 such classes of cities and towns, shall have no application to
23 noncharter code cities, but every noncharter code city, by adopting
24 such classification, has elected to be governed by the provisions of
25 this title, with the powers granted hereby. However, any code city
26 that retains its old plan of government is subject to the laws
27 applicable to that old plan of government until the city abandons its
28 old plan of government and reorganizes and adopts a plan of government
29 under chapter 35A.12 or 35A.13 RCW.

30 NEW SECTION. **Sec. 8.** RCW 35A.61.010 and 1967 ex.s. c 119 s
31 35A.61.010 are each repealed.

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