

CERTIFICATION OF ENROLLMENT

**SENATE BILL 5275**

54th Legislature  
1995 Regular Session

Passed by the Senate April 17, 1995  
YEAS 43 NAYS 0

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**President of the Senate**

Passed by the House April 5, 1995  
YEAS 95 NAYS 1

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**Speaker of the  
House of Representatives**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Marty Brown, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 5275** as passed by the Senate and the House of Representatives on the dates hereon set forth.

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**Secretary**

FILED

**Secretary of State  
State of Washington**

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SENATE BILL 5275

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AS AMENDED BY THE HOUSE

Passed Legislature - 1995 Regular Session

State of Washington                      54th Legislature                      1995 Regular Session

By Senators Haugen, McCaslin and Winsley

Read first time 01/18/95.      Referred to Committee on Government Operations.

1            AN ACT Relating to consolidation of cities and towns; amending RCW  
2 35.10.460, 35.10.470, 35.10.480, 35.10.490, 35.21.010, and 35.10.420;  
3 and adding a new section to chapter 35.10 RCW.

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

5            **Sec. 1.** RCW 35.10.460 and 1985 c 281 s 9 are each amended to read  
6 as follows:

7            (~~Ballot titles on the questions shall be prepared as provided in~~  
8 ~~RCW 35A.29.120.~~) If a proposal for assumption of indebtedness is to  
9 be submitted to the voters of a city in which the indebtedness did not  
10 originate, the proposal shall be separately stated and the ballots  
11 shall contain, as a separate proposition to be voted on, the words "For  
12 Assumption of Indebtedness to be paid by the levy of annual property  
13 taxes in excess of regular property taxes" and "Against Assumption of  
14 Indebtedness to be paid by the levy of annual property taxes in excess  
15 of regular property taxes" or words equivalent thereto. If the  
16 question of the form or plan of government is to be submitted to the  
17 voters, the question shall be separately stated and the ballots shall  
18 contain, as a separate proposition to be voted on, the option of a  
19 voter to select one of the three forms or plans of government. If the  
20 question of the name of the proposed consolidated city is to be

1 submitted to the voters, the question shall be separately stated and  
2 the ballots shall contain, as a separate proposition to be voted on,  
3 the option of a voter to select one of the names of the proposed  
4 consolidated city.

5       **Sec. 2.** RCW 35.10.470 and 1985 c 281 s 10 are each amended to read  
6 as follows:

7       The county canvassing board in each county involved shall canvass  
8 the returns in each election. The votes cast in each of such cities  
9 shall be canvassed separately, and the statement shall show the whole  
10 number of votes cast, the number of votes cast in each city for  
11 consolidation, and the number of votes cast in each city against such  
12 consolidation. If a proposal for assumption or indebtedness was voted  
13 upon in a city in which the indebtedness did not originate, the  
14 statement shall show the number of votes cast in such a city for  
15 assumption of indebtedness and the number of votes cast against  
16 assumption of indebtedness. If a question of the form or plan of  
17 government was voted upon, the statement shall show the number of votes  
18 cast in each city for each of the optional forms or plans of  
19 government. If a name for the proposed consolidated city was voted  
20 upon, the statement shall show the number of votes cast in each city  
21 for each optional name. A certified copy of such statement shall be  
22 filed with the legislative body of each of the cities proposed to be  
23 consolidated.

24       If it appears from such statement of canvass that a majority of the  
25 votes cast in each of the cities were in favor of consolidation, the  
26 consolidation shall be authorized and shall be effective when the newly  
27 elected legislative body members assume office, as provided in RCW  
28 35.10.480.

29       If a question of the form or plan of government was voted upon,  
30 that form or plan receiving the greatest combined number of votes shall  
31 become the form or plan of government for the consolidated city. If  
32 two or three of the forms or plans of government received the same  
33 highest number of votes, the form or plan of government shall be chosen  
34 by lot between those receiving the same highest number, where the mayor  
35 of the largest of the cities proposed to be consolidated draws the lot  
36 at a public meeting.

