
HOUSE BILL 1194

State of Washington

52nd Legislature

1991 Regular Session

By Representatives Zellinsky, Wynne, Cooper, Rayburn, Roland, Wood, Edmondson, Mitchell, Nealey, Bray, Franklin and Haugen.

Read first time January 23, 1991. Referred to Committee on Local Government.

1 AN ACT Relating to special districts; amending RCW 85.38.010,
2 85.05.015, 86.09.377, 85.38.100, 85.24.250, 85.38.040, 85.38.050,
3 85.38.060, 85.38.070, 85.38.090, 85.38.110, 85.38.120, 85.38.130, and
4 85.38.180; adding new sections to chapter 85.38 RCW; adding a new
5 section to chapter 85.08 RCW; recodifying RCW 85.05.015; and repealing
6 RCW 85.24.210.

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

8 **Sec. 1.** RCW 85.38.010 and 1986 c 278 s 41 are each amended to read
9 as follows:

10 Unless the context clearly requires otherwise, the definitions in
11 this section apply throughout this chapter:

12 (1) "Governing body" means the board of commissioners, board of
13 supervisors, or board of directors of a special district.

14 (2) "Owner of land" means the record owner of at least a majority
15 ownership interest in a separate and legally created lot or parcel of

1 land, as determined by the records of the county auditor, except that
2 if the lot or parcel has been sold under a real estate contract, the
3 vendee or grantee shall be deemed to be the owner of such land for
4 purposes of authorizing voting rights. It is assumed, unless shown
5 otherwise, that the name appearing as the owner of property on the
6 property tax rolls is the current owner.

7 (3) "Qualified voter of a special district" means a person who is
8 either: (a) A natural person who is a voter under general state
9 election laws, registered to vote in the state of Washington for a
10 period of not less than sixty days before the election, and the owner
11 of land located in the special district for a period of not less than
12 sixty days before the election; (b) a corporation or partnership that
13 has owned land located in the special district for a period of not less
14 than sixty days before the election; or (c) the state, its agencies or
15 political subdivisions that own land in the special district or lands
16 proposed to be annexed into the special district except that the state,
17 its agencies and political subdivisions shall not be eligible to vote
18 to elect a member of the governing board of a special district. ((If
19 land is owned as community property, both spouses may vote if otherwise
20 qualified. If other multiple undivided interests exist in a lot or
21 parcel, and no person owns a majority undivided interest, the owners of
22 undivided interests at least equal to a majority interest may designate
23 in writing which owner is eligible to vote. A corporation, partnership
24 or governmental entity shall designate a natural person to exercise its
25 voting powers. Except as provided in RCW 85.05.015 and 86.09.377, no
26 owner of land may cast more than one vote, or have more than one vote
27 cast for it, in a special district election.))

28 (4) "Special district" means: (a) A diking district; (b) a
29 drainage district; (c) a diking, drainage, and/or sewerage improvement
30 district; (d) an intercounty diking and drainage district; (e) a

1 consolidated diking district, drainage district, diking improvement
2 district, and/or drainage improvement district; or (f) a flood control
3 district.

4 (5) "Special district general election" means the election of a
5 special district regularly held on the (~~second~~) first Tuesday (~~of~~
6 ~~December~~) after the first Monday in February in each (~~odd-numbered~~)
7 even-numbered year at which a member of the special district governing
8 body is regularly elected.

9 NEW SECTION. Sec. 2. A new section is added to chapter 85.38 RCW
10 to read as follows:

11 (1) The owner of land located in a special district who is a qualified
12 voter of the special district shall receive two votes at any election.

13 (2) If multiple undivided interests, other than community property
14 interests, exist in a lot or parcel and no person owns a majority
15 undivided interest, the owners of undivided interests at least equal to
16 a majority interest may designate in writing:

17 (a) Which owner is eligible to vote and may cast two votes; or

18 (b) Which two owners are eligible to vote and may cast one vote
19 each.

