

2 **ESHB 1140** - S COMM AMD
3 By Committee on Government Operations

4 ADOPTED 4/16/93

5 Strike everything after the enacting clause and insert the
6 following:

7 "**Sec. 1.** RCW 35.58.030 and 1965 c 7 s 35.58.030 are each amended
8 to read as follows:

9 Any area of the state containing two or more cities, at least one
10 of which is ~~((a city of the first class))~~ of ten thousand or more
11 population, may organize as a metropolitan municipal corporation for
12 the performance of certain functions, as provided in this chapter. The
13 boundaries of a metropolitan municipal corporation may not be expanded
14 to include territory located in a county other than a component county
15 except as a result of the consolidation of two or more contiguous
16 metropolitan municipal corporations.

17 **Sec. 2.** RCW 35.58.040 and 1991 c 363 s 39 are each amended to read
18 as follows:

19 At the time of its formation no metropolitan municipal corporation
20 shall include only a part of any city, and every city shall be either
21 wholly included or wholly excluded from the boundaries of such
22 corporation. If subsequent to the formation of a metropolitan
23 municipal corporation a part only of any city shall be included within
24 the boundaries of a metropolitan municipal corporation such part shall
25 be deemed to be "unincorporated" for the purpose of selecting a member
26 of the metropolitan council pursuant to RCW 35.58.120(3) and such city
27 shall neither select nor participate in the selection of a member on
28 the metropolitan council pursuant to RCW 35.58.120.

29 Any metropolitan municipal corporation now existing ~~((or hereafter~~
30 ~~created,))~~ within a county with a population of ~~((from two hundred ten~~
31 ~~thousand to less than one million bordering a county with a population~~
32 ~~of one million or more, or within a county with a population of))~~ one
33 million or more~~((,))~~ shall, upon May 21, 1971, ~~((as to metropolitan~~
34 ~~corporations existing on such date or upon the date of formation as to~~
35 ~~metropolitan corporations formed after May 21, 1971,))~~ have the same

1 boundaries as those of the respective central county of such
2 metropolitan corporation(~~(: PROVIDED, That)~~). The boundaries of such
3 metropolitan corporation may not be enlarged or diminished after such
4 date by annexation as provided in chapter 35.58 RCW (~~as now or~~
5 ~~hereafter amended~~) and any purported annexation of territory shall be
6 deemed void. Any contiguous metropolitan municipal corporations may be
7 consolidated into a single metropolitan municipal corporation upon such
8 terms, for the purpose of performing such metropolitan function or
9 functions, and to be effective at such time as may be approved by
10 resolutions of the respective metropolitan councils. In the event of
11 such consolidation the component city with the largest population shall
12 be the central city of such consolidated metropolitan municipal
13 corporation and the component county with the largest population shall
14 be the central county of such consolidated metropolitan municipal
15 corporation.

16 **Sec. 3.** RCW 35.58.090 and 1973 1st ex.s. c 195 s 23 are each
17 amended to read as follows:

18 The election on the formation of the metropolitan municipal
19 corporation shall be conducted by the auditor of the central county in
20 accordance with the general election laws of the state and the results
21 thereof shall be canvassed by the county canvassing board of the
22 central county, which shall certify the result of the election to the
23 (~~board of~~) county (~~commissioners~~) legislative authority of the
24 central county, and shall cause a certified copy of such canvass to be
25 filed in the office of the secretary of state. Notice of the election
26 shall be published in one or more newspapers of general circulation in
27 each component county in the manner provided in the general election
28 laws. No person shall be entitled to vote at such election unless
29 (~~he~~) that person is a qualified voter under the laws of the state in
30 effect at the time of such election and has resided within the
31 metropolitan area for at least thirty days preceding the date of the
32 election. The ballot proposition shall be in substantially the
33 following form:

34 "FORMATION OF METROPOLITAN
35 MUNICIPAL CORPORATION

36 Shall a metropolitan municipal corporation be established for
37 the area described in a resolution of the (~~board of~~

1 ~~commissioners))~~ county legislative authority of
2 county adopted on the day of, 19. . ., to
3 perform the metropolitan functions of (here insert
4 the title of each of the functions to be authorized as set
5 forth in the petition or initial resolution).

6 YES 1
7 NO 1 "

8 If a majority of the persons voting on the proposition residing
9 within the central city shall vote in favor thereof and a majority of
10 the persons voting on the proposition residing in the metropolitan area
11 outside of the central city shall vote in favor thereof, the
12 metropolitan municipal corporation shall thereupon be established and
13 the ((~~board of commissioners~~)) county legislative authority of the
14 central county shall adopt a resolution setting a time and place for
15 the first meeting of the metropolitan council which shall be held not
16 later than ((~~thirty~~)) sixty days after the date of such election. A
17 copy of such resolution shall be transmitted to the legislative body of
18 each component city and county and of each special district which shall
19 be affected by the particular metropolitan functions authorized.

