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SENATE BILL 6135

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State of Washington

54th Legislature

1996 Regular Session

By Senators Fairley, Winsley and Kohl

Read first time 01/08/96. Referred to Committee on Government Operations.

1 AN ACT Relating to using gender-neutral language in Title 35A RCW;  
2 amending RCW 35A.01.040, 35A.02.055, 35A.08.020, 35A.08.040,  
3 35A.12.010, 35A.12.030, 35A.12.065, 35A.12.070, 35A.12.080, 35A.12.100,  
4 35A.12.110, 35A.12.120, 35A.12.130, 35A.12.150, 35A.12.170, 35A.13.010,  
5 35A.13.020, 35A.13.030, 35A.13.035, 35A.13.040, 35A.13.050, 35A.13.060,  
6 35A.13.070, 35A.13.080, 35A.13.100, 35A.13.120, 35A.13.130, 35A.13.140,  
7 35A.21.030, 35A.33.010, 35A.33.052, 35A.33.135, 35A.33.160, 35A.36.010,  
8 35A.36.050, 35A.36.060, 35A.42.010, 35A.42.030, and 35A.63.020; and  
9 repealing RCW 35A.01.080.

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

11 **Sec. 1.** RCW 35A.01.040 and 1985 c 281 s 26 are each amended to  
12 read as follows:

13 Wherever in this title petitions are required to be signed and  
14 filed, the following rules shall govern the sufficiency thereof:

15 (1) A petition may include any page or group of pages containing an  
16 identical text or prayer intended by the circulators, signers, or  
17 sponsors to be presented and considered as one petition and containing  
18 the following essential elements when applicable, except that the  
19 elements referred to in subdivisions (d) and (e) hereof are essential

1 for petitions referring or initiating legislative matters to the  
2 voters, but are directory as to other petitions:

3 (a) The text or prayer of the petition which shall be a concise  
4 statement of the action or relief sought by petitioners;

5 (b) If the petition initiates or refers an ordinance, a true copy  
6 thereof;

7 (c) If the petition seeks the annexation, incorporation,  
8 withdrawal, or reduction of an area for any purpose, an accurate legal  
9 description of the area proposed for such action;

10 (d) Numbered lines for signatures with space provided beside each  
11 signature for the date of signing and the address of the signer;

12 (e) The warning statement prescribed in subsection (2) of this  
13 section.

14 (2) Petitions shall be printed or typed on single sheets of white  
15 paper of good quality and each sheet of petition paper having a space  
16 thereon for signatures shall contain the text or prayer of the petition  
17 and the following warning:

18 WARNING

19 Every person who signs this petition with any other than his or  
20 her true name, or who knowingly signs more than one of these  
21 petitions, or signs a petition seeking an election when he or  
22 she is not a legal voter, or signs a petition when he or she is  
23 otherwise not qualified to sign, or who makes herein any false  
24 statement, shall be guilty of a misdemeanor.

25 Each signature shall be executed in ink or indelible pencil and  
26 shall be followed by the date of signing and the address of the signer.

27 (3) The term "signer" means any person who signs his or her own  
28 name to the petition.

29 (4) To be sufficient a petition must contain valid signatures of  
30 qualified electors or property owners, as the case may be, in the  
31 number required by the applicable statute or ordinance. Within three  
32 working days after the filing of a petition, the officer or officers  
33 whose duty it is to determine the sufficiency of the petition shall  
34 proceed to make such a determination with reasonable promptness and  
35 shall file with the officer receiving the petition for filing a  
36 certificate stating the date upon which such determination was begun,  
37 which date shall be referred to as the terminal date. Additional pages  
38 of one or more signatures may be added to the petition by filing the

1 same with the appropriate filing officer prior to such terminal date.  
2 Any signer of a filed petition may withdraw his or her signature by a  
3 written request for withdrawal filed with the receiving officer prior  
4 to such terminal date. Such written request shall so sufficiently  
5 describe the petition as to make identification of the person and the  
6 petition certain. The name of any person seeking to withdraw shall be  
7 signed exactly the same as contained on the petition and, after the  
8 filing of such request for withdrawal, prior to the terminal date, the  
9 signature of any person seeking such withdrawal shall be deemed  
10 withdrawn.

11 (5) Petitions containing the required number of signatures shall be  
12 accepted as prima facie valid until their invalidity has been proved.

13 (6) A variation on petitions between the signatures on the petition  
14 and that on the voter's permanent registration caused by the  
15 substitution of initials instead of the first or middle names, or both,  
16 shall not invalidate the signature on the petition if the surname and  
17 handwriting are the same.

18 (7) Signatures, including the original, of any person who has  
19 signed a petition two or more times shall be stricken.

20 (8) Signatures followed by a date of signing which is more than six  
21 months prior to the date of filing of the petition shall be stricken.

22 (9) When petitions are required to be signed by the owners of  
23 property, the following shall apply:

24 (a) The signature of a record owner, as determined by the records  
25 of the county auditor, shall be sufficient without the signature of his  
26 or her spouse;

27 (b) In the case of mortgaged property, the signature of the  
28 mortgagor shall be sufficient, without the signature of his or her  
29 spouse;

30 (c) In the case of property purchased on contract, the signature of  
31 the contract purchaser, as shown by the records of the county auditor,  
32 shall be deemed sufficient, without the signature of his or her spouse;

33 (d) Any officer of a corporation owning land within the area  
34 involved who is duly authorized to execute deeds or encumbrances on  
35 behalf of the corporation, may sign on behalf of such corporation, and  
36 shall attach to the petition a certified excerpt from the bylaws of  
37 such corporation showing such authority;

38 (e) When property stands in the name of a deceased person or any  
39 person for whom a guardian has been appointed, the signature of the

1 executor, administrator, or guardian, as the case may be, shall be  
2 equivalent to the signature of the owner of the property.

3 **Sec. 2.** RCW 35A.02.055 and 1979 ex.s. c 18 s 8 are each amended to  
4 read as follows:

5 Where a city elects to become a noncharter code city under one of  
6 the optional plans of government provided in Title 35A RCW for code  
7 cities which involves the same general plan of government as that under  
8 which the city operated prior to the choice and where with the change  
9 in classification the number of ((~~councilmanic~~)) councilmember  
10 positions in a city remains the same or increases from five to seven,  
11 the procedures for the first election of officers which appear in RCW  
12 35A.02.050 shall not be followed. When membership in a city council  
13 remains the same or is increased upon becoming a noncharter code city,  
14 the terms of incumbent councilmembers shall not be affected. If the  
15 number of councilmembers is increased from five to seven, the city  
16 council shall, by majority vote, pursuant to RCW 35A.12.050 and  
17 35A.13.020, appoint two persons to serve in these offices until the  
18 next municipal general election, at which election one person shall be  
19 elected for a two-year term and one person shall be elected for a four-  
20 year term.

