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SENATE BILL 6267

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State of Washington

52nd Legislature

1992 Regular Session

By Senator Roach

Read first time 01/23/92. Referred to Committee on Governmental Operations.

1 AN ACT Relating to metropolitan municipal corporations; amending  
2 RCW 35.58.120, 35.58.130, 35.58.160, and 35.58.040; adding a new  
3 section to chapter 35.58 RCW; creating a new section; and repealing RCW  
4 35.58.118, 35.58.140, 35.58.150, and 35.58.270.

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

6 **Sec. 1.** RCW 35.58.120 and 1983 c 92 s 1 are each amended to read  
7 as follows:

8 A metropolitan municipal corporation shall be governed by a  
9 metropolitan council composed of the following:

10 (1) (~~One member (a) who shall be the elected county executive of~~  
11 ~~the central county, or (b) if there shall be no elected county~~  
12 ~~executive, one member who shall be selected by, and from, the board of~~  
13 ~~commissioners of the central county.~~

1       ~~(2) One additional member for each county commissioner district or~~  
2 ~~county council district which shall contain fifteen thousand or more~~  
3 ~~persons residing within the metropolitan municipal corporation, who~~  
4 ~~shall be the county commissioner or county councilman from such~~  
5 ~~district;~~

6       ~~(3) One additional member selected by the board of commissioners or~~  
7 ~~county council of each component county for each county commissioner~~  
8 ~~district or county council district containing fifteen thousand or more~~  
9 ~~persons residing in the unincorporated portion of such commissioner~~  
10 ~~district lying within the metropolitan municipal corporation each such~~  
11 ~~appointee to be a resident of such unincorporated portion;~~

12       ~~(4) One member from each component city which shall have a~~  
13 ~~population of fifteen thousand or more persons, who shall be the mayor~~  
14 ~~of such city, if such city shall have the mayor council form of~~  
15 ~~government, and in other cities shall be selected by, and from, the~~  
16 ~~mayor and city council of each of such cities.~~

17       ~~(5) One member representing all component cities which have less~~  
18 ~~than fifteen thousand population each, to be selected by and from the~~  
19 ~~mayors of such smaller cities in the following manner: The mayors of~~  
20 ~~all such cities shall meet prior to July 1 of each even numbered year~~  
21 ~~at a time and place to be fixed by the metropolitan council. The~~  
22 ~~chairperson of the metropolitan council shall preside. After~~  
23 ~~nominations are made, successive ballots shall be taken until one~~  
24 ~~candidate receives a majority of all votes cast.~~

25       ~~(6) One additional member selected by the city council of each~~  
26 ~~component city containing a population of fifteen thousand or more for~~  
27 ~~each fifty thousand population over and above the first fifteen~~  
28 ~~thousand, such members to be selected from such city council until all~~  
29 ~~councilmen are members and thereafter to be selected from other~~  
30 ~~officers of such city.~~

1       (7)) Nine members who shall be elected from nine metropolitan  
2 council districts. Elections shall be nonpartisan and held in odd-  
3 numbered years. Metropolitan council elections shall be conducted in  
4 accordance with Title 29 RCW for nonpartisan elections. Every  
5 metropolitan municipal corporation that is not coextensive with a  
6 county having nine legislative authority districts shall be divided  
7 into nine council districts each having approximately equal population.  
8 Where a metropolitan municipal corporation is coextensive with the  
9 boundaries of a county that has nine legislative authority districts,  
10 the council districts shall be the county legislative authority  
11 districts, and the council districts shall be considered redrawn when  
12 the legislative authority districts are redrawn, although any change in  
13 boundary lines shall not affect existing terms of office.

14       Metropolitan council districts shall be used as follows: (a) Only  
15 a registered voter who resides in a council district may be a candidate  
16 for, or hold office as, a member of the metropolitan council; and (b)  
17 only the voters of a council district may vote at a primary or general  
18 election to nominate candidates for or elect members to a metropolitan  
19 council.

20       The term of office of each member of a metropolitan council shall  
21 be four years and until a successor is elected and qualified. The  
22 initial members of the metropolitan council shall be elected at the  
23 next general election occurring sixty or more days after the creation  
24 of the metropolitan municipal corporation, and members of the council  
25 for a metropolitan municipal corporation in existence on the effective  
26 date of this act shall be elected at the next general election after  
27 the effective date of this act. If the metropolitan municipal  
28 corporation is created, the persons elected at the first election shall  
29 serve as the initial members of the metropolitan council.

1 A primary shall be held as provided in chapter 29.21 RCW for an  
2 election for initial members of a newly created metropolitan municipal  
3 corporation and for the first election of an existing metropolitan  
4 municipal corporation after the effective date of this act.

