
SENATE BILL 5983

State of Washington 52nd Legislature 1991 Regular Session

By Senators Bluechel, Niemi, Thorsness, Skratek, Erwin and A. Smith.

Read first time April 24, 1991. Referred to Committee on Governmental Operations.

1 AN ACT Relating to metropolitan municipal corporations; amending
2 RCW 35.58.040 and 36.56.040; adding new sections to chapter 35.58 RCW;
3 creating a new section; repealing RCW 35.58.120, 35.58.160, and
4 35.58.270; and declaring an emergency.

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

6 NEW SECTION. **Sec. 1.** The purpose of this act is to reduce the
7 size of metropolitan councils and restructure the composition of
8 metropolitan municipal councils.

9 NEW SECTION. **Sec. 2.** (1) A metropolitan municipal corporation
10 shall be governed by a metropolitan council consisting of twenty-two
11 members, twenty-one of whom are county and city officials acting in an
12 ex officio and independent capacity and one additional member who will
13 act as chair. For a metropolitan municipal corporation that is
14 authorized to perform the function of metropolitan water pollution

1 abatement, one additional member shall be added who shall be a
2 commissioner of a sewer district or water district that is operating a
3 sewer system and is a component part of the metropolitan municipal
4 corporation. That member may participate only in those council actions
5 that relate to the performance of the function of metropolitan water
6 pollution abatement.

7 (2) Subject to sections 3 and 4 of this act, the twenty-one ex
8 officio members shall be drawn from among the central county, central
9 city, other component cities as follows:

10 (a) Ex officio members from the central county shall consist of the
11 executive of the county, if one exists, and those members of the county
12 legislative authority who are elected from the county legislative
13 authority districts located wholly within the metropolitan municipal
14 corporation. The members of the county legislative authority shall
15 select which of their members shall serve on the metropolitan council.
16 In making their selection, due consideration shall be given to the
17 number of persons residing in the unincorporated portion of the
18 members' county legislative authority districts. The county
19 legislative authority of the central county shall select the officials
20 on or before the first day of February of each year to serve for the
21 succeeding calendar year.

22 (b) Ex officio members from the central city shall consist of the
23 mayor, and the remainder shall be members of the central city council
24 who are selected for service on the metropolitan council by the council
25 of the central city on or before the first day of February of each year
26 to serve for the succeeding calendar year.

27 (c) Ex officio members from the other component cities shall
28 consist of a mayor or city council member from the component cities
29 with the largest population, and one member who shall be selected from
30 among the mayors of smaller component cities meeting at a time and

1 place before July 1st of each even-numbered year, as designated by the
2 metropolitan council. The chair of the council shall preside. After
3 nominations are made, successive ballots shall be taken until one
4 candidate for each position receives a majority of all votes cast.

5 (3) The chair of the council shall be selected by the other members
6 of the council. The chair shall not hold any other public office of or
7 be an employee of or have a contract relationship with any component
8 city, component county, or component water or sewer district of the
9 metropolitan municipal corporation.

10 (4) If required under subsection (1) of this section, an ex officio
11 member from the sewer and water districts shall be chosen by the
12 commissioners of all such sewer districts and water districts that are
13 component parts of the metropolitan municipal corporation. The
14 commissioners shall meet on the second Tuesday of June of each even-
15 numbered year at seven o'clock p.m. at the office of the legislative
16 authority of the central county. After election of a chair,
17 nominations shall be made to select the member to serve on the
18 metropolitan council, and successive ballots shall be taken until one
19 candidate receives a majority of votes cast.

20 NEW SECTION. **Sec. 3.** The metropolitan council of a
21 metropolitan municipal corporation existing on the effective date of
22 this act shall retain its existing composition until January 1, 1992,
23 at which time the newly constituted metropolitan council shall assume
24 control over the metropolitan municipal corporation. The first order
25 of business of the newly constituted metropolitan council shall be to
26 select a chair as provided for in RCW 35.58.130. The newly constituted
27 metropolitan council shall be as follows:

28 (1) The twenty-one ex officio members shall include seven elected
29 officials from the central county, seven elected officials from the

1 central city, and seven elected officials from the other component
2 cities. Any initial selections of such officials that are required
3 shall be made on or before December 15, 1991.