21 A first election of all officers upon a change in classification to  
22 a noncharter code city is also not required where the change in  
23 classification otherwise retains the same general or specific plan of  
24 government and where the change in classification results in a decrease  
25 in the number of ((~~councilmanic~~)) councilmember positions in a city.

26 If the membership in a city council is decreased from seven to five  
27 members upon adopting the classification of noncharter code city, this  
28 decrease in the number of councilmembers shall be determined in the  
29 following manner: The councilmembers shall determine by lot which two  
30 ((~~councilmanic~~)) councilmember positions shall be eliminated upon the  
31 expiration of their terms of office. The terms of the remaining  
32 councilmembers shall not be affected.

33 **Sec. 3.** RCW 35A.08.020 and 1979 c 151 s 32 are each amended to  
34 read as follows:

35 For the purposes of this chapter, the population of a city shall be  
36 the number of residents shown by the figures released for the most  
37 recent official state or federal census, by a population determination

1 made under the direction of the office of financial management, or by  
2 a city census conducted in the following manner:

3 (1) The legislative authority of any such city may provide by  
4 ordinance for the appointment by the mayor thereof, of such number of  
5 persons as may be designated in the ordinance to make an enumeration of  
6 all persons residing within the corporate limits of the city. The  
7 enumerators so appointed, before entering upon their duties, shall take  
8 an oath for the faithful performance thereof and within five days after  
9 their appointment proceed, within their respective districts, to make  
10 an enumeration of all persons residing therein, with their names and  
11 places of residence.

12 (2) Immediately upon the completion of the enumeration, the  
13 enumerators shall make return thereof upon oath to the legislative  
14 authority of the city, who at its next meeting or as soon thereafter as  
15 practicable, shall canvass and certify the returns.

16 (3) If it appears therefrom that the whole number of persons  
17 residing within the corporate limits of the city is ten thousand or  
18 more, the mayor and clerk under the corporate seal of the city shall  
19 certify the number so ascertained to the secretary of state, who shall  
20 file it in ((his)) the secretary's office. This certificate when so  
21 filed shall be conclusive evidence of the population of the city.

22 **Sec. 4.** RCW 35A.08.040 and 1990 c 259 s 7 are each amended to read  
23 as follows:

24 The election on the question whether to adopt a charter and become  
25 a charter code city and the nomination and election of the members of  
26 the charter commission shall be conducted, and the result declared,  
27 according to the laws regulating and controlling elections in the city.  
28 Candidates for election to the charter commission must be nominated by  
29 petition signed by ten registered voters of the city and residents  
30 therein for a period of at least two years preceding the election. A  
31 nominating petition shall be filed within the time allowed for filing  
32 declarations of candidacy and shall be verified by an affidavit of one  
33 or more of the signers to the effect that the affiant believes that the  
34 candidate and all of the signers are registered voters of the city and  
35 ((he)) the affiant signed the petition in good faith for the purpose of  
36 endorsing the person named therein for election to the charter  
37 commission. A written acceptance of the nomination by the nominee  
38 shall be affixed to the petition when filed with the county auditor.

1 Nominating petitions need not be in the form prescribed in RCW  
2 35A.01.040. Any nominee may withdraw his or her nomination by a  
3 written statement of withdrawal filed at any time not later than five  
4 days before the last day allowed for filing nominations. The positions  
5 on the charter commission shall be designated by consecutive numbers  
6 one through fifteen, and the positions so designated shall be  
7 considered as separate offices for all election purposes. A nomination  
8 shall be made for a specific numbered position.

9 **Sec. 5.** RCW 35A.12.010 and 1994 c 223 s 30 are each amended to  
10 read as follows:

11 The government of any noncharter code city or charter code city  
12 electing to adopt the mayor-council plan of government authorized by  
13 this chapter shall be vested in an elected mayor and an elected  
14 council. The council of a noncharter code city having less than  
15 twenty-five hundred inhabitants shall consist of five members; when  
16 there are twenty-five hundred or more inhabitants, the council shall  
17 consist of seven members: PROVIDED, That if the population of a city  
18 after having become a code city decreases from twenty-five hundred or  
19 more to less than twenty-five hundred, it shall continue to have a  
20 seven\_member council. If, after a city has become a mayor-council code  
21 city, its population increases to twenty-five hundred or more  
22 inhabitants, the number of ((~~councilmanic~~)) councilmember offices in  
23 such city may increase from five to seven members upon the affirmative  
24 vote of a majority of the existing council to increase the number of  
25 ((~~councilmanic~~)) councilmember offices in the city. When the  
26 population of a mayor-council code city having five ((~~councilmanic~~))  
27 councilmember offices increases to five thousand or more inhabitants,  
28 the number of ((~~councilmanic~~)) councilmember offices in the city shall  
29 increase from five to seven members. In the event of an increase in  
30 the number of ((~~councilmanic~~)) councilmember offices, the city council  
31 shall, by majority vote, pursuant to RCW 35A.12.050, appoint two  
32 persons to serve in these offices until the next municipal general  
33 election, at which election one person shall be elected for a two-year  
34 term and one person shall be elected for a four-year term. The number  
35 of inhabitants shall be determined by the most recent official state or  
36 federal census or determination by the state office of financial  
37 management. A charter adopted under the provisions of this title,  
38 incorporating the mayor-council plan of government set forth in this

1 chapter, may provide for an uneven number of councilmembers not  
2 exceeding eleven.

3 A noncharter code city of less than five thousand inhabitants which  
4 has elected the mayor-council plan of government and which has seven  
5 ((~~councilmanic~~)) councilmember offices may establish a five-member  
6 council in accordance with the following procedure. At least six  
7 months prior to a municipal general election, the city council shall  
8 adopt an ordinance providing for reduction in the number of  
9 ((~~councilmanic~~)) councilmember offices to five. The ordinance shall  
10 specify which two ((~~councilmanic~~)) councilmember offices, the terms of  
11 which expire at the next general election, are to be terminated. The  
12 ordinance shall provide for the renumbering of council positions and  
13 shall also provide for a two-year extension of the term of office of a  
14 retained ((~~councilmanic~~)) councilmember office, if necessary, in order  
15 to comply with RCW 35A.12.040.