20 At the same election there shall be submitted to the voters
21 residing within the metropolitan area, for their approval or rejection,
22 a proposition authorizing the metropolitan municipal corporation, if
23 formed, to levy at the earliest time permitted by law on all taxable
24 property located within the metropolitan municipal corporation a
25 general tax, for one year, of twenty-five cents per thousand dollars of
26 assessed value in excess of any constitutional or statutory limitation
27 for authorized purposes of the metropolitan municipal corporation. The
28 proposition shall be expressed on the ballots in substantially the
29 following form:

30 "ONE YEAR TWENTY-FIVE CENTS
31 PER THOUSAND DOLLARS OF
32 ASSESSED VALUE LEVY

33 Shall the metropolitan municipal corporation, if formed, levy
34 a general tax of twenty-five cents per thousand dollars of
35 assessed value for one year upon all the taxable property
36 within said corporation in excess of the constitutional and/or

1 statutory tax limits for authorized purposes of the
2 corporation?

3 YES 1
4 NO 1 "

5 Such proposition to be effective must be approved by a majority of at
6 least three-fifths of the persons voting on the proposition to levy
7 such tax, with a forty percent validation requirement, in the manner
8 set forth in Article VII, section 2(a) of the Constitution of this
9 state(~~(, as amended by Amendment 59 and as thereafter amended)~~).

10 **Sec. 4.** RCW 35.58.120 and 1983 c 92 s 1 are each amended to read
11 as follows:

12 Unless the rights, powers, functions, and obligations of a
13 metropolitan municipal corporation have been assumed by a county as
14 provided in chapter 36.56 RCW, a metropolitan municipal corporation
15 shall be governed by a metropolitan council composed of (~~the~~
16 following:

17 (1) ~~One member (a) who shall be the elected county executive of the~~
18 ~~central county, or (b) if there shall be no elected county executive,~~
19 ~~one member who shall be selected by, and from, the board of~~
20 ~~commissioners of the central county.~~

21 (2) ~~One additional member for each county commissioner district or~~
22 ~~county council district which shall contain fifteen thousand or more~~
23 ~~persons residing within the metropolitan municipal corporation, who~~
24 ~~shall be the county commissioner or county councilman from such~~
25 ~~district;~~

26 (3) ~~One additional member selected by the board of commissioners or~~
27 ~~county council of each component county for each county commissioner~~
28 ~~district or county council district containing fifteen thousand or more~~
29 ~~persons residing in the unincorporated portion of such commissioner~~
30 ~~district lying within the metropolitan municipal corporation each such~~
31 ~~appointee to be a resident of such unincorporated portion;~~

32 (4) ~~One member from each component city which shall have a~~
33 ~~population of fifteen thousand or more persons, who shall be the mayor~~
34 ~~of such city, if such city shall have the mayor-council form of~~
35 ~~government, and in other cities shall be selected by, and from, the~~
36 ~~mayor and city council of each of such cities.~~

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

9 (6) ~~One additional member selected by the city council of each~~
10 ~~component city containing a population of fifteen thousand or more for~~
11 ~~each fifty thousand population over and above the first fifteen~~
12 ~~thousand, such members to be selected from such city council until all~~
13 ~~councilmen are members and thereafter to be selected from other~~
14 ~~officers of such city.~~

15 (7) ~~For any metropolitan municipal corporation which shall be~~
16 ~~authorized to perform the function of metropolitan water pollution~~
17 ~~abatement, two additional members who shall be commissioners of a sewer~~
18 ~~district or a water district which is operating a sewer system and is~~
19 ~~a component part of the metropolitan municipal corporation and shall~~
20 ~~participate only in those council actions which relate to the~~
21 ~~performance of the function of metropolitan water pollution abatement.~~
22 ~~The commissioners of all such sewer districts and water districts which~~
23 ~~are component parts of the metropolitan municipal corporation shall~~
24 ~~meet on the first Tuesday of the month following May 21, 1971 and~~
25 ~~thereafter on the second Tuesday of June of each even numbered year at~~
26 ~~seven o'clock p.m. at the office of the board of county commissioners~~
27 ~~of the central county. After election of a chairman, nominations shall~~
28 ~~be made to select members to serve on the metropolitan council and~~
29 ~~successive ballots taken for each member until one candidate receives~~
30 ~~a majority of votes cast. The two members so selected shall not be~~
31 ~~from districts whose boundaries come within ten miles of each other.~~