4 (2) The initial selection of a representative of the sewer
5 districts and water districts shall be made on or before December 15,
6 1991, as provided for in section 2 of this act. This member shall
7 serve on the metropolitan municipal corporation until June 30, 1992, on
8 or before which time the sewer district and water district
9 commissioners shall meet again to select a representative to serve a
10 full term as provided for in section 2 of this act.

11 NEW SECTION. **Sec. 4.** The metropolitan council shall provide
12 for a redistribution of the twenty-one ex officio member positions
13 among the central county, central city, and other component cities, on
14 the basis of relative proportion of the total population of the
15 metropolitan municipal corporation that each of three represented
16 groups possesses, on a date specified by the metropolitan council,
17 within six months after: (1) The date when state redistricting data is
18 released to the state; (2) five years after the date when state
19 redistricting data is released to the state; and (3) whenever the
20 proportionate population ascribed to the central county, central city,
21 or other component cities is altered by ten percent or a greater amount
22 due to incorporations or annexations occurring after the last date
23 under subsection (1) or (2) of this section when the adjustment was
24 subject to potential adjustment. The population of the unincorporated
25 area of the metropolitan municipal corporation shall be ascribed to the
26 central county for purposes of this potential adjustment.

27 After any such redistribution of the number of ex officio positions
28 between the central county, central city, and other component cities,

1 the elected officials who become ex officio members of the metropolitan
2 council shall be selected as provided in section 2 of this act.

3 A metropolitan municipal corporation created after the effective
4 date of this act must have the ex officio members distributed among the
5 central county, central city, and other component cities as provided in
6 this chapter.

7 NEW SECTION. **Sec. 5.** A vacancy in an ex officio position on
8 a metropolitan council shall be filled in the same manner as provided
9 for the original selection.

10 NEW SECTION. **Sec. 6.** Each member of the council shall receive
11 per diem compensation at a rate of fifty dollars per day for each day
12 or major portion thereof devoted to the business of the metropolitan
13 municipal corporation, and for attending each meeting of the council or
14 a subcommittee of the council, unless the council reduces the per diem
15 rate of compensation, but not to exceed seven thousand dollars in any
16 one year.

17 Metropolitan council members who are also county or city elected
18 officials who serve in such city or county capacities on a full-time
19 basis shall receive this per diem compensation. The county or city
20 government for which these council members are elected officials shall
21 receive the per diem compensation that would be paid to these officials
22 if they did not serve the county or city on a full-time basis.

23 The chairperson and committee chairpersons, except elected public
24 officials serving on a full-time, salaried basis, may receive such
25 additional compensation as the other members of the council shall
26 provide. However, committee chairpersons shall not receive
27 compensation in any one year greater than one-third of the compensation

1 authorized for county commissioners or county councilpersons of the
2 central county.

3 Any member of the council may waive all or any portion of his or
4 her salary or per diem compensation as to any month or months during
5 his or her term as a metropolitan council member, by a written waiver
6 filed with the metropolitan municipal corporation as provided in this
7 section. The waiver, to become effective, must be filed any time
8 before the date on which the remuneration otherwise would be paid. The
9 waiver shall specify the month or period of months for which it is
10 made.

11 Each council member shall be reimbursed for reasonable expenses
12 actually incurred in the conduct of official business for the
13 metropolitan municipal corporation.

14 NEW SECTION. **Sec. 7.** The ex officio members of the
15 metropolitan council of a newly created metropolitan municipal
16 corporation shall be selected within twenty-five days after the date of
17 the election at which the favorable vote was cast authorizing the
18 creation of the metropolitan municipal corporation.

19 **Sec. 8.** RCW 35.58.040 and 1971 ex.s. c 303 s 3 are each amended to
20 read as follows:

21 At the time of its formation no metropolitan municipal corporation
22 shall include only a part of any city, and every city shall be either
23 wholly included or wholly excluded from the boundaries of such
24 corporation. If subsequent to the formation of a metropolitan
25 municipal corporation a part only of any city shall be included within
26 the boundaries of a metropolitan municipal corporation such part shall
27 be deemed to be "unincorporated" for the purpose of selecting a member
28 of the metropolitan council pursuant to ((RCW 35.58.120(3))) section 2

1 of this act, and such city shall neither select nor participate in the
2 selection of a member on the metropolitan council pursuant to ((RCW
3 35.58.120)) section 3 or 4 of this act.