16 However, a noncharter code city that has retained its old mayor-  
17 council plan of government, as provided in RCW 35A.02.130, is subject  
18 to the laws applicable to that old plan of government.

19 **Sec. 6.** RCW 35A.12.030 and 1979 ex.s. c 18 s 20 are each amended  
20 to read as follows:

21 No person shall be eligible to hold elective office under the  
22 mayor-council plan unless the person is a registered voter of the city  
23 at the time of filing his or her declaration of candidacy and has been  
24 a resident of the city for a period of at least one year next preceding  
25 his or her election. Residence and voting within the limits of any  
26 territory which has been included in, annexed to, or consolidated with  
27 such city is construed to have been residence within the city. A mayor  
28 or ((~~councilman~~)) councilmember shall hold within the city government  
29 no other public office or employment except as permitted under the  
30 provisions of chapter 42.23 RCW.

31 **Sec. 7.** RCW 35A.12.065 and 1967 ex.s. c 119 s 35A.12.065 are each  
32 amended to read as follows:

33 Biennially at the first meeting of a new council, or periodically,  
34 the members thereof, by majority vote, may designate one of their  
35 number as mayor pro tempore or deputy mayor for such period as the  
36 council may specify, to serve in the absence or temporary disability of  
37 the mayor; or, in lieu thereof, the council may, as the need may arise,

1 appoint any qualified person to serve as mayor pro tempore in the  
2 absence or temporary disability of the mayor. In the event of the  
3 extended excused absence or disability of a ((councilman))  
4 councilmember, the remaining members by majority vote may appoint a  
5 ((councilman)) councilmember pro tempore to serve during the absence or  
6 disability.

7 **Sec. 8.** RCW 35A.12.070 and 1971 ex.s. c 251 s 5 are each amended  
8 to read as follows:

9 The salaries of the mayor and the ((councilmen)) councilmembers  
10 shall be fixed by ordinance and may be revised from time to time by  
11 ordinance, but any increase in the compensation attaching to an office  
12 shall not be applicable to the term then being served by the incumbent  
13 if such incumbent is a member of the city legislative body fixing his  
14 or her own compensation or as mayor in a mayor-council code city casts  
15 a tie-breaking vote relating to such ordinance: PROVIDED, That if the  
16 mayor of such a city does not cast such a vote, ((his)) the mayor's  
17 salary may be increased during his or her term of office.

18 Until the first elective officers under this mayor-council plan of  
19 government may lawfully be paid the compensation provided by such  
20 salary ordinance, such officers shall be entitled to be compensated in  
21 the same manner and in the same amount as the compensation paid to  
22 officers of such city performing comparable services immediately prior  
23 to adoption of this mayor-council plan.

24 Until a salary ordinance can be passed and become effective as to  
25 elective officers of a newly incorporated code city, such first  
26 officers shall be entitled to compensation as follows: In cities  
27 having less than five thousand inhabitants, the mayor shall be entitled  
28 to a salary of one hundred and fifty dollars per calendar month and a  
29 ((councilman)) councilmember shall be entitled to twenty dollars per  
30 meeting for not more than two meetings per month; in cities having more  
31 than five thousand but less than fifteen thousand inhabitants, the  
32 mayor shall be entitled to a salary of three hundred and fifty dollars  
33 per calendar month and a ((councilman)) councilmember shall be entitled  
34 to one hundred and fifty dollars per calendar month; in cities having  
35 more than fifteen thousand inhabitants, the mayor shall be entitled to  
36 a salary of twelve hundred and fifty dollars per calendar month and a  
37 ((councilman)) councilmember shall be entitled to four hundred dollars  
38 per calendar month: PROVIDED, That such interim compensation shall



1 remain in effect only until a salary ordinance is passed and becomes  
2 effective as to such officers, and the amounts herein provided shall  
3 not be construed as fixing the usual salary of such officers. The  
4 mayor and ((councilmen)) councilmembers shall receive reimbursement for  
5 their actual and necessary expenses incurred in the performance of the  
6 duties of their office, or the council by ordinance may provide for a  
7 per diem allowance. Procedure for approval of claims for expenses  
8 shall be as provided by ordinance.

9       **Sec. 9.** RCW 35A.12.080 and 1986 c 167 s 20 are each amended to  
10 read as follows:

11       Any officer before entering upon the performance of his or her  
12 duties may be required to take an oath or affirmation as prescribed by  
13 charter or by ordinance for the faithful performance of his or her  
14 duties. The oath or affirmation shall be filed with the county  
15 auditor. The clerk, treasurer, if any, chief of police, and such other  
16 officers or employees as may be designated by ordinance or by charter  
17 shall be required to furnish annually an official bond conditioned on  
18 the honest and faithful performance of their official duties. The  
19 terms and penalty of official bonds and the surety therefor shall be  
20 prescribed by ordinance or charter and the bond shall be approved by  
21 the chief administrative officer of the city. The premiums on such  
22 bonds shall be paid by the city. When the furnishing of an official  
23 bond is required of an officer or employee, compliance with such  
24 provisions shall be an essential part of qualification for office.

25       **Sec. 10.** RCW 35A.12.100 and 1979 ex.s. c 18 s 22 are each amended  
26 to read as follows:

27       The mayor shall be the chief executive and administrative officer  
28 of the city, in charge of all departments and employees, with authority  
29 to designate assistants and department heads. The mayor may appoint  
30 and remove a chief administrative officer or assistant administrative  
31 officer, if so provided by ordinance or charter. ((He)) The mayor  
32 shall see that all laws and ordinances are faithfully enforced and that  
33 law and order is maintained in the city, and shall have general  
34 supervision of the administration of city government and all city  
35 interests. All official bonds and bonds of contractors with the city  
36 shall be submitted to the mayor or such person as ((he)) the mayor may  
37 designate for approval or disapproval. ((He)) The mayor shall see that

1 all contracts and agreements made with the city or for its use and  
2 benefit are faithfully kept and performed, and to this end ((he)) the  
3 mayor may cause any legal proceedings to be instituted and prosecuted  
4 in the name of the city, subject to approval by majority vote of all  
5 members of the council. The mayor shall preside over all meetings of  
6 the city council, when present, but shall have a vote only in the case  
7 of a tie in the votes of the ((councilmen)) councilmembers with respect  
8 to matters other than the passage of any ordinance, grant, or  
9 revocation of franchise or license, or any resolution for the payment  
10 of money. ((He)) The mayor shall report to the council concerning the  
11 affairs of the city and its financial and other needs, and shall make  
12 recommendations for council consideration and action. ((He)) The mayor  
13 shall prepare and submit to the council a proposed budget, as required  
14 by chapter 35A.33 RCW. The mayor shall have the power to veto  
15 ordinances passed by the council and submitted to him or her as  
16 provided in RCW 35A.12.130 but such veto may be overridden by the vote  
17 of a majority of all councilmembers plus one more vote. The mayor  
18 shall be the official and ceremonial head of the city and shall  
19 represent the city on ceremonial occasions, except that when illness or  
20 other duties prevent the mayor's attendance at an official function and  
21 no mayor pro tempore has been appointed by the council, a member of the  
22 council or some other suitable person may be designated by the mayor to  
23 represent the city on such occasion.