20 (3) If land is owned as community property, each spouse is entitled
21 to one vote if both spouses otherwise qualify to vote, unless one
22 spouse designates in writing that the other spouse may cast both votes.

23 (4) A corporation, partnership, or governmental entity shall
24 designate:

25 (a) A natural person to cast its two votes; or

26 (b) Two natural persons to each cast one of its votes.

27 (5) Except as provided in RCW 85.05.015 (as recodified by this act)
28 and 86.09.377, no owner of land may cast more than two votes or have
29 more than two votes cast for him or her in a special district election.

1 **Sec. 3.** RCW 85.05.015 and 1985 c 396 s 21 are each amended to read
2 as follows:

3 Each qualified voter of a diking improvement or drainage
4 improvement district who owns more than ten acres of land within the
5 district shall be entitled to (~~one~~) two additional votes for each ten
6 acres or major fraction thereof located within the district, up to a
7 maximum total of (~~twenty~~) forty votes for any voter, or in the case
8 of community property, a maximum total of (~~ten~~) twenty votes per
9 member of the marital community: PROVIDED, That this additional voting
10 provision shall only apply in districts that were not in operation and
11 did not have improvements as of May 14, 1925.

12 **Sec. 4.** RCW 86.09.377 and 1985 c 396 s 22 are each amended to read
13 as follows:

14 Each qualified voter of a flood control district who owns more than
15 ten acres of land within the district shall be entitled to (~~one~~) two
16 additional votes for each ten acres or major fraction thereof located
17 within the district, up to a maximum total of (~~twenty~~) forty votes
18 for any voter, or in the case of community property, a maximum total of
19 (~~ten~~) twenty votes per member of the marital community.

20 **Sec. 5.** RCW 85.38.100 and 1985 c 396 s 11 are each amended to read
21 as follows:

22 General elections shall be held in each special district on the
23 (~~second~~) first Tuesday (~~in December~~) after the first Monday in
24 February in each (~~odd-numbered~~) even-numbered year. The auditor of
25 the county within which a special district, or the largest portion of
26 a special district, is located may provide for special elections
27 whenever necessary.

1 NEW SECTION. **Sec. 6.** A new section is added to chapter 85.38 RCW
2 to read as follows:

3 No election shall be held to elect a member of a special district
4 governing body, or to fill the remainder of an unexpired term which
5 arose from a vacancy on the governing body, if no one or only one
6 person files for the position.

7 If only one person files for the position, he or she shall be
8 considered to have been elected to the position at the election that
9 otherwise would have taken place for such position.

10 If no one files for the position and the upcoming election is one
11 at which someone would have been elected to fill the expired term, the
12 position shall be treated as vacant at the expiration of the term.

13 If no one files for the position and the upcoming election is one
14 at which someone would have been elected to fill the remaining term of
15 office, the person appointed to fill the vacancy shall be considered to
16 have been elected to the position at the election and shall serve for
17 the remainder of the unexpired term.

18 **Sec. 7.** RCW 85.24.250 and 1973 1st ex.s. c 195 s 119 are each
19 amended to read as follows:

20 Whenever it ~~((shall))~~ appears to the ~~((city))~~ council of any
21 incorporated city or town not included or not wholly included within
22 the limits of any diking or drainage district established hereunder,
23 which incorporated city or town may be within a county in which a
24 portion of such district is located that the construction and
25 maintenance of such diking and drainage system will be beneficial to
26 the health and general welfare of the inhabitants of ~~((said))~~ the
27 incorporated city ~~((and to the general welfare of the said city))~~ or
28 town, then the city or town council ~~((of said city is hereby empowered~~
29 ~~and authorized to))~~ may appropriate ~~((such amount of))~~ money out of the

1 general funds of the city (~~as may to the city council seem proper and~~
2 ~~just~~) or town to such diking and drainage system, or the (~~city~~)
3 council may for such purpose (~~levy an~~) impose assessments upon all
4 the property in (~~said~~) the city (~~subject to taxation by said city,~~
5 ~~which shall not exceed twelve and one half cents per thousand dollars~~
6 ~~of assessed value of property~~) or town that benefits from facilities
7 and activities of the diking or drainage district, and give the
8 assessments to the diking or drainage district.