32 (8) ~~One member, who shall be chairman of the metropolitan council,~~
33 ~~selected by the other members of the council. The member shall not~~
34 ~~hold any public office of or be an employee of any component city or~~
35 ~~component county of the metropolitan municipal corporation)) elected~~
36 ~~officials of the component counties and component cities, and possibly~~
37 ~~other persons, as determined by agreement of each of the component~~
38 ~~counties and the component cities equal in number to at least twenty-~~
39 ~~five percent of the total number of component cities that have at least~~

1 seventy-five percent of the combined component city populations. The
2 agreement shall remain in effect until altered in the same manner as
3 the initial composition is determined.

4 **Sec. 5.** RCW 35.58.230 and 1965 c 7 s 35.58.230 are each amended to
5 read as follows:

6 If a metropolitan municipal corporation shall be authorized to
7 perform the function of metropolitan water supply, the metropolitan
8 council shall, prior to the effective date of the assumption of such
9 function, cause a metropolitan water advisory committee to be formed by
10 notifying the legislative body of each component city which operates a
11 water system to appoint one person to serve on such advisory committee
12 and the board of commissioners of each water district, any portion of
13 which lies within the metropolitan area, to appoint one person to serve
14 on such committee who shall be a water district commissioner. The
15 metropolitan water advisory committee shall meet at the time and place
16 provided in the notice and elect a chairman. The members of such
17 committee shall serve at the pleasure of the appointing bodies and
18 shall receive no compensation other than reimbursement for expenses
19 actually incurred in the performance of their duties. The function of
20 such advisory committee shall be to advise the metropolitan council
21 with respect to matters relating to the performance of the water supply
22 function.

23 The requirement to create a metropolitan water advisory committee
24 shall not apply to a county that has assumed the rights, powers,
25 functions, and obligations of the metropolitan municipal corporation
26 under chapter 36.56 RCW.

27 **Sec. 6.** RCW 35.58.270 and 1967 c 105 s 12 are each amended to read
28 as follows:

29 If a metropolitan municipal corporation shall be authorized to
30 perform the function of metropolitan transportation with a commission
31 form of management, a metropolitan transit commission shall be formed
32 prior to the effective date of the assumption of such function. Except
33 as provided in this section, the metropolitan transit commission shall
34 exercise all powers of the metropolitan municipal corporation with
35 respect to metropolitan transportation facilities, including but not
36 limited to the power to construct, acquire, maintain, operate, extend,
37 alter, repair, control and manage a local public transportation system

1 within and without the metropolitan area, to establish new passenger
2 transportation services and to alter, curtail, or abolish any services
3 as the commission may deem desirable and to fix tolls and fares.

4 The comprehensive plan for public transportation service and any
5 amendments thereof shall be adopted by the metropolitan council and the
6 metropolitan transit commission shall provide transportation facilities
7 and service consistent with such plan. The metropolitan transit
8 commission shall authorize expenditures for transportation purposes
9 within the budget adopted by the metropolitan council. Tolls and fares
10 may be fixed or altered by the commission only after approval thereof
11 by the metropolitan council. Bonds of the metropolitan municipal
12 corporation for public transportation purposes shall be issued by the
13 metropolitan council as provided in this chapter.

14 The metropolitan transit commission shall consist of seven members.
15 Six of such members shall be appointed by the metropolitan council and
16 the seventh member shall be the chairman of the metropolitan council
17 who shall be ex officio the chairman of the metropolitan transit
18 commission. Three of the six appointed members of the commission shall
19 be residents of the central city and three shall be residents of the
20 metropolitan area outside of the central city. The three central city
21 members of the first metropolitan transit commission shall be selected
22 from the existing transit commission of the central city, if there be
23 a transit commission in such city. The terms of first appointees shall
24 be for one, two, three, four, five and six years, respectively.
25 Thereafter, commissioners shall serve for a term of four years.
26 Compensation of transit commissioners shall be determined by the
27 metropolitan council.

28 The requirement to create a metropolitan transit commission shall
29 not apply to a county that has assumed the rights, powers, functions,
30 and obligations of the metropolitan municipal corporation under chapter
31 36.56 RCW.

32 **Sec. 7.** RCW 35.58.300 and 1965 c 7 s 35.58.300 are each amended to
33 read as follows:

34 If a metropolitan municipal corporation shall be authorized to
35 perform the function of metropolitan parks and parkways, a metropolitan
36 park board shall be formed prior to the effective date of the
37 assumption of such function. Except as provided in this section, the
38 metropolitan park board shall exercise all powers of the metropolitan

1 municipal corporation with respect to metropolitan park and parkway
2 facilities.