24 **Sec. 11.** RCW 35A.12.110 and 1993 c 199 s 3 are each amended to  
25 read as follows:

26 The city council and mayor shall meet regularly, at least once a  
27 month, at a place and at such times as may be designated by the city  
28 council. All final actions on resolutions and ordinances must take  
29 place within the corporate limits of the city. Special meetings may be  
30 called by the mayor or any three members of the council by written  
31 notice delivered to each member of the council at least twenty-four  
32 hours before the time specified for the proposed meeting. All actions  
33 that have heretofore been taken at special council meetings held  
34 pursuant to this section, but for which the number of hours of notice  
35 given has been at variance with requirements of RCW 42.30.080, are  
36 hereby validated. All council meetings shall be open to the public  
37 except as permitted by chapter 42.30 RCW. No ordinance or resolution  
38 shall be passed, or contract let or entered into, or bill for the

1 payment of money allowed at any meeting not open to the public, nor at  
2 any public meeting the date of which is not fixed by ordinance,  
3 resolution, or rule, unless public notice of such meeting has been  
4 given by such notice to each local newspaper of general circulation and  
5 to each local radio or television station, as provided in RCW 42.30.080  
6 as now or hereafter amended. Meetings of the council shall be presided  
7 over by the mayor, if present, or otherwise by the mayor pro tempore,  
8 or deputy mayor if one has been appointed, or by a member of the  
9 council selected by a majority of the councilmembers at such meeting.  
10 Appointment of a councilmember to preside over the meeting shall not in  
11 any way abridge ((his)) the councilmember's right to vote on matters  
12 coming before the council at such meeting. In the absence of the  
13 clerk, a deputy clerk or other qualified person appointed by the clerk,  
14 the mayor, or the council, may perform the duties of clerk at such  
15 meeting. A journal of all proceedings shall be kept, which shall be a  
16 public record.

17       **Sec. 12.** RCW 35A.12.120 and 1967 ex.s. c 119 s 35A.12.120 are each  
18 amended to read as follows:

19       At all meetings of the council a majority of the ((councilmen))  
20 councilmembers shall constitute a quorum for the transaction of  
21 business, but a less number may adjourn from time to time and may  
22 compel the attendance of absent members in such manner and under such  
23 penalties as may be prescribed by ordinance. The council shall  
24 determine its own rules and order of business, and may establish rules  
25 for the conduct of council meetings and the maintenance of order. At  
26 the desire of any member, any question shall be voted upon by roll call  
27 and the ayes and nays shall be recorded in the journal.

28       The passage of any ordinance, grant or revocation of franchise or  
29 license, and any resolution for the payment of money shall require the  
30 affirmative vote of at least a majority of the whole membership of the  
31 council.

32       **Sec. 13.** RCW 35A.12.130 and 1967 ex.s. c 119 s 35A.12.130 are each  
33 amended to read as follows:

34       The enacting clause of all ordinances shall be as follows: "The  
35 city council of the city of . . . . . do ordain as follows:" No  
36 ordinance shall contain more than one subject and that must be clearly  
37 expressed in its title.

1 No ordinance or any section or subsection thereof shall be revised  
2 or amended unless the new ordinance sets forth the revised ordinance or  
3 the amended section or subsection at full length.

4 No ordinance shall take effect until five days after the date of  
5 its publication unless otherwise provided by statute or charter, except  
6 that an ordinance passed by a majority plus one of the whole membership  
7 of the council, designated therein as a public emergency ordinance  
8 necessary for the protection of public health, public safety, public  
9 property or the public peace, may be made effective upon adoption, but  
10 such ordinance may not levy taxes, grant, renew, or extend a franchise,  
11 or authorize the borrowing of money.

12 Every ordinance which passes the council in order to become valid  
13 must be presented to the mayor; if ((he)) the mayor approves it, he or  
14 she shall sign it, but if not, ((he)) the mayor shall return it with  
15 his or her written objections to the council and the council shall  
16 cause ((his)) the mayor's objections to be entered at large upon the  
17 journal and proceed to a reconsideration thereof. If upon  
18 reconsideration a majority plus one of the whole membership, voting  
19 upon a call of ayes and nays, favor its passage, the ordinance shall  
20 become valid notwithstanding the mayor's veto. If the mayor fails for  
21 ten days to either approve or veto an ordinance, it shall become valid  
22 without ((his)) the mayor's approval. Ordinances shall be signed by  
23 the mayor and attested by the clerk.

24 **Sec. 14.** RCW 35A.12.150 and 1967 ex.s. c 119 s 35A.12.150 are each  
25 amended to read as follows:

26 The city clerk shall authenticate by his or her signature and  
27 record in full in a properly indexed book kept for the purpose all  
28 ordinances and resolutions adopted by the council. Such book, or  
29 copies of ordinances and resolutions, shall be available for inspection  
30 by the public at reasonable times and under reasonable conditions.

31 **Sec. 15.** RCW 35A.12.170 and 1967 ex.s. c 119 s 35A.12.170 are each  
32 amended to read as follows:

33 All demands against a code city shall be presented and audited in  
34 accordance with such regulations as may be prescribed by charter or  
35 ordinance; and upon the allowance of a demand, the clerk shall draw a  
36 warrant upon the treasurer for it, which warrant shall be countersigned  
37 by the mayor, or such person as ((he)) the mayor may designate, and

1 shall specify the fund from which it is to be paid; or, payment may be  
2 made by a bank check when authorized by the legislative body of the  
3 code city under authority granted by RCW 35A.40.020, which check shall  
4 bear the signatures of the officers designated by the legislative body  
5 as required signatories of checks of such city, and shall specify the  
6 fund from which it is to be paid.