9 **Sec. 8.** RCW 85.38.040 and 1985 c 396 s 5 are each amended to read
10 as follows:

11 The county legislative authority shall schedule a public hearing on
12 the proposed special district if the county engineer's report indicates
13 that the proposed projects are feasible. If the engineers of each of
14 the counties within which a proposed special district is located
15 indicate that the proposed projects are feasible, the county
16 legislative authorities shall schedule a joint public hearing on the
17 proposed special district. The county legislative authority may, on
18 its own initiative, schedule a public hearing on the proposed special
19 district if the county engineer's report indicates that the proposed
20 projects are not feasible. The county legislative authorities of
21 counties within which a proposed special district is located may, on
22 their own initiative, schedule a joint public hearing on the proposed
23 special district if one or more of the county engineers' reports
24 indicate that the proposed projects are not feasible.

25 Notice of the public hearing shall be published (~~and posted as~~
26 ~~provided in RCW 85.38.120 for notices of elections. Additional notice~~
27 ~~of the public hearing shall be published~~) in (~~the~~) a newspaper
28 (~~in~~) of general circulation within the proposed special district,
29 which notice shall be purchased in the manner of a general

1 advertisement, not to be included with legal advertisements or with
2 classified advertisements. This (~~additional~~) notice shall be
3 published at least twice, not more than twenty nor less than three days
4 before public hearing. Additional notice shall be made as required in
5 RCW 79.44.040.

6 The notice must contain the following: (1) The date, time, and
7 place of the public hearing; (2) a statement that a particular special
8 district is proposed to be created; (3) a general description of the
9 proposed projects to be completed by the special district; (4) a
10 general description of the proposed special district boundaries; and
11 (5) a statement that all affected persons may appear and present their
12 comments in favor of or against the creation of the proposed special
13 district.

14 **Sec. 9.** RCW 85.38.050 and 1985 c 396 s 6 are each amended to read
15 as follows:

16 The county legislative authority or authorities shall conduct the
17 public hearing at the date, time, and place indicated in the notice.
18 Public hearings may be continued to other dates, times, and places
19 specified by the county legislative authority or authorities before the
20 adjournment of the public hearing. Each county legislative authority
21 may alter those portions of boundaries of the proposed special district
22 that are located within the county, but if territory is added that was
23 not described in the original proposed boundaries, an additional
24 hearing on the proposal shall be held with notice being (~~posted and~~)
25 published as provided in RCW 85.38.040.

26 After receiving the public testimony, the county legislative
27 authority may cause an election to be held to authorize the creation of
28 a special district if it finds:

1 (1) That creation of the special district will be conducive to the
2 public health, convenience and welfare;

3 (2) That the creation of the special district will be of special
4 benefit to a majority of the lands included within the special
5 district; and

6 (3) That the proposed improvements are feasible and economical, and
7 that the benefits of these improvements exceed costs for the
8 improvements.

9 If the proposed special district is located within two or more
10 counties, the county legislative authorities may cause an election to
11 be held to authorize the creation of the special district upon making
12 the findings set forth in subsections (1) through (3) of this section.

13 The county legislative authority or authorities may also choose not
14 to allow such an election to be held by either failing to act or
15 finding that one or more of these factors are not met.