3 The metropolitan park board shall authorize expenditures for park
4 and parkway purposes within the budget adopted by the metropolitan
5 council. Bonds of the metropolitan municipal corporation for park and
6 parkway purposes shall be issued by the metropolitan council as
7 provided in this chapter.

8 The metropolitan park board shall consist of five members appointed
9 by the metropolitan council at least two of whom shall be residents of
10 the central city. The terms of first appointees shall be for one, two,
11 three, four and five years, respectively. Thereafter members shall
12 serve for a term of four years. Compensation of park board members
13 shall be determined by the metropolitan council.

14 The requirement to create a metropolitan park board shall not apply
15 to a county that has assumed the rights, powers, functions, and
16 obligations of the metropolitan municipal corporation under chapter
17 36.56 RCW.

18 **Sec. 8.** RCW 35.58.320 and 1965 c 7 s 35.58.320 are each amended to
19 read as follows:

20 A metropolitan municipal corporation shall have power to acquire by
21 purchase and condemnation all lands and property rights, both within
22 and without the metropolitan area, which are necessary for its
23 purposes. Such right of eminent domain shall be exercised by the
24 metropolitan council in the same manner and by the same procedure as is
25 or may be provided by law for cities (~~(of the first class)~~), except
26 insofar as such laws may be inconsistent with the provisions of this
27 chapter.

28 **Sec. 9.** RCW 35.58.340 and 1965 c 7 s 35.58.340 are each amended to
29 read as follows:

30 Except as otherwise provided herein, a metropolitan municipal
31 corporation may sell, or otherwise dispose of any real or personal
32 property acquired in connection with any authorized metropolitan
33 function and which is no longer required for the purposes of the
34 metropolitan municipal corporation in the same manner as provided for
35 cities (~~(of the first class)~~). When the metropolitan council
36 determines that a metropolitan facility or any part thereof which has
37 been acquired from a component city or county without compensation is

1 no longer required for metropolitan purposes, but is required as a
2 local facility by the city or county from which it was acquired, the
3 metropolitan council shall by resolution transfer it to such city or
4 county.

5 **Sec. 10.** RCW 35.58.350 and 1965 c 7 s 35.58.350 are each amended
6 to read as follows:

7 All the powers and functions of a metropolitan municipal
8 corporation shall be vested in the metropolitan council unless
9 expressly vested in specific officers, boards, or commissions by this
10 chapter, or vested in the county legislative authority of a county that
11 has assumed the rights, powers, functions, and obligations of a
12 metropolitan municipal corporation as provided in chapter 36.56 RCW.
13 Without limitation of the foregoing authority, or of other powers given
14 it by this chapter, the metropolitan council shall have the following
15 powers:

16 (1) To establish offices, departments, boards and commissions in
17 addition to those provided by this chapter which are necessary to carry
18 out the purposes of the metropolitan municipal corporation, and to
19 prescribe the functions, powers and duties thereof.

20 (2) To appoint or provide for the appointment of, and to remove or
21 to provide for the removal of, all officers and employees of the
22 metropolitan municipal corporation except those whose appointment or
23 removal is otherwise provided by this chapter.

24 (3) To fix the salaries, wages and other compensation of all
25 officers and employees of the metropolitan municipal corporation unless
26 the same shall be otherwise fixed in this chapter.

27 (4) To employ such engineering, legal, financial, or other
28 specialized personnel as may be necessary to accomplish the purposes of
29 the metropolitan municipal corporation.

30 **Sec. 11.** RCW 35.58.410 and 1965 c 7 s 35.58.410 are each amended
31 to read as follows:

32 (1) On or before the third Monday in June of each year, each
33 metropolitan municipal corporation shall adopt a budget for the
34 following calendar year. Such budget shall include a separate section
35 for each authorized metropolitan function. Expenditures shall be
36 segregated as to operation and maintenance expenses and capital and
37 betterment outlays. Administrative and other expense general to the

1 corporation shall be allocated between the authorized metropolitan
2 functions. The budget shall contain an estimate of all revenues to be
3 collected during the following budget year, including any surplus funds
4 remaining unexpended from the preceding year. (~~The remaining funds
5 required to meet budget expenditures, if any, shall be designated as
6 "supplemental income" and shall be obtained from the component cities
7 and counties in the manner provided in this chapter.~~) The
8 metropolitan council shall not be required to confine capital or
9 betterment expenditures made from bond proceeds or emergency
10 expenditures to items provided in the budget. The affirmative vote of
11 three-fourths of all members of the metropolitan council shall be
12 required to authorize emergency expenditures.