7 **Sec. 16.** RCW 35A.13.010 and 1994 c 223 s 35 are each amended to  
8 read as follows:

9 The councilmembers shall be the only elective officers of a code  
10 city electing to adopt the council-manager plan of government  
11 authorized by this chapter, except where statutes provide for an  
12 elective municipal judge. The council shall appoint an officer whose  
13 title shall be "city manager" who shall be the chief executive officer  
14 and head of the administrative branch of the city government. The city  
15 manager shall be responsible to the council for the proper  
16 administration of all affairs of the code city. The council of a  
17 noncharter code city having less than twenty-five hundred inhabitants  
18 shall consist of five members; when there are twenty-five hundred or  
19 more inhabitants the council shall consist of seven members: PROVIDED,  
20 That if the population of a city after having become a code city  
21 decreases from twenty-five hundred or more to less than twenty-five  
22 hundred, it shall continue to have a seven-member council. If, after  
23 a city has become a council-manager code city its population increases  
24 to twenty-five hundred or more inhabitants, the number of  
25 ((~~councilman~~)) councilmember offices in such city may increase from  
26 five to seven members upon the affirmative vote of a majority of the  
27 existing council to increase the number of ((~~councilman~~))  
28 councilmember offices in the city. When the population of a council-  
29 manager code city having five ((~~councilman~~)) councilmember offices  
30 increases to five thousand or more inhabitants, the number of  
31 ((~~councilman~~)) councilmember offices in the city shall increase from  
32 five to seven members. In the event of an increase in the number of  
33 ((~~councilman~~)) councilmember offices, the city council shall, by  
34 majority vote, pursuant to RCW 35A.13.020, appoint two persons to serve  
35 in these offices until the next municipal general election, at which  
36 election one person shall be elected for a two-year term and one person  
37 shall be elected for a four-year term. The number of inhabitants shall  
38 be determined by the most recent official state or federal census or

1 determination by the state office of financial management. A charter  
2 adopted under the provisions of this title, incorporating the council-  
3 manager plan of government set forth in this chapter may provide for an  
4 uneven number of councilmembers not exceeding eleven.

5 A noncharter code city of less than five thousand inhabitants which  
6 has elected the council-manager plan of government and which has seven  
7 ((~~councilman~~)) councilmember offices may establish a five-member  
8 council in accordance with the following procedure. At least six  
9 months prior to a municipal general election, the city council shall  
10 adopt an ordinance providing for reduction in the number of  
11 ((~~councilman~~)) councilmember offices to five. The ordinance shall  
12 specify which two ((~~councilman~~)) councilmember offices, the terms of  
13 which expire at the next general election, are to be terminated. The  
14 ordinance shall provide for the renumbering of council positions and  
15 shall also provide for a two-year extension of the term of office of a  
16 retained ((~~councilman~~)) councilmember office, if necessary, in order  
17 to comply with RCW 35A.12.040.

18 However, a noncharter code city that has retained its old council-  
19 manager plan of government, as provided in RCW 35A.02.130, is subject  
20 to the laws applicable to that old plan of government.

21 **Sec. 17.** RCW 35A.13.020 and 1994 c 223 s 36 are each amended to  
22 read as follows:

23 In council-manager code cities, eligibility for election to the  
24 council, the manner of electing ((~~councilmen~~)) councilmembers, the  
25 numbering of council positions, the terms of ((~~councilmen~~))  
26 councilmembers, the occurrence and the filling of vacancies, the  
27 grounds for forfeiture of office, and appointment of a mayor pro  
28 tempore or deputy mayor or ((~~councilman~~)) councilmember pro tempore  
29 shall be governed by the corresponding provisions of RCW 35A.12.030,  
30 35A.12.040, 35A.12.050, 35A.12.060, and 35A.12.065 relating to the  
31 council of a code city organized under the mayor-council plan, except  
32 that in council-manager cities where all council positions are at-large  
33 positions, the city council may, pursuant to RCW 35A.13.033, provide  
34 that the person elected to council position one shall be the council  
35 ((~~chairman~~)) chairperson and shall carry out the duties prescribed by  
36 RCW 35A.13.030.

1       **Sec. 18.** RCW 35A.13.030 and 1975 1st ex.s. c 155 s 2 are each  
2 amended to read as follows:

3       Biennially at the first meeting of the new council the members  
4 thereof shall choose a ((~~chairman~~)) chairperson from among their number  
5 unless the ((~~chairman~~)) chairperson is elected pursuant to RCW  
6 35A.13.033. The ((~~chairman~~)) chairperson of the council shall have the  
7 title of mayor and shall preside at meetings of the council. In  
8 addition to the powers conferred upon ((~~him~~)) the chairperson as mayor,  
9 ((~~he~~)) the chairperson shall continue to have all the rights,  
10 privileges, and immunities of a member of the council. The mayor shall  
11 be recognized as the head of the city for ceremonial purposes and by  
12 the governor for purposes of military law. ((~~He~~)) The mayor shall have  
13 no regular administrative duties, but in time of public danger or  
14 emergency, if so authorized by ordinance, shall take command of the  
15 police, maintain law, and enforce order.

16       **Sec. 19.** RCW 35A.13.035 and 1969 ex.s. c 81 s 1 are each amended  
17 to read as follows:

18       Biennially at the first meeting of a new council, or periodically,  
19 the members thereof, by majority vote, may designate one of their  
20 number as mayor pro tempore or deputy mayor for such period as the  
21 council may specify, to serve in the absence or temporary disability of  
22 the mayor; or, in lieu thereof, the council may, as the need may arise,  
23 appoint any qualified person to serve as mayor pro tempore in the  
24 absence or temporary disability of the mayor. In the event of the  
25 extended excused absence or disability of a ((~~councilman~~))  
26 councilmember, the remaining members by majority vote may appoint a  
27 ((~~councilman~~)) councilmember pro tempore to serve during the absence or  
28 disability.

29       **Sec. 20.** RCW 35A.13.040 and 1979 ex.s. c 18 s 25 are each amended  
30 to read as follows:

31       The salaries of the ((~~councilmen~~)) councilmembers, including the  
32 mayor, shall be fixed by ordinance and may be revised from time to time  
33 by ordinance, but any increase or reduction in the compensation  
34 attaching to an office shall not become effective until the expiration  
35 of the term then being served by the incumbent: PROVIDED, That  
36 compensation of ((~~councilmen~~)) councilmembers may not be increased or  
37 diminished after their election nor may the compensation of the mayor

1 be increased or diminished after the mayor has been chosen by the  
2 council.