5 The terms of office of the initial members shall be staggered as  
6 follows: (i) The five persons who are elected receiving the five  
7 greatest numbers of votes shall be elected to four-year terms of office  
8 if the election is held in an odd-numbered year, or three-year terms of  
9 office if the election is held in an even-numbered year, and shall hold  
10 office until successors are elected and qualified and assume office in  
11 accordance with RCW 29.04.170; and (ii) the other four persons who are  
12 elected shall be elected to two-year terms of office if the election is  
13 held in an odd-numbered year, or one-year terms of office if the  
14 election is held in an even-numbered year, and shall hold office until  
15 successors are elected and qualified and assume office in accordance  
16 with RCW 29.04.170. The initial and newly elected members of the  
17 metropolitan council shall take office the first day in January in the  
18 year following their elections.

19 The members of a metropolitan council that is not coterminous with  
20 a county with nine county legislative authority districts may redraw  
21 council district boundaries at any time and submit the redrawn  
22 districts to the county auditor. The new council districts shall be  
23 used at the next election at which members of the metropolitan council  
24 are regularly elected that occurs at least one hundred eighty days  
25 after the revised districts have been submitted.

26 Each district shall constitute as nearly as possible one-ninth of  
27 the population of the metropolitan municipal corporation.

28 Any change of boundary lines provided for in this section shall not  
29 affect the term for which a member of a metropolitan council holds  
30 office at the time the change is made.

1        (2) For any metropolitan municipal corporation (~~((which shall be))~~)  
2 that is authorized to perform the function of metropolitan water  
3 pollution abatement, (~~((two additional))~~) one member(~~((s))~~) who (~~((shall~~  
4 ~~be))~~) is a commissioner(~~((s))~~) of a sewer district or a water district  
5 (~~((which is operating))~~) that operates a sewer system and is a component  
6 part of the metropolitan municipal corporation (~~((and))~~), who shall  
7 participate only in those council actions (~~((which))~~) that relate to the  
8 performance of the function of metropolitan water pollution abatement.  
9 The commissioners of all (~~((such))~~) the sewer districts and water  
10 districts (~~((which))~~) that are component parts of the metropolitan  
11 municipal corporation shall meet on the (~~((first Tuesday of the month~~  
12 ~~following May 21, 1971 and thereafter on the))~~) second Tuesday of June  
13 of each even-numbered year at seven o'clock p.m. at the office of the  
14 (~~((board of county commissioners))~~) legislative authority of the central  
15 county. After (~~((election of))~~) electing a (~~((chairman, nominations))~~)  
16 chairperson, the commissioners shall (~~((be made))~~) make nominations to  
17 select (~~((members))~~) a member to serve on the metropolitan council and  
18 take successive ballots (~~((taken for each member))~~) until one candidate  
19 receives a majority of votes cast. (~~((The two members so selected shall~~  
20 ~~not be from districts whose boundaries come within ten miles of each~~  
21 ~~other.~~

22        ~~(8))~~ (3) One member, who shall be (~~((chairman))~~) chairperson of the  
23 metropolitan council, selected by the other members of the council.  
24 The (~~((member shall))~~) chairperson may not hold any public office of or  
25 be an employee of any component city or component county of the  
26 metropolitan municipal corporation. The chairperson shall hold office  
27 until the second Tuesday in July of each even-numbered year and may, if  
28 re-selected, serve more than one term.

1       **Sec. 2.** RCW 35.58.130 and 1965 c 7 s 35.58.130 are each amended to  
2 read as follows:

3       At the first meeting of the metropolitan council following the  
4 formation of a metropolitan municipal corporation, the ~~((mayer of the~~  
5 ~~central city))~~ member receiving the most votes for election shall serve  
6 as temporary ~~((chairman))~~ chairperson. As its first official act the  
7 council shall elect a ~~((chairman))~~ chairperson. The ~~((chairman))~~  
8 chairperson shall be a voting member of the council and shall preside  
9 at all meetings. In the event of his or her absence or inability to  
10 act the council shall select one of its members to act as ~~((chairman))~~  
11 chairperson pro tempore. A majority of all members of the council  
12 shall constitute a quorum for the transaction of business. A smaller  
13 number of councilmembers than a quorum may adjourn from time to time  
14 and may compel the attendance of absent members in such manner and  
15 under such penalties as the council may provide. The council shall  
16 determine its own rules and order of business, shall provide by  
17 resolution for the manner and time of holding all regular and special  
18 meetings and shall keep a journal of its proceedings which shall be a  
19 public record. Every legislative act of the council of a general or  
20 permanent nature shall be by resolution.