13 (2) Subsection (1) of this section shall not apply to a county that
14 has assumed the rights, powers, functions, and obligations of a
15 metropolitan municipal corporation under chapter 36.56 RCW. This
16 subsection (2) shall apply only to each county that has assumed the
17 rights, powers, functions, and obligations of a metropolitan municipal
18 corporation under chapter 36.56 RCW.

19 Each county that has assumed the rights, powers, functions, and
20 obligations of a metropolitan municipal corporation under chapter 36.56
21 RCW shall, on or before the third Monday in June of each year, prepare
22 an estimate of all revenues to be collected during the following
23 calendar year, including any surplus funds remaining unexpended from
24 the preceding year for each authorized metropolitan function.

25 By June 30 of each year, the county shall adopt the rate for sewage
26 disposal that will be charged to component cities and sewer districts
27 during the following budget year.

28 As long as any general obligation indebtedness remains outstanding
29 that was issued by the metropolitan municipal corporation prior to the
30 assumption by the county, the county shall continue to impose the taxes
31 authorized by RCW 82.14.045 and 35.58.273(5) at the maximum rates and
32 on all of the taxable events authorized by law. If, despite the
33 continued imposition of those taxes, the estimate of revenues made on
34 or before the third Monday in June shows that estimated revenues will
35 be insufficient to make all debt service payments falling due in the
36 following calendar year on all general obligation indebtedness issued
37 by the metropolitan municipal corporation prior to the assumption by
38 the county of the rights, powers, functions, and obligations of the
39 metropolitan municipal corporation, the remaining amount required to

1 make the debt service payments shall be designated as "supplemental
2 income" and shall be obtained from component cities and component
3 counties as provided under RCW 35.58.420.

4 The county shall prepare and adopt a budget each year in accordance
5 with applicable general law or county charter. If supplemental income
6 has been designated under this subsection, the supplemental income
7 shall be reflected in the budget that is adopted. If during the budget
8 year the actual tax revenues from the taxes imposed under the authority
9 of RCW 82.14.045 and 35.58.273(5) exceed the estimates upon which the
10 supplemental income was based, the difference shall be refunded to the
11 component cities and component counties in proportion to their payments
12 promptly after the end of the budget year. A county that has assumed
13 the rights, powers, functions, and obligations of a metropolitan
14 municipal corporation under chapter 36.56 RCW shall not be required to
15 confine capital or betterment expenditures for authorized metropolitan
16 functions from bond proceeds or emergency expenditures to items
17 provided in the budget.

18 **Sec. 12.** RCW 39.36.020 and 1971 ex.s. c 218 s 1 are each amended
19 to read as follows:

20 (1) Except as otherwise expressly provided by law or in subsections
21 (2), (3) and (4) of this section, no taxing district shall for any
22 purpose become indebted in any manner to an amount exceeding
23 three-eighths of one percent of the value of the taxable property in
24 such taxing district without the assent of three-fifths of the voters
25 therein voting at an election to be held for that purpose, nor in cases
26 requiring such assent shall the total indebtedness incurred at any time
27 exceed one and one-fourth percent on the value of the taxable property
28 therein.

29 (2) Counties, cities, towns, and public hospital districts are
30 limited to an indebtedness amount not exceeding three-fourths of one
31 percent of the value of the taxable property in such counties, cities,
32 towns, or public hospital districts without the assent of three-fifths
33 of the voters therein voting at an election held for that purpose. In
34 cases requiring such assent counties, cities, towns, and public
35 hospital districts are limited to a total indebtedness of two and one-
36 half percent of the value of the taxable property therein. However,
37 any county that has assumed the rights, powers, functions, and
38 obligations of a metropolitan municipal corporation under chapter 36.56

1 RCW may become indebted to a larger amount for its authorized
2 metropolitan functions, as provided under chapter 35.58 RCW, but not
3 exceeding an additional three-fourths of one percent of the value of
4 the taxable property in the county without the assent of three-fifths
5 of the voters therein voting at an election held for that purpose, and
6 in cases requiring such assent not exceeding an additional two and one-
7 half percent of the value of the taxable property in the county.

8 (3) School districts are limited to an indebtedness amount not
9 exceeding three-eighths of one percent of the value of the taxable
10 property in such district without the assent of three-fifths of the
11 voters therein voting at an election held for that purpose. In cases
12 requiring such assent school districts are limited to a total
13 indebtedness of two and one-half percent of the value of the taxable
14 property therein.