16 **Sec. 10.** RCW 85.38.060 and 1985 c 396 s 7 are each amended to read
17 as follows:

18 The county legislative authority or authorities shall cause an
19 election on the question of creating the special district to be held if
20 findings as provided in RCW 85.38.050 are made. The county legislative
21 authority or authorities shall designate a time and date for such
22 election, which shall be one of the special election dates provided for
23 in RCW 29.13.020, together with the site or sites at which votes may be
24 cast. The persons allowed to vote on the creation of a special
25 district shall be those persons who, if the special district were
26 created, would be qualified voters of the special district as described
27 in RCW 85.38.010. The county auditor or auditors of the counties
28 within which the proposed special district is located shall conduct the
29 election and prepare a list of presumed eligible voters.

1 Notices for the election shall be published (~~and posted~~) as
2 provided in RCW 85.38.040. The special district shall be created if
3 the proposition to create the special district is approved by a simple
4 majority vote of the voters voting on the proposition and the special
5 district may assume operations whenever the initial members of the
6 governing body are appointed as provided in RCW 85.38.070.

7 Any special district created after July 28, 1985, may only have
8 special assessments measured and imposed, and budgets adopted, as
9 provided in RCW 85.38.140 through 85.38.170.

10 If the special district is created, the county or counties may
11 charge the special district for the costs incurred by the county
12 engineer or engineers pursuant to RCW 85.38.030 and the costs of the
13 auditor or auditors related to the election to authorize the creation
14 of the special district pursuant to this section. Such county actions
15 shall be deemed to be special benefits of the property located within
16 the special district that are paid through the imposition of special
17 assessments.

18 **Sec. 11.** RCW 85.38.070 and 1987 c 298 s 2 are each amended to read
19 as follows:

20 (1) Except as provided in RCW 85.38.090, each special district
21 shall be governed by a three-member governing body. The term of office
22 for each member of a special district governing body shall be six years
23 and until his or her successor is elected and qualified. One member of
24 the governing body shall be elected at the time of special district
25 general elections in each (~~odd-numbered~~) even-numbered year for a
26 term of six years beginning as (~~provided in RCW 29.04.170~~) soon as
27 the election returns have been certified for assumption of office by
28 elected officials of cities.

1 (2) The terms of office of members of the governing bodies of
2 special districts, who are holding office on July 28, 1985, shall be
3 altered to provide staggered six-year terms as provided in this
4 subsection. The member who on July 28, 1985, has the longest term
5 remaining shall have his or her term altered so that the position will
6 be filled at the (~~December, 1991,~~) February 1992, special district
7 general election; the member with the second longest term remaining
8 shall have his or her term altered so that the position will be filled
9 at the December, 1989, special district general election; and the
10 member with the third longest term of office shall have his or her term
11 altered so that the position will be filled at the December, 1987,
12 special district general election.

13 (3) The initial members of the governing body of a newly created
14 special district shall be appointed by the legislative authority of the
15 county within which the special district, or the largest portion of the
16 special district, is located. These initial governing body members
17 shall serve until their successors are elected and qualified at the
18 next special district general election held at least ninety days after
19 the special district is established. At that election the first
20 elected members of the governing body shall be elected. No primary
21 elections may be held. Any voter of a special district may become a
22 candidate for such a position by filing written notice of this
23 intention with the (~~governing body of the special district~~) county
24 auditor at least thirty, but not more than sixty, days before a special
25 district general election. The county auditor in consultation with the
26 special district shall establish the filing period. The names of all
27 candidates for such positions shall be listed alphabetically. At this
28 first election, the candidate receiving the greatest number of votes
29 shall have a six-year term, the candidate receiving the second greatest
30 number of votes shall have a four-year term, and the candidate

1 receiving the third greatest number of votes shall have a two-year term
2 of office. The initially elected members of a governing body shall
3 take office immediately when qualified as defined in RCW 29.01.135.
4 Thereafter the candidate receiving the greatest number of votes shall
5 be elected for a six-year term of office. Members of a governing body
6 shall hold their office until their successors are elected and
7 qualified, and assume office as ~~((provided in RCW 29.04.170))~~ soon as
8 the election returns have been certified.