21       NEW SECTION. **Sec. 3.** A new section is added to chapter 35.58 RCW  
22 to read as follows:

23       The metropolitan council shall appoint an eligible person to fill  
24 a vacancy in an elective metropolitan council position. The appointee  
25 shall serve until a successor is elected and qualified at the next  
26 general election occurring sixty or more days after the vacancy has  
27 occurred. The person who is elected at that election shall take office  
28 immediately after he or she is qualified and shall serve the remainder  
29 of the unexpired term. However, if at this next general election an

1 election would have otherwise been held to elect a person to the  
2 position in which a vacancy has occurred, a separate election shall not  
3 be held to elect a person to fill the vacancy during the remainder of  
4 the unexpired term. The person who is elected at this election for  
5 this position shall take office immediately upon being qualified and  
6 shall serve for both the remainder of the unexpired term in addition to  
7 the full term to which he or she is elected.

8 **Sec. 4.** RCW 35.58.160 and 1985 c 330 s 1 are each amended to read  
9 as follows:

10 The (~~chairman and committee chairmen of the metropolitan council~~  
11 ~~except elected public officials serving on a full-time salaried basis~~)  
12 chairperson and members may receive such compensation as the (~~other~~  
13 ~~members of the~~) metropolitan council shall provide(~~(. Members of the~~  
14 ~~council other than the chairman and committee chairmen shall receive~~  
15 ~~compensation of fifty dollars per day or portion thereof for attendance~~  
16 ~~at metropolitan council or committee meetings, or for performing other~~  
17 ~~services on behalf of the metropolitan municipal corporation, but not~~  
18 ~~exceeding a total of four thousand eight hundred dollars in any year,~~  
19 ~~in addition to any compensation which they may receive as officers of~~  
20 ~~component cities or counties: PROVIDED, That elected public officers~~  
21 ~~serving in such capacities on a full-time basis shall not receive~~  
22 ~~compensation for attendance at metropolitan, council, or committee~~  
23 ~~meetings, or otherwise performing services on behalf of the~~  
24 ~~metropolitan municipal corporation: PROVIDED FURTHER, That committee~~  
25 ~~chairmen shall not receive compensation in any one year greater than~~  
26 ~~one-third of the compensation authorized for the county commissioners~~  
27 ~~or county councilmen of the central county)) by resolution. The~~  
28 chairperson may receive compensation greater than the council members.

1 If a member is appointed from a sewer or water district pursuant to RCW  
2 35.58.120(2), such member may receive a per diem from the council.

3 Any member of the council may waive all or any portion of his or  
4 her compensation payable under this section as to any month or months  
5 during his or her term of office, by a written waiver filed with the  
6 council as provided in this section. The waiver, to be effective, must  
7 be filed any time after the member's ~~((selection))~~ election and prior  
8 to the date on which the compensation would otherwise be paid. The  
9 waiver shall specify the month or period of months for which it is  
10 made.

11 All members of the council shall be reimbursed for expenses  
12 actually incurred by them in the conduct of official business for the  
13 metropolitan municipal corporation.

14 NEW SECTION. Sec. 5. The metropolitan council of a  
15 metropolitan municipal corporation existing on the effective date of  
16 this act shall retain its existing composition until January 1, 1993,  
17 at which time the newly constituted metropolitan council shall assume  
18 control over the metropolitan municipal corporation. The first order  
19 of business of the newly constituted metropolitan council shall be to  
20 appoint a chair as provided for in RCW 35.58.130.

21 **Sec. 6.** RCW 35.58.040 and 1991 c 363 s 39 are each amended to read  
22 as follows:

23 At the time of its formation no metropolitan municipal corporation  
24 shall include only a part of any city, and every city shall be either  
25 wholly included or wholly excluded from the boundaries of such  
26 corporation. ~~((If subsequent to the formation of a metropolitan~~  
27 ~~municipal corporation a part only of any city shall be included within~~  
28 ~~the boundaries of a metropolitan municipal corporation such part shall~~



1 ~~be deemed to be "unincorporated" for the purpose of selecting a member~~  
2 ~~of the metropolitan council pursuant to RCW 35.58.120(3) and such city~~  
3 ~~shall neither select nor participate in the selection of a member on~~  
4 ~~the metropolitan council pursuant to RCW 35.58.120.)~~)

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

25 NEW SECTION. **Sec. 7.** The following acts or parts of acts are  
26 each repealed:

27 (1) RCW 35.58.118 and 1971 ex.s. c 303 s 4 & 1967 c 105 s 10;

28 (2) RCW 35.58.140 and 1971 ex.s. c 303 s 6, 1969 ex.s. c 135 s 2,  
29 1967 c 105 s 4, & 1965 c 7 s 35.58.140;

1           (3) RCW 35.58.150 and 1984 c 44 s 1, 1967 c 105 s 5, & 1965 c 7 s  
2 35.58.150; and  
3           (4) RCW 35.58.270 and 1967 c 105 s 12 & 1965 c 7 s 35.58.270.