15 (4) No part of the indebtedness allowed in this chapter shall be
16 incurred for any purpose other than strictly county, city, town, school
17 district, township, port district, metropolitan park district, or other
18 municipal purposes: PROVIDED, That a city or town, with such assent,
19 may become indebted to a larger amount, but not exceeding two and one-
20 half percent additional, determined as herein provided, for supplying
21 such city or town with water, artificial light, and sewers, when the
22 works for supplying such water, light, and sewers shall be owned and
23 controlled by the city or town; and a city or town, with such assent,
24 may become indebted to a larger amount, but not exceeding two and one-
25 half percent additional for acquiring or developing open space and park
26 facilities: PROVIDED FURTHER, That any school district may become
27 indebted to a larger amount but not exceeding two and one-half percent
28 additional for capital outlays.

29 (5) Such indebtedness may be authorized in any total amount in one
30 or more propositions and the amount of such authorization may exceed
31 the amount of indebtedness which could then lawfully be incurred. Such
32 indebtedness may be incurred in one or more series of bonds from time
33 to time out of such authorization but at no time shall the total
34 general indebtedness of any taxing district exceed the above
35 limitation.

36 The term "value of the taxable property" as used in this section
37 shall have the meaning set forth in RCW 39.36.015.

1 **Sec. 13.** RCW 35.58.450 and 1984 c 186 s 18 are each amended to
2 read as follows:

3 Notwithstanding the limitations of chapter 39.36 RCW and any other
4 statutory limitations otherwise applicable and limiting municipal debt,
5 a metropolitan municipal corporation shall have the power to contract
6 indebtedness and issue general obligation bonds and to pledge the full
7 faith and credit of the corporation to the payment thereof, for any
8 authorized capital purpose of the metropolitan municipal corporation,
9 not to exceed an amount, together with any outstanding nonvoter
10 approved general indebtedness, equal to three-fourths of one percent of
11 the value of the taxable property within the metropolitan municipal
12 corporation, as the term "value of the taxable property" is defined in
13 RCW 39.36.015. A metropolitan municipal corporation may additionally
14 contract indebtedness and issue general obligation bonds, for any
15 authorized capital purpose of a metropolitan municipal corporation,
16 together with any other outstanding general indebtedness, not to exceed
17 an amount equal to five percent of the value of the taxable property
18 within the corporation, as the term "value of the taxable property" is
19 defined in RCW 39.36.015, when a proposition authorizing the
20 indebtedness has been approved by three-fifths of the persons voting on
21 said proposition at said election at which such election the total
22 number of persons voting on such bond proposition shall constitute not
23 less than forty percent of the total number of (~~votes cast~~) voters
24 voting within the area of said metropolitan municipal corporation at
25 the last preceding state general election. Such general obligation
26 bonds may be authorized in any total amount in one or more propositions
27 and the amount of such authorization may exceed the amount of bonds
28 which could then lawfully be issued. Such bonds may be issued in one
29 or more series from time to time out of such authorization. The
30 elections shall be held pursuant to RCW 39.36.050.

31 Whenever the voters of a metropolitan municipal corporation have,
32 pursuant to RCW 84.52.056, approved excess property tax levies to
33 retire such bond issues, both the principal of and interest on such
34 general obligation bonds may be made payable from annual tax levies to
35 be made upon all the taxable property within the metropolitan municipal
36 corporation in excess of the constitutional and/or statutory tax
37 limit. The principal of and interest on any general obligation bond
38 may be made payable from any other taxes or any special assessments
39 which the metropolitan municipal corporation may be authorized to levy

1 or from any otherwise unpledged revenue which may be derived from the
2 ownership or operation of properties or facilities incident to the
3 performance of the authorized function for which such bonds are issued
4 or may be made payable from any combination of the foregoing sources.
5 The metropolitan council may include in the principal amount of such
6 bond issue an amount for engineering, architectural, planning,
7 financial, legal, urban design and other services incident to
8 acquisition or construction solely for authorized capital purposes
9 (~~and may include an amount to establish a guaranty fund for revenue~~
10 ~~bonds issued solely for capital purposes~~)).

11 General obligation bonds shall be issued and sold by the
12 metropolitan council as provided in chapter 39.46 RCW and shall mature
13 in not to exceed forty years from the date of issue.