9 (4) The requirements for the filing period and method for filing
10 declarations of candidacy for the governing body of the district and
11 the arrangement of candidate names on the ballot for all special
12 district elections conducted after the initial election in the district
13 shall be the same as the requirements for the initial election in the
14 district. No primary elections may be held for the governing body of
15 a special district.

16 (5) Whenever a vacancy occurs in the governing body of a special
17 district, the legislative authority of the county within which the
18 special district, or the largest portion of the special district, is
19 located, shall appoint a district voter to serve until a person is
20 elected, at the next special district election occurring sixty or more
21 days after the vacancy has occurred, to serve the remainder of the
22 unexpired term. The person so elected shall take office immediately
23 when qualified as defined in RCW 29.01.135.

24 If an election for the position which became vacant would otherwise
25 have been held at this special district election, only one election
26 shall be held and the person elected to fill the succeeding term for
27 that position shall take office immediately when qualified as defined
28 in RCW 29.01.135 and shall serve both the remainder of the unexpired
29 term and the succeeding term. A vacancy occurs upon the death,
30 resignation, or incapacity of a governing body member or whenever the

1 governing body member ceases being a qualified voter of the special
2 district.

3 ~~((+5+))~~ (6) An elected or appointed member of a special district
4 governing body, or a candidate for a special district governing body,
5 must be a qualified voter of the special district: PROVIDED, That the
6 state, its agencies and political subdivisions, or their designees
7 under RCW 85.38.010(3) shall not be eligible for election or
8 appointment.

9 **Sec. 12.** RCW 85.38.090 and 1985 c 396 s 10 are each amended to
10 read as follows:

11 (1) Whenever the governing body of a special district has more than
12 three members, the governing body shall be reduced to three members as
13 of January 1, 1986, by eliminating the positions of those district
14 governing body members with the shortest remaining terms of office.
15 The remaining three governing body members shall have staggered terms
16 with the one having the shortest remaining term having his or her
17 position filled at the 1987 special district general election, the one
18 with the next shortest remaining term having his or her position filled
19 at the 1989 special district general election, and the one with the
20 longest remaining term having his or her position filled at the
21 ~~((1991))~~ 1992 special district general election. If any of these
22 remaining three governing body members have identical remaining terms
23 of office, the newly calculated remaining terms of these persons shall
24 be determined by lot with the county auditor who assists the special
25 district in its elections managing such lot procedure. The newly
26 established terms shall be recorded by the county auditor.

27 (2) However, whenever five or more special districts have
28 consolidated under chapter 85.36 RCW and the consolidated district has
29 five members in its governing body on July 28, 1985, the consolidated

1 district may adopt a resolution retaining a five-member governing body.
2 At any time thereafter, such a district may adopt a resolution and
3 reduce the size of the governing body to three members with the
4 reduction occurring as provided in subsection (1) of this section, but
5 the years of the effective dates shall be extended so that the
6 reduction occurs at the next January 1st occurring after the date of
7 the adoption of the resolution. Whenever a special district is so
8 governed by a five-member governing body, two members shall be elected
9 at each of two consecutive special district general elections, and one
10 member shall be elected at the following special district general
11 election, each to serve a six-year staggered term.

12 **Sec. 13.** RCW 85.38.110 and 1985 c 396 s 12 are each amended to
13 read as follows:

14 A list of presumed eligible voters shall be prepared and maintained
15 by each special district. The list shall include the assessor's tax
16 number for each lot or parcel in the district, the name or the names of
17 the owners of such lots and parcels, the extent of the ownership
18 interest of such persons, and if such persons are natural persons,
19 whether they are known to be registered voters in the state of
20 Washington. Whenever such a list is prepared, the district shall
21 attempt to notify each owner of the requirements necessary to establish
22 voting authority to vote. Whenever lots or parcels in the district are
23 sold, the district shall attempt to notify the purchasers of the
24 requirements necessary to establish voting authority. Each special
25 district shall provide a copy of this list, and any revised list, to
26 the auditor of the county within which all or the largest portion of
27 the special district is located. The special district must compile the
28 list of eligible voters and provide it to the county auditor by the
29 first day of November preceding the special district general election.