37       If a proposition to assume indebtedness was submitted to voters of  
38 a city in which the indebtedness did not originate, the proposition

1 shall be deemed approved if approved by a majority of at least three-  
2 fifths of the voters of the city, and the number of persons voting on  
3 the proposition constitutes not less than forty percent of the number  
4 of votes cast in the city at the last preceding general election.  
5 Approval of the proposition authorizes annual property taxes to be  
6 levied on the property within the city in which the indebtedness did  
7 not originate that are in excess of regular property taxes. However,  
8 if the general indebtedness in question was incurred by action of a  
9 city legislative body, a proposition for assuming the indebtedness need  
10 only be approved by a simple majority vote of the voters of the city in  
11 which such indebtedness did not originate.

12 If a question of the name of the proposed consolidated city was  
13 voted upon, that name receiving the greatest combined number of votes  
14 shall become the name of the consolidated city. If two proposed names  
15 receive the same number of votes, the name shall be chosen by lot,  
16 where the mayor of the largest of the cities proposed to be  
17 consolidated draws the lot at a public meeting.

18 **Sec. 3.** RCW 35.10.480 and 1985 c 281 s 11 are each amended to read  
19 as follows:

20 If the voters of each of the cities proposed to consolidate approve  
21 the consolidation, elections to nominate and elect the elected  
22 officials of the consolidated city shall be held at times specified in  
23 RCW 35A.02.050. If the joint resolution or the petitions prescribe  
24 that councilmembers of the consolidated city shall be elected from  
25 wards, then the councilmembers shall be elected from wards under RCW  
26 35A.12.180. Terms shall be established as if the city is initially  
27 incorporating.

28 The newly elected officials shall take office immediately upon  
29 their qualification. The effective date of the consolidation shall be  
30 when a majority of the newly elected members of the legislative body  
31 assume office. The clerk of the newly consolidated city shall transmit  
32 a duly certified copy of an abstract of the votes to authorize the  
33 consolidation and of the election of the newly elected city officials  
34 to the secretary of state and the office of financial management.

35 **Sec. 4.** RCW 35.10.490 and 1985 c 281 s 12 are each amended to read  
36 as follows:

1        A joint resolution or the petitions may prescribe the name of the  
2 proposed consolidated city or may provide that a ballot proposition to  
3 determine the name of the proposed consolidated city be submitted to  
4 the voters of the cities proposed to be consolidated. If two  
5 alternative names are submitted, the name receiving the simple majority  
6 vote of the voters voting on the question shall become the name of the  
7 consolidated city. If the name for the proposed consolidated city is  
8 not prescribed by the joint resolution or petition, or a proposition on  
9 the name is not submitted to the voters of the cities proposed to be  
10 consolidated, then the newly consolidated city shall be known as the  
11 city of . . . . . (listing the names of the cities that were  
12 consolidated in alphabetical order). The legislative body of the newly  
13 consolidated city may present another name or two names for the newly  
14 consolidated city to the city voters for their approval or rejection at  
15 the next municipal general election held after the effective date of  
16 the consolidation. If only one alternative name is submitted, this  
17 alternative name shall become the name of the consolidated city if  
18 approved by a simple majority vote of the voters voting on the  
19 question. If two alternative names are submitted, the name receiving  
20 the simple majority vote of the voters voting on the question shall  
21 become the name of the consolidated city.