3 Until ((~~councilmen~~)) councilmembers of a newly-organized council-  
4 manager code city may lawfully be paid as provided by salary ordinance,  
5 such ((~~councilmen~~)) councilmembers shall be entitled to compensation in  
6 the same manner and in the same amount as ((~~councilmen~~)) councilmembers  
7 of such city prior to the adoption of this council-manager plan.

8 Until a salary ordinance can be passed and become effective as to  
9 elective officers of a newly incorporated code city, the first  
10 ((~~councilmen~~)) councilmembers shall be entitled to compensation as  
11 follows: In cities having less than five thousand inhabitants--twenty  
12 dollars per meeting for not more than two meetings per month; in cities  
13 having more than five thousand but less than fifteen thousand  
14 inhabitants--a salary of one hundred and fifty dollars per calendar  
15 month; in cities having more than fifteen thousand inhabitants--a  
16 salary of four hundred dollars per calendar month. A ((~~councilman~~))  
17 councilmember who is occupying the position of mayor, in addition to  
18 his or her salary as a ((~~councilman~~)) councilmember, shall be entitled,  
19 while serving as mayor, to an additional amount per calendar month, or  
20 portion thereof, equal to twenty-five percent of the ((~~councilmanic~~))  
21 councilmember salary: PROVIDED, That such interim compensation shall  
22 remain in effect only until a salary ordinance is passed and becomes  
23 effective as to such officers, and the compensation provided herein  
24 shall not be construed as fixing the usual compensation of such  
25 officers. ((~~Councilmen~~)) Councilmembers shall receive reimbursement  
26 for their actual and necessary expenses incurred in the performance of  
27 the duties of their office, or the council by ordinance may provide for  
28 a per diem allowance. Procedure for approval of claims for expenses  
29 shall be as provided by ordinance.

30 **Sec. 21.** RCW 35A.13.050 and 1967 ex.s. c 119 s 35A.13.050 are each  
31 amended to read as follows:

32 The city manager need not be a resident at the time of his or her  
33 appointment, but shall reside in the code city after his or her  
34 appointment unless such residence is waived by the council. ((~~He~~)) The  
35 manager shall be chosen by the council solely on the basis of his or  
36 her executive and administrative qualifications with special reference  
37 to his or her actual experience in, or his or her knowledge of,  
38 accepted practice in respect to the duties of his or her office. No



1 person elected to membership on the council shall be eligible for  
2 appointment as city manager until one year has elapsed following the  
3 expiration of the term for which ((he)) the person was elected.

4 **Sec. 22.** RCW 35A.13.060 and 1967 ex.s. c 119 s 35A.13.060 are each  
5 amended to read as follows:

6 Whether the city manager shall devote his or her full time to the  
7 affairs of one code city shall be determined by the council. A city  
8 manager may serve two or more cities in that capacity at the same time.

9 **Sec. 23.** RCW 35A.13.070 and 1967 ex.s. c 119 s 35A.13.070 are each  
10 amended to read as follows:

11 Before entering upon the duties of ((his)) office the city manager  
12 shall take an oath or affirmation for the faithful performance of his  
13 or her duties and shall execute and file with the clerk of the council  
14 a bond in favor of the code city in such sum as may be fixed by the  
15 council. The premium on such bond shall be paid by the city.

16 **Sec. 24.** RCW 35A.13.080 and 1987 c 3 s 17 are each amended to read  
17 as follows:

18 The powers and duties of the city manager shall be:

19 (1) To have general supervision over the administrative affairs of  
20 the code city;

21 (2) To appoint and remove at any time all department heads,  
22 officers, and employees of the code city, except members of the  
23 council, and subject to the provisions of any applicable law, rule, or  
24 regulation relating to civil service: PROVIDED, That the council may  
25 provide for the appointment by the mayor, subject to confirmation by  
26 the council, of a city planning commission, and other advisory  
27 citizens' committees, commissions, and boards advisory to the city  
28 council: PROVIDED FURTHER, That if the municipal judge of the code  
29 city is appointed, such appointment shall be made by the city manager  
30 subject to confirmation by the council, for a four-year term. The  
31 council may cause an audit to be made of any department or office of  
32 the code city government and may select the persons to make it, without  
33 the advice or consent of the city manager;

34 (3) To attend all meetings of the council at which ((his)) the  
35 manager's attendance may be required by that body;

1 (4) To see that all laws and ordinances are faithfully executed,  
2 subject to the authority which the council may grant the mayor to  
3 maintain law and order in times of emergency;

4 (5) To recommend for adoption by the council such measures as  
5 ((he)) the manager may deem necessary or expedient;

6 (6) To prepare and submit to the council such reports as may be  
7 required by that body or as ((he)) the manager may deem it advisable to  
8 submit;

9 (7) To keep the council fully advised of the financial condition of  
10 the code city and its future needs;

11 (8) To prepare and submit to the council a proposed budget for the  
12 fiscal year, as required by chapter 35A.33 RCW, and to be responsible  
13 for its administration upon adoption;

14 (9) To perform such other duties as the council may determine by  
15 ordinance or resolution.

16 **Sec. 25.** RCW 35A.13.100 and 1967 ex.s. c 119 s 35A.13.100 are each  
17 amended to read as follows:

18 The city manager may authorize the head of a department or office  
19 responsible to ((him)) the manager to appoint and remove subordinates  
20 in such department or office. Any officer or employee who may be  
21 appointed by the city manager, or by the head of a department or  
22 office, except one who holds his or her position subject to civil  
23 service, may be removed by the manager or other such appointing officer  
24 at any time subject to any applicable law, rule, or regulation relating  
25 to civil service. Subject to the provisions of RCW 35A.13.080 and any  
26 applicable civil service provisions, the decision of the manager or  
27 other appointing officer, shall be final and there shall be no appeal  
28 therefrom to any other office, body, or court whatsoever.

29 **Sec. 26.** RCW 35A.13.120 and 1967 ex.s. c 119 s 35A.13.120 are each  
30 amended to read as follows:

31 Neither the council, nor any of its committees or members, shall  
32 direct the appointment of any person to, or ((his)) the person's  
33 removal from, office by the city manager or any of ((his)) the  
34 manager's subordinates. Except for the purpose of inquiry, the council  
35 and its members shall deal with the administrative service solely  
36 through the manager and neither the council nor any committee or member  
37 thereof shall give orders to any subordinate of the city manager,

1 either publicly or privately. The provisions of this section do not  
2 prohibit the council, while in open session, from fully and freely  
3 discussing with the city manager anything pertaining to appointments  
4 and removals of city officers and employees and city affairs.