14 **Sec. 14.** RCW 35.58.460 and 1983 c 167 s 48 are each amended to
15 read as follows:

16 (1) A metropolitan municipal corporation may issue revenue bonds to
17 provide funds to carry out its authorized metropolitan water pollution
18 abatement, water supply, garbage disposal or transportation purposes,
19 without submitting the matter to the voters of the metropolitan
20 municipal corporation. The metropolitan council shall create a special
21 fund or funds for the sole purpose of paying the principal of and
22 interest on the bonds of each such issue, into which fund or funds the
23 metropolitan council may obligate the metropolitan municipal
24 corporation to pay such amounts of the gross revenue of the particular
25 utility constructed, acquired, improved, added to, or repaired out of
26 the proceeds of sale of such bonds, as the metropolitan council shall
27 determine and may obligate the metropolitan municipal corporation to
28 pay such amounts out of otherwise unpledged revenue which may be
29 derived from the ownership, use or operation of properties or
30 facilities owned, used or operated incident to the performance of the
31 authorized function for which such bonds are issued or out of otherwise
32 unpledged fees, tolls, charges, tariffs, fares, rentals, special taxes
33 or other sources of payment lawfully authorized for such purpose, as
34 the metropolitan council shall determine. The principal of, and
35 interest on, such bonds shall be payable only out of such special fund
36 or funds, and the owners of such bonds shall have a lien and charge
37 against the gross revenue of such utility or any other revenue, fees,

1 tolls, charges, tariffs, fares, special taxes or other authorized
2 sources pledged to the payment of such bonds.

3 Such revenue bonds and the interest thereon issued against such
4 fund or funds shall be a valid claim of the owners thereof only as
5 against such fund or funds and the revenue pledged therefor, and shall
6 not constitute a general indebtedness of the metropolitan municipal
7 corporation.

8 Each such revenue bond shall state upon its face that it is payable
9 from such special fund or funds, and all revenue bonds issued under
10 this chapter shall be negotiable securities within the provisions of
11 the law of this state. Such revenue bonds may be registered either as
12 to principal only or as to principal and interest as provided in RCW
13 39.46.030, or may be bearer bonds; shall be in such denominations as
14 the metropolitan council shall deem proper; shall be payable at such
15 time or times and at such places as shall be determined by the
16 metropolitan council; shall bear interest at such rate or rates as
17 shall be determined by the metropolitan council; shall be signed by the
18 chairman and attested by the secretary of the metropolitan council,
19 (~~one~~) any of which signatures may be (~~a~~) facsimile signatures, and
20 the seal of the metropolitan municipal corporation shall be impressed
21 or imprinted thereon; any attached interest coupons shall be signed by
22 the facsimile signatures of said officials.

23 Such revenue bonds shall be sold in such manner, at such price and
24 at such rate or rates of interest as the metropolitan council shall
25 deem to be for the best interests of the metropolitan municipal
26 corporation, either at public or private sale.

27 The metropolitan council may at the time of the issuance of such
28 revenue bonds make such covenants with the owners of said bonds as it
29 may deem necessary to secure and guarantee the payment of the principal
30 thereof and the interest thereon, including but not being limited to
31 covenants to set aside adequate reserves to secure or guarantee the
32 payment of such principal and interest, to maintain rates sufficient to
33 pay such principal and interest and to maintain adequate coverage over
34 debt service, to appoint a trustee or trustees for the bond owners to
35 safeguard the expenditure of the proceeds of sale of such bonds and to
36 fix the powers and duties of such trustee or trustees and to make such
37 other covenants as the metropolitan council may deem necessary to
38 accomplish the most advantageous sale of such bonds. The metropolitan
39 council may also provide that revenue bonds payable out of the same

1 source may later be issued on a parity with revenue bonds being issued
2 and sold.

3 The metropolitan council may include in the principal amount of any
4 such revenue bond issue an amount to establish necessary reserves, an
5 amount for working capital and an amount necessary for interest during
6 the period of construction of any such metropolitan facilities plus six
7 months. The metropolitan council may, if it deems it to the best
8 interest of the metropolitan municipal corporation, provide in any
9 contract for the construction or acquisition of any metropolitan
10 facilities or additions or improvements thereto or replacements or
11 extensions thereof that payment therefor shall be made only in such
12 revenue bonds at the par value thereof.

13 If the metropolitan municipal corporation shall fail to carry out
14 or perform any of its obligations or covenants made in the
15 authorization, issuance and sale of such bonds, the owner of any such
16 bond may bring action against the metropolitan municipal corporation
17 and compel the performance of any or all of such covenants.

18 (2) Notwithstanding subsection (1) of this section, such bonds may
19 be issued and sold in accordance with chapter 39.46 RCW.

20 **Sec. 15.** RCW 35.58.490 and 1965 c 7 s 35.58.490 are each amended
21 to read as follows:

22 ~~((If a metropolitan municipal corporation shall have been
23 authorized to levy a general tax on all taxable property located within
24 the metropolitan municipal corporation in the manner provided in this
25 chapter, either at the time of the formation of the metropolitan
26 municipal corporation or subsequently, the))~~ A metropolitan council
27 shall have the power to authorize the issuance of interest bearing
28 warrants on such terms and conditions as the metropolitan council shall
29 provide(~~(, same to be repaid from the proceeds of such tax when
30 collected))~~) and to repay the interest bearing warrants with any moneys
31 legally authorized for such purposes, including tax receipts where
32 appropriate.