22        **Sec. 5.** RCW 35.21.010 and 1991 c 363 s 37 are each amended to read  
23 as follows:

24        (1) Municipal corporations now or hereafter organized are bodies  
25 politic and corporate under the name of the city of . . . . . , or the  
26 town of . . . . . , as the case may be, and as such may sue and be  
27 sued, contract or be contracted with, acquire, hold, possess and  
28 dispose of property, subject to the restrictions contained in other  
29 chapters of this title, having a common seal, and change or alter the  
30 same at pleasure, and exercise such other powers, and have such other  
31 privileges as are conferred by this title(~~(:—PROVIDED, That)~~).  
32 However, not more than two square miles in area shall be included  
33 within the corporate limits of a town having a population of fifteen  
34 hundred or less, or located in a county with a population of one  
35 million or more, and not more than three square miles in area shall be  
36 included within the corporate limits of a town having a population of  
37 more than fifteen hundred in a county with a population of less than  
38 one million, nor shall more than twenty acres of unplatted land

1 belonging to any one person be taken within the corporate limits of a  
2 town without the consent of the owner of such unplatted land(~~(÷~~  
3 ~~PROVIDED FURTHER, That~~)).

4 (2) Notwithstanding subsections (1) and (3) of this section, a town  
5 located in three or more counties is excluded from a limitation in  
6 square mileage.

7 (3) Except as provided in subsection (2) of this section, the  
8 original incorporation of a town shall be limited to an area of not  
9 more than one square mile and a population as prescribed in RCW  
10 35.01.040.

11 NEW SECTION. Sec. 6. A new section is added to chapter 35.10 RCW  
12 to read as follows:

13 Unless a commission form of government is prescribed or submitted  
14 to the voters under RCW 35.10.430, a joint resolution or petition may  
15 prescribe that wards be used to elect the councilmembers of the  
16 consolidated city. The joint resolution or petition must contain a map  
17 of the proposed consolidated city that clearly delineates the  
18 boundaries of each ward. Each ward in the proposed consolidated city  
19 shall contain approximately the same population. To the greatest  
20 extent possible, the integrity of the boundaries of the cities that are  
21 proposed to be consolidated shall be respected when the wards are drawn  
22 so that the territory within each city is: (1) Included within the  
23 fewest number of wards, to the extent the city has a population that is  
24 greater than the maximum population established for each ward; or (2)  
25 included wholly within one ward, to the extent the city has a  
26 population that is equal to or less than the maximum population  
27 established for each ward. After the election specified in RCW  
28 35.10.480, election wards may be modified in the manner specified in  
29 RCW 35A.12.180.

30 **Sec. 7.** RCW 35.10.420 and 1985 c 281 s 5 are each amended to read  
31 as follows:

32 The submission of a ballot proposal to the voters of two or more  
33 contiguous cities for the consolidation of these contiguous cities may  
34 also be caused by the filing of a petition with the legislative body of  
35 each such city, signed by the voters of each city in number equal to  
36 not less than ten percent of (~~the votes cast~~) voters who voted in the  
37 city at the last general municipal election therein, seeking

1 consolidation of such contiguous cities. A copy of the petition shall  
2 be forwarded immediately by each city to the auditor of the county or  
3 counties within which that city is located.

4 The county auditor or auditors shall determine the sufficiency of  
5 the signatures in each petition within ten days of receipt of the  
6 copies and immediately notify the cities proposed to be consolidated of  
7 the sufficiency. If each of the petitions is found to have sufficient  
8 valid signatures, the auditor or auditors shall call a special election  
9 at which the question of whether such cities shall consolidate shall be  
10 submitted to the voters of each of such cities. If a general election  
11 is to be held more than ninety days but not more than one hundred  
12 eighty days after the filing of the last petition, the question shall  
13 be submitted at that election. Otherwise the question shall be  
14 submitted at a special election to be called for that purpose at the  
15 next special election date, as specified in RCW 29.13.020, that occurs  
16 ninety or more days after the date when the last petition was filed.

17 If each of the petitions is found to have sufficient valid  
18 signatures, the auditor or auditors also shall notify the county  
19 legislative authority of each county in which the cities are located of  
20 the proposed consolidation.

21 Petitions shall conform with the requirements for form prescribed  
22 in RCW 35A.01.040, except different colored paper may be used on  
23 petitions circulated in the different cities. A legal description of  
24 the cities need not be included in the petitions.

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