1 In the event the special district does not provide the county auditor
2 with the list of qualified voters by this date, the county auditor
3 shall compile the list and charge the special district for the costs
4 required for its preparation. The county auditor shall not be held
5 responsible for any errors in the list.

6 **Sec. 14.** RCW 85.38.120 and 1985 c 396 s 13 are each amended to
7 read as follows:

8 The auditor of the county within which a special district, or the
9 largest portion of a special district, is located shall assist such
10 special district with its elections as provided in this section.

11 (1) The county auditor shall ((both)) publish ((and post notices
12 for such elections. Notices shall be posted in at least four
13 conspicuous public places within the special district at least two
14 weeks before the election. Notices shall also be published)) notice of
15 an election to create a special district and notice of all special
16 district elections not conducted by mail in a newspaper of general
17 circulation in the special district at least once not more than ten nor
18 less than three days before the election. The notices shall describe
19 the election, give its date and times to be held, and indicate the
20 election site or sites in the special district where ballots may be
21 cast.

22 (2) If a special district has at least five hundred qualified
23 voters, then the county auditor shall publish in a newspaper of general
24 circulation in the special district a notice of the filing period and
25 place for filing a declaration of candidacy to become a member of the
26 governing body. This notice shall be published at least seven days
27 prior to the closing of the filing period. If the special district has
28 less than five hundred qualified voters, then the special district
29 shall mail or deliver this notice to each qualified voter of the

1 special district at least seven days prior to the closing of the filing
2 period.

3 (3) All costs of the county auditor incurred related to such
4 elections shall be reimbursed by the special district. ((A special
5 district may also contract with the county auditor to staff the voting
6 site during the election or contract with the county auditor to conduct
7 the election pursuant to RCW 29.36.120.))

8 NEW SECTION. Sec. 15. A new section is added to chapter 85.38 RCW
9 to read as follows:

10 (1) If a special district has less than five hundred qualified
11 voters, then the special district must contract with the county auditor
12 to conduct the special district elections. The county auditor has the
13 discretion as to whether to conduct the election by mail.

14 (2) If a special district has at least five hundred qualified
15 voters, the special district may contract with the county auditor to
16 staff the voting site during the election or contract with the county
17 auditor to conduct the election by mail. A special district that
18 conducts its own elections must enter into an agreement with the county
19 auditor that specifies the responsibilities of both parties.

20 (3) If the county auditor conducts a special district election by
21 mail, then the provisions of chapter 29.36 RCW which govern elections
22 by mail, except for the requirements of RCW 29.36.120, shall apply.

23 **Sec. 16.** RCW 85.38.130 and 1985 c 396 s 14 are each amended to
24 read as follows:

25 For special district elections that are not conducted by mail, the
26 governing body of each special district shall appoint three voters of
27 the special district, who may be members of the governing body, to act
28 as election officials, unless the special district contracts with the

1 county auditor to staff the election site. The election officials
2 shall distribute a ballot or ballots to each voter of the special
3 district who arrives at the voting place during the hours for the
4 election on the day of the election and requests a ballot. Ballots
5 shall also be provided to those persons arriving at the polling place
6 during the hours for the election on the day of the election who
7 present documents or evidence sufficient to establish their eligibility
8 to vote. A person arriving at the polling place at such times who
9 demands a ballot, but who fails to present documents or evidence which
10 in the opinion of the election officials is sufficient to establish
11 eligibility to vote, shall be given a ballot clearly marked as
12 "challenged" and shall be allowed to vote. Each challenged ballot
13 shall be numbered consecutively and a list of such persons and their
14 ballot numbers shall be made.