33 **Sec. 16.** RCW 35.58.500 and 1965 c 7 s 35.58.500 are each amended
34 to read as follows:

35 The metropolitan municipal corporation shall have the power to levy
36 special assessments payable over a period of not exceeding twenty years
37 on all property within the metropolitan area specially benefited by any

1 improvement, on the basis of special benefits conferred, to pay in
2 whole, or in part, the damages or costs of any such improvement, and
3 for such purpose may establish local improvement districts and enlarged
4 local improvement districts, issue local improvement warrants and bonds
5 to be repaid by the collection of local improvement assessments and
6 generally to exercise with respect to any improvements which it may be
7 authorized to construct or acquire the same powers as may now or
8 hereafter be conferred by law upon cities (~~(of the first class)~~). Such
9 local improvement districts shall be created and such special
10 assessments levied and collected and local improvement warrants and
11 bonds issued and sold in the same manner as shall now or hereafter be
12 provided by law for cities (~~(of the first class)~~). The duties imposed
13 upon the city treasurer under such acts shall be imposed upon the
14 treasurer of the county in which such local improvement district shall
15 be located.

16 A metropolitan municipal corporation may provide that special
17 benefit assessments levied in any local improvement district may be
18 paid into such revenue bond redemption fund or funds as may be
19 designated by the metropolitan council to secure the payment of revenue
20 bonds issued to provide funds to pay the cost of improvements for which
21 such assessments were levied. If local improvement district
22 assessments shall be levied for payment into a revenue bond fund, the
23 local improvement district created therefor shall be designated a
24 utility local improvement district. A metropolitan municipal
25 corporation that creates a utility local improvement district shall
26 conform with the laws relating to utility local improvement districts
27 created by a city.

28 **Sec. 17.** RCW 35.58.520 and 1965 c 7 s 35.58.520 are each amended
29 to read as follows:

30 A metropolitan municipal corporation shall have the power to invest
31 its funds held in reserves or sinking funds or any such funds which are
32 not required for immediate disbursement, in (~~(property or securities in~~
33 ~~which mutual savings banks may legally invest funds subject to their~~
34 ~~control)) any investments in which a city is authorized to invest, as~~

35 provided in RCW 35.39.030.

36 **Sec. 18.** RCW 35.58.530 and 1969 ex.s. c 135 s 3 are each amended
37 to read as follows:

1 Territory located within a component county that is annexed to a
2 component city after the establishment of a metropolitan municipal
3 corporation shall by such act be annexed to (~~such~~) the metropolitan
4 municipal corporation. Territory within a metropolitan municipal
5 corporation may be annexed to a city which is not within such
6 metropolitan municipal corporation in the manner provided by law and in
7 such event either (1) such city may be annexed to such metropolitan
8 municipal corporation by ordinance of the legislative body of the city
9 concurred in by resolution of the metropolitan council, or (2) if such
10 city shall not be so annexed such territory shall remain within the
11 metropolitan municipal corporation unless such city shall by resolution
12 of its legislative body request the withdrawal of such territory
13 subject to any outstanding indebtedness of the metropolitan corporation
14 and the metropolitan council shall by resolution consent to such
15 withdrawal.

16 Any territory located within a component county that is contiguous
17 to a metropolitan municipal corporation and lying wholly within an
18 incorporated city or town may be annexed to such metropolitan municipal
19 corporation by ordinance of the legislative body of such city or town
20 requesting such annexation concurred in by resolution of the
21 metropolitan council.

22 Any other territory located within a component county that is
23 adjacent to a metropolitan municipal corporation may be annexed thereto
24 by vote of the qualified electors residing in the territory to be
25 annexed, in the manner provided in this chapter. An election to annex
26 such territory may be called pursuant to a petition or resolution in
27 the following manner:

28 (1) A petition calling for such an election shall be signed by at
29 least four percent of the qualified voters residing within the
30 territory to be annexed and shall be filed with the auditor of the
31 central county.

32 (2) A resolution calling for such an election may be adopted by the
33 metropolitan council.

34 Any resolution or petition calling for such an election shall
35 describe the boundaries of the territory to be annexed, and state that
36 the annexation of such territory to the metropolitan municipal
37 corporation will be conducive to the welfare and benefit of the persons
38 or property within the metropolitan municipal corporation and within
39 the territory proposed to be annexed.

