

HOUSE BILL REPORT

ESB 6025

As Passed House - Amended
March 4, 1994

Title: An act relating to cities and towns.

Brief Description: Changing provisions relating to cities and towns.

Sponsors: Senators Winsley and Haugen.

Brief History:

Reported by House Committee on:
Local Government, February 25, 1994, DPA;
Passed House - Amended, March 4, 1994, 96-1.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: Do pass as amended. Signed by 10 members: Representatives H. Myers, Chair; Springer, Vice Chair; Edmondson, Ranking Minority Member; Reams, Assistant Ranking Minority Member; Dunshee; R. Fisher; Horn; Moak; Rayburn and Zellinsky.

Minority Report: Do not pass. Signed by 1 member: Representative Van Luven.

Staff: Bill Lynch (786-7092).

Background: The statutes pertaining to the reduction of city limits differ between code cities and noncode cities. A special election is held to determine whether a noncode city or town limits should be reduced when a petition is received requesting the reduction. The petition must be signed by qualified voters of the noncode city or town equal to not less than one-fifth of the votes cast in the last municipal election. Notice of the election is published at least four weeks prior to the election. This notice is in addition to the notice normally required for elections.

Every town (municipal corporation of the fourth class) is authorized to purchase, lease, receive and hold real and personal property and dispose of it for the common benefit. The wording of this authorization is not exactly the same as for cities of the first, second or third class. Therefore, questions have arisen as to whether or not the authorization for towns is different from the cities.

The legislative body of any city, town, county or special taxing district must review and approve all pending claims and warrants at each regular meeting. Except in the smaller cities, council meetings are held every week. It has been suggested this process could be conducted less frequently with no loss of prudent oversight.

The whistleblower law that applies to state government employees prohibits an official or an employee from using or attempting to use his or her official authority to coerce an employee from reporting improper government activity. Similar protections do not apply to local government employees.

Cities receive two distributions from the state motor vehicle excise tax (MVET) for local criminal justice assistance. The first distribution of 1.1937 percent of the MVET is based on crime rates in excess of 125 percent of the statewide average. The second distribution of 1.1937 percent of the MVET is based on six allocations, one of which is a 20 percent allocation based on violent crime rates. Certain allocations of this second distribution are distributed semi-annually.

Cemetery property cannot be condemned for use as a street or public thoroughfare if it is dedicated for cemetery purposes unless the cemetery consents.

An old pension system exists in each city that had full-time fire fighters prior to the creation of the Law Enforcement Officer and Fire Fighter (LEOFF) retirement system. This old pension system is partially financed with the distributions of a portion of the receipts from the state's excise tax on fire insurance premiums. However, these moneys are distributed based upon the current number of fire fighters in the city. The city of Kelso has a pre-LEOFF fire fighter pension system but no longer has a fire department, as the city was annexed by a fire protection district.

There is no express prohibition against a city or town that provides water or sewer services outside its boundaries from conditioning these services on the property owners' compliance with the city's development regulations.

Summary of Bill: The petition requesting the reduction of a noncode city or town limits must be signed by at least 10 percent of the number of voters voting at the last general election. Alternatively, the noncode city or town legislative body may, by resolution, submit a proposal for reduction to the voters. The submitted proposal is submitted at the next general municipal election if one

occurs within 180 days of either the certification of sufficiency of the petition or the passage of the resolution. Otherwise, a special election may be held. Publication is required once each week for two consecutive weeks preceding the election. The requirement for a second type of notice is deleted.

The rights, obligations and duties with regard to the operation of a public service business or utility in the excluded area transfer to the county or political subdivision with jurisdiction over the area.

Towns are authorized to lease, sublease or convey real or personal property with the same language as is used for other cities.

The legislative bodies of cities and towns are authorized to conduct the formal review of claims and warrants at a regularly scheduled public meeting within one month of issuance.

It is unlawful for a city or town official or employee to use or attempt to use his or her official authority to coerce an employee from reporting improper government activity.

Moneys remaining undistributed under the 20 percent allocation based on violent crimes at the end of the calendar year shall be distributed to the Criminal Justice Training Commission to reimburse participating city law enforcement agencies with ten or fewer full-time commissioned patrol officers the cost of temporary replacement of each officer who is enrolled in basic law enforcement training.

Certain allocations of the second distribution to cities are made quarterly (rather than semi-annually).

A city with a pre-LEOFF fire fighter pension system that was annexed by a fire district would receive distributions of receipts from the state excise tax on fire insurance premiums to partially finance its obligations under the pre-LEOFF fire fighter pension system based upon the number of fire fighters in the city prior to its annexation.

A city under 20,000 may condemn cemetery property before January 1, 1995, to improve a street, if no interment plots containing human remains are affected.

A city or town may not condition the providing of water or sewer services outside its boundaries on the property owners' compliance with the city or town's development

regulations or different lot sizes, unless they are reasonably necessary to the proper functioning of the service or the local government with jurisdiction over the property concurs. This prohibition does not apply to any plat or subdivision application, or the land covered by those applications, that are filed by July 1, 1994.

Fiscal Note: Not requested.

Effective Date: The prohibition against a city or town imposing certain conditions on property owners in order to receive water or sewer services takes effect July 1, 1994. The remainder of the bill takes effect ninety days after adjournment of session in which bill is passed.

Testimony For: This clears up a drafting error on MVET distributions and modernizes other statutes. The city of Tumwater will be able to make a necessary road improvement.

Testimony Against: None.

Witnesses: Stan Finkelstein, Association of Washington Cities.