4 Any metropolitan municipal corporation now existing or hereafter
5 created, within a class A county contiguous to a class AA county or
6 class AA county, shall, upon May 21, 1971, as to metropolitan
7 corporations existing on such date or upon the date of formation as to
8 metropolitan corporations formed after May 21, 1971, have the same
9 boundaries as those of the respective central county of such
10 metropolitan corporation: PROVIDED, That the boundaries of such
11 metropolitan corporation may be enlarged after such date by annexation
12 as provided in chapter 35.58 RCW as now or hereafter amended. Any
13 contiguous metropolitan municipal corporations may be consolidated into
14 a single metropolitan municipal corporation upon such terms, for the
15 purpose of performing such metropolitan function or functions, and to
16 be effective at such time as may be approved by resolutions of the
17 respective metropolitan councils. In the event of such consolidation
18 the component city with the largest population shall be the central
19 city of such consolidated metropolitan municipal corporation and the
20 component county with the largest population shall be the central
21 county of such consolidated metropolitan municipal corporation.

22 **Sec. 9.** RCW 36.56.040 and 1977 ex.s. c 277 s 4 are each amended to
23 read as follows:

24 If, from the testimony given before the county legislative
25 authority, it appears that the public interest or welfare would be
26 satisfied by the county assuming the rights, powers, functions, and
27 obligations of the metropolitan municipal corporation, the county
28 legislative authority may declare that to be its intent and assume such
29 rights, powers, functions, and obligations by ordinance or resolution,

1 as the case may be, providing that the county shall be vested with
2 every right, power, function, and obligation currently granted to or
3 possessed by the metropolitan municipal corporation pursuant to chapter
4 35.58 RCW (including RCW 35.58.273 relating to levy and use of the
5 motor vehicle excise tax) or other provision of state law, including
6 but not limited to, the power and authority to levy a sales and use tax
7 pursuant to chapter 82.14 RCW or other provision of law: PROVIDED,
8 That such ordinance or resolution shall be submitted to the voters of
9 the county for their adoption and ratification or rejection, and if a
10 majority of the persons voting on the proposition residing within the
11 central city shall vote in favor thereof and a majority of the persons
12 voting on the proposition residing in the metropolitan area outside of
13 the central city shall vote in favor thereof, the ordinance or
14 resolution shall be deemed adopted and ratified.

15 Upon assumption of the rights, powers, functions, and obligations
16 of the metropolitan municipal corporation by the county, the
17 metropolitan council established pursuant to (~~the provisions of RCW~~
18 ~~35.58.120 through 35.58.160~~) sections 2 through 6 of this act shall be
19 abolished, said provisions shall be inapplicable to the county, and the
20 county legislative authority shall thereafter be vested with all
21 rights, powers, duties, and obligations otherwise vested by law in the
22 metropolitan council: PROVIDED, That in any county with a home rule
23 charter such rights, powers, functions, and obligations shall vest in
24 accordance with the executive and legislative responsibilities defined
25 in such charter.

26 NEW SECTION. **Sec. 10.** The following acts or parts of acts are
27 each repealed:

1 (1) RCW 35.58.120 and 1983 c 92 s 1, 1981 c 190 s 3, 1974 ex.s. c
2 70 s 5, 1971 ex.s. c 303 s 5, 1969 ex.s. c 135 s 1, 1967 c 105 s 3, &
3 1965 c 7 s 35.58.120;

4 (2) RCW 35.58.160 and 1985 c 330 s 1, 1974 ex.s. c 84 s 2, & 1965
5 c 7 s 35.58.160; and

6 (3) RCW 35.58.270 and 1967 c 105 s 12 & 1965 c 7 s 35.58.270.

7 NEW SECTION. **Sec. 11.** Sections 2 through 7 of this act are
8 added to chapter 35.58 RCW.

9 NEW SECTION. **Sec. 12.** This act is necessary for the immediate
10 preservation of the public peace, health, or safety, or support of the
11 state government and its existing public institutions, and shall take
12 effect immediately.