15 The governing body of each special district shall designate those
16 hours from 7 a.m. to 8 p.m. during which the election shall be held:
17 PROVIDED, That at least (~~two~~) six consecutive hours must be
18 designated. When the election is over, the election officials shall
19 secure the ballots and transport the ballots to the county auditor's
20 office by noon of the day following the election. The auditor may, at
21 his or her discretion, station a deputy auditor or auditors at the
22 election site who shall observe the election and transport the ballots
23 to the auditor's office. The auditor shall count the ballots and
24 certify the count of votes for and against each measure and for each
25 candidate appearing on the ballot. A separate count shall be made of
26 any challenged ballots. A challenged ballot shall be counted as a
27 normal ballot if documents or evidence are supplied to the auditor
28 before 4:00 p.m. on the day after the election that, in the opinion of
29 the auditor, are sufficient to establish the person's eligibility to
30 vote.

1 Additionally, voting by absentee ballot shall be allowed in every
2 special district. A request for an absentee ballot may be made by an
3 eligible voter by mail or in person to the county auditor who
4 supervises the special district elections. An absentee ballot shall be
5 provided to each voter of a special district requesting such a ballot
6 under this section. A person requesting such a ballot may present
7 information establishing his or her eligibility to vote in such a
8 special district. The auditor shall provide an absentee ballot to each
9 person requesting an absentee ballot who is either included on the list
10 of presumed eligible voters or who submits information which, in the
11 auditor's opinion, establishes his or her eligibility to vote. The
12 names of these persons so determined to be eligible to vote shall be
13 added to the list of presumed eligible voters for the appropriate
14 special district. The request for an absentee ballot must be made no
15 more than forty-five days before the election. To be valid, absentee
16 ballots must be postmarked on or before the day of the election and
17 mailed to the county auditor.

18 **Sec. 17.** RCW 85.38.180 and 1985 c 396 s 19 are each amended to
19 read as follows:

20 A special district may:

21 (1) Engage in flood control activities, and investigate, plan,
22 construct, acquire, repair, maintain, and operate improvements, works,
23 projects, and facilities necessary to prevent inundation or flooding
24 from rivers, streams, tidal waters or other waters. Such facilities
25 include dikes, levees, dams, banks, revetments, channels, canals, and
26 other works, appliances, machinery, and equipment.

27 (2) Engage in drainage control, storm water control, and surface
28 water control activities, and investigate, plan, construct, acquire,
29 repair, maintain, and operate improvements, works, projects, and

1 facilities necessary to control and treat storm water, surface water,
2 and flood water. Such facilities include drains, ditches, canals,
3 nonsanitary sewers, pumps, and other works, appliances, machinery, and
4 equipment.

5 (3) Engage in lake or river restoration, aquatic plant control, and
6 water quality enhancement activities.

7 (4) Take actions necessary to protect life and property from
8 inundation or flow of flood waters, storm waters, or surface waters.

9 ((+4)) (5) Acquire, purchase, condemn by power of eminent domain
10 pursuant to chapters 8.08 and 8.25 RCW, or lease, in its own name,
11 necessary property, property rights, facilities, and equipment.

12 ((+5)) (6) Sell or exchange surplus property, property rights,
13 facilities, and equipment.

14 ((+6)) (7) Accept funds and property by loan, grant, gift, or
15 otherwise from the United States, the state of Washington, or any other
16 public or private source.

17 ((+7)) (8) Hire staff, employees, or services, or use voluntary
18 labor.

19 ((+8)) (9) Sue and be sued.

20 ((+9)) (10) Cooperate with or join the United States, the state of
21 Washington, or any other public or private entity or person for
22 district purposes.

23 ((+10)) (11) Enter into contracts.

24 ((+11)) (12) Exercise any of the usual powers of a corporation for
25 public purposes.

26 NEW SECTION. Sec. 18. RCW 85.24.210 and 1909 c 225 s 31 are
27 each repealed.

1 NEW SECTION. **Sec. 19.** RCW 85.05.015 as amended by this act is
2 recodified as a section in chapter 85.08 RCW.