5 **Sec. 27.** RCW 35A.13.130 and 1967 ex.s. c 119 s 35A.13.130 are each  
6 amended to read as follows:

7 The city manager shall be appointed for an indefinite term and may  
8 be removed by a majority vote of the council. At least thirty days  
9 before the effective date of ~~((his))~~ the manager's removal, the  
10 ~~((city))~~ manager must be furnished with a formal statement in the form  
11 of a resolution passed by a majority vote of the city council stating  
12 the council's intention to remove ~~((him))~~ the manager and the reasons  
13 therefor. Upon passage of the resolution stating the council's  
14 intention to remove the manager, the council by a similar vote may  
15 suspend ~~((him))~~ the manager from duty, but ~~((his))~~ the manager's pay  
16 shall continue until ~~((his))~~ the manager's removal becomes effective.

17 **Sec. 28.** RCW 35A.13.140 and 1967 ex.s. c 119 s 35A.13.140 are each  
18 amended to read as follows:

19 The city manager may, within thirty days from the date of service  
20 upon ~~((him))~~ the manager of a copy thereof, reply in writing to the  
21 resolution stating the council's intention to remove ~~((him))~~ the  
22 manager. In the event no reply is timely filed, the resolution shall  
23 upon the thirty-first day from the date of such service, constitute the  
24 final resolution removing the manager and ~~((his))~~ the manager's  
25 services shall terminate upon that day. If a reply shall be timely  
26 filed with the city clerk, the council shall fix a time for a public  
27 hearing upon the question of the manager's removal and a final  
28 resolution removing the manager shall not be adopted until a public  
29 hearing has been had. The action of the council in removing the  
30 manager shall be final.

31 **Sec. 29.** RCW 35A.21.030 and 1967 ex.s. c 119 s 35A.21.030 are each  
32 amended to read as follows:

33 Except as otherwise provided in this title, every officer of a code  
34 city shall perform, in the manner provided, all duties of ~~((his))~~  
35 office which are imposed by state law on officers of every other class  
36 of city who occupy a like position and perform like functions.

1       **Sec. 30.** RCW 35A.33.010 and 1969 ex.s. c 81 s 2 are each amended  
2 to read as follows:

3       Unless the context clearly indicates otherwise, the following words  
4 as used in this chapter shall have the meaning herein prescribed:

5       (1) "Clerk" as used in this chapter includes the officer performing  
6 the functions of a finance or budget director, comptroller, auditor, or  
7 by whatever title ((he)) the officer may be known in any code city.

8       (2) "Department" as used in this chapter includes each office,  
9 division, service, system or institution of the city for which no other  
10 statutory or charter provision is made for budgeting and accounting  
11 procedures or controls.

12       (3) "Council" as used in this chapter includes the commissioners in  
13 cities having a commission form of government and any other group of  
14 city officials serving as the legislative body of a code city.

15       (4) "Chief administrative officer" as used in this chapter includes  
16 the mayor of cities having a mayor-council form of government, the  
17 commissioners in cities having a commission form of government, the  
18 city manager, or any other city official designated by the charter or  
19 ordinances of such city under the plan of government governing the  
20 same, or the budget or finance officer designated by the mayor, manager  
21 or commissioners, to perform the functions, or portions thereof,  
22 contemplated by this chapter.

23       (5) "Fiscal year" as used in this chapter means that fiscal period  
24 set by the code city pursuant to authority given under RCW 1.16.030.

25       (6) "Fund", as used in this chapter and "funds" where clearly used  
26 to indicate the plural of "fund", shall mean the budgeting or  
27 accounting entity authorized to provide a sum of money for specified  
28 activities or purposes.

29       (7) "Funds" as used in this chapter where not used to indicate the  
30 plural of "fund" shall mean money in hand or available for expenditure  
31 or payment of a debt or obligation.

32       (8) Except as otherwise defined herein, municipal accounting terms  
33 used in this chapter have the meaning prescribed in "Governmental  
34 Accounting, Auditing and Financial Reporting" prepared by the National  
35 Committee on Governmental Accounting, 1968.

36       **Sec. 31.** RCW 35A.33.052 and 1967 ex.s. c 119 s 35A.33.052 are each  
37 amended to read as follows:

1       The chief administrative officer shall prepare the preliminary  
2 budget in detail, making any revisions or addition to the reports of  
3 the department heads deemed advisable by such chief administrative  
4 officer and at least sixty days before the beginning of the city's next  
5 fiscal year ((he)) the chief administrative officer shall file it with  
6 the city clerk as the recommendation of the chief administrative  
7 officer for the final budget. The clerk shall provide a sufficient  
8 number of copies of such preliminary budget and budget message to meet  
9 the reasonable demands of taxpayers therefor and have them available  
10 for distribution not later than six weeks before the beginning of the  
11 city's next fiscal year.

12       **Sec. 32.** RCW 35A.33.135 and 1967 ex.s. c 119 s 35A.33.135 are each  
13 amended to read as follows:

14       At a time fixed by the city's ordinance or charter, not later than  
15 the first Monday in October of each year, the chief administrative  
16 officer shall provide the city's legislative body with current  
17 information on estimates of revenues from all sources as adopted in the  
18 budget for the current year, together with estimates submitted by the  
19 clerk under RCW 35A.33.050. The city's legislative body and the city's  
20 administrative officer or ((his)) the administrative officer's  
21 designated representative shall consider the city's total anticipated  
22 financial requirements for the ensuing fiscal year, and the legislative  
23 body shall determine and fix by ordinance the amount to be raised by ad  
24 valorem taxes. Upon adoption of the ordinance fixing the amount of ad  
25 valorem taxes to be levied, the clerk shall certify the same to the  
26 board of county commissioners as required by RCW 84.52.020.

27       **Sec. 33.** RCW 35A.33.160 and 1967 ex.s. c 119 s 35A.33.160 are each  
28 amended to read as follows:

29       Upon the conviction of any city official, department head, or other  
30 city employee of knowingly failing, or refusing, without just cause, to  
31 perform any duty imposed upon such officer or employee by this chapter,  
32 or city ordinance or charter, in connection with the giving of notice,  
33 the preparing and filing of estimates of revenues or expenditures or  
34 other information required for preparing a budget report in the time  
35 and manner required, or of knowingly making expenditures in excess of  
36 budget appropriations, ((he)) the official, department head, or

1 employee shall be guilty of a misdemeanor and shall be fined not more  
2 than five hundred dollars for each separate violation.

3 **Sec. 34.** RCW 35A.36.010 and 1967 ex.s. c 119 s 35A.36.010 are each  
4 amended to read as follows:

5 The mayor, finance officer, city clerk, or other officer of a code  
6 city who is authorized or required by law, charter, or ordinance to  
7 execute bonds of the city or any subdivision or district thereof may  
8 designate one or more bonded persons to affix such officer's signature  
9 to any bond or bonds requiring ~~((his))~~ the mayor, officer, or clerk's  
10 signature. If the signature of one of these officers is affixed to a  
11 bond during ~~((his))~~ the officer's continuance in office by a proxy  
12 designated by ~~((him))~~ the officer whose authority has not been revoked,  
13 the bond shall be as binding upon the city and all concerned as though  
14 the officer had signed the bond in person. This chapter shall apply to  
15 all bonds, whether they constitute obligations of the city as a whole  
16 or of any local improvement or other district or subdivision thereof,  
17 whether they call for payment from the general funds of the city or  
18 from a local, special or other fund, and whether negotiable or  
19 otherwise.

20 **Sec. 35.** RCW 35A.36.050 and 1967 ex.s. c 119 s 35A.36.050 are each  
21 amended to read as follows:

22 A code city officer authorizing the affixing of ~~((his))~~ the  
23 officer's signature to a bond by a proxy shall be subject to the same  
24 liability personally and on ~~((his))~~ the officer's bond for any  
25 signature so affixed and to the same extent as if ~~((he))~~ the officer  
26 had affixed ~~((his))~~ the officer's signature in person.

27 **Sec. 36.** RCW 35A.36.060 and 1967 ex.s. c 119 s 35A.36.060 are each  
28 amended to read as follows:

29 In order to designate a proxy to affix ~~((his))~~ a code city  
30 officer's signature to bonds, ~~((a))~~ the code city officer shall address  
31 a written notice to the legislative body of the city giving the name of  
32 the person whom ~~((he))~~ the officer has selected therefor and stating  
33 generally or specifically what bonds are to be so signed.

34 Attached to or included in the notice shall be a written signature  
35 of the officer making the designation executed by the proposed proxy  
36 followed by the word "by" and his or her own signature; or, if the

1 notice so states, the specimen signatures may consist of a facsimile  
2 reproduction of the officer's signature impressed by some mechanical  
3 process followed by the word "by" and the proxy's own signature.

4 If the authority is intended to include the signature upon bonds  
5 bearing an earlier date than the effective date of the notice, the  
6 prior dated bonds must be specifically described by reasonable  
7 reference thereto.

8 The notice designating a proxy shall be filed with the city finance  
9 officer or city clerk, together with the specimen signatures attached  
10 thereto and a record of the filing shall be made in the journal of the  
11 legislative body. This record shall note the date and hour of filing  
12 and may be made by the official who keeps the journal at any time after  
13 the filing of the notice, even during a period of recess or adjournment  
14 of the legislative body. The notice shall be effective from the time  
15 of its recording.

16 **Sec. 37.** RCW 35A.42.010 and 1987 c 331 s 78 are each amended to  
17 read as follows:

18 In addition to authority granted and duties imposed upon code city  
19 treasurers by this title, code city treasurers, or the officers  
20 designated by charter or ordinance to perform the duties of a  
21 treasurer, shall have the duties and the authority to perform the  
22 following: (1) As provided in RCW 8.12.500 relating to bonds and  
23 compensation payments in eminent domain proceedings; (2) as provided in  
24 RCW 68.52.050 relating to cemetery improvement funds; (3) as provided  
25 in RCW 41.28.080 relating to custody of employees' retirement funds;  
26 (4) as provided in RCW 47.08.100 relating to the use of city street  
27 funds; (5) as provided in RCW 46.68.080 relating to motor vehicle  
28 funds; (6) as provided in RCW 41.16.020 and chapter 41.20 RCW relating  
29 to police and firemen's relief and pension boards; (7) as provided in  
30 chapter 42.20 RCW relating to misappropriation of funds; and (8) as  
31 provided in chapter 39.60 RCW relating to investment of municipal  
32 funds. The treasurer shall be subject to the penalties imposed for the  
33 violation of any of such provisions. Where a provision of this title,  
34 or the general law, names the city treasurer as an officer of a board  
35 or other body, or assigns duties to a city treasurer, such position  
36 shall be filled, or such duties performed, by the officer of a code  
37 city who is performing the duties usually performed by a city  
38 treasurer, although ((he)) the officer may not have that designation.

1       **Sec. 38.** RCW 35A.42.030 and 1967 ex.s. c 119 s 35A.42.030 are each  
2 amended to read as follows:

3       In the event that the mayor, manager, or other chief executive  
4 officer of any code city is unavailable by reason of enemy attack to  
5 exercise the powers and to discharge the duties of ~~((his))~~ the  
6 officer's office, ~~((his))~~ the officer's successor or substitute shall  
7 be selected in the manner provided by RCW 42.14.050 subject to rules  
8 and regulations providing for the appointment of temporary interim  
9 successors adopted under RCW 42.14.070.

10       **Sec. 39.** RCW 35A.63.020 and 1979 ex.s. c 18 s 33 are each amended  
11 to read as follows:

12       By ordinance a code city may create a planning agency and provide  
13 for its membership, organization, and expenses. The planning agency  
14 shall serve in an advisory capacity to the chief administrative officer  
15 or the legislative body, or both, as may be provided by ordinance and  
16 shall have such other powers and duties as shall be provided by  
17 ordinance. If any person ~~((or persons))~~ on a planning agency concludes  
18 that ~~((he))~~ the person has a conflict of interest or an appearance of  
19 fairness problem with respect to a matter pending before the agency so  
20 that ~~((he))~~ the person cannot discharge ~~((his))~~ the person's duties on  
21 such an agency, ~~((he))~~ the person shall disqualify himself or herself  
22 from participating in the deliberations and the decision-making process  
23 with respect to the matter. If this occurs, the appointing authority  
24 that appoints such a person may appoint a person to serve as an  
25 alternate on the agency to serve in ~~((his))~~ the disqualified person's  
26 stead in regard to such a matter.

27       NEW SECTION. **Sec. 40.** RCW 35A.01.080 and 1981 c 213 s 2 are each  
28 repealed.

--- END ---