
SENATE BILL 5043

State of Washington

53rd Legislature

1993 Regular Session

By Senators Haugen and Winsley

Read first time 01/11/93. Referred to Committee on Government Operations.

1 AN ACT Relating to metropolitan municipal corporations; amending
2 RCW 35.58.030, 35.58.040, 35.58.090, 35.58.120, 35.58.200, 35.58.210,
3 35.58.220, 35.58.230, 35.58.270, 35.58.280, 35.58.300, 35.58.320,
4 35.58.340, 35.58.350, 35.58.410, 35.58.450, 35.58.460, 35.58.490,
5 35.58.500, 35.58.520, and 35.58.530; and repealing RCW 35.58.118,
6 35.58.420, 35.58.440, and 35A.57.010.

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

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

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

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

3 At the time of its formation no metropolitan municipal corporation
4 shall include only a part of any city, and every city shall be either
5 wholly included or wholly excluded from the boundaries of such
6 corporation. If subsequent to the formation of a metropolitan
7 municipal corporation a part only of any city shall be included within
8 the boundaries of a metropolitan municipal corporation such part shall
9 be deemed to be "unincorporated" for the purpose of selecting a member
10 of the metropolitan council pursuant to RCW 35.58.120(3) and such city
11 shall neither select nor participate in the selection of a member on
12 the metropolitan council pursuant to RCW 35.58.120.

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

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

35 The election on the formation of the metropolitan municipal
36 corporation shall be conducted by the auditor of the central county in
37 accordance with the general election laws of the state and the results
38 thereof shall be canvassed by the county canvassing board of the

1 central county, which shall certify the result of the election to the
2 (~~board of~~) county (~~commissioners~~) legislative authority of the
3 central county, and shall cause a certified copy of such canvass to be
4 filed in the office of the secretary of state. Notice of the election
5 shall be published in one or more newspapers of general circulation in
6 each component county in the manner provided in the general election
7 laws. No person shall be entitled to vote at such election unless
8 (~~he~~) that person is a qualified voter under the laws of the state in
9 effect at the time of such election and has resided within the
10 metropolitan area for at least thirty days preceding the date of the
11 election. The ballot proposition shall be in substantially the
12 following form:

13 "FORMATION OF METROPOLITAN
14 MUNICIPAL CORPORATION

15 Shall a metropolitan municipal corporation be established for
16 the area described in a resolution of the (~~board of~~
17 ~~commissioners~~) county legislative authority of
18 county adopted on the day of, 19. . . ., to
19 perform the metropolitan functions of (here insert
20 the title of each of the functions to be authorized as set
21 forth in the petition or initial resolution).

22 YES 1
23 NO 1 "

24 If a majority of the persons voting on the proposition residing
25 within the central city shall vote in favor thereof and a majority of
26 the persons voting on the proposition residing in the metropolitan area
27 outside of the central city shall vote in favor thereof, the
28 metropolitan municipal corporation shall thereupon be established and
29 the (~~board of commissioners~~) county legislative authority of the
30 central county shall adopt a resolution setting a time and place for
31 the first meeting of the metropolitan council which shall be held not
32 later than (~~thirty~~) sixty days after the date of such election. A
33 copy of such resolution shall be transmitted to the legislative body of
34 each component city and county and of each special district which shall
35 be affected by the particular metropolitan functions authorized.

36 At the same election there shall be submitted to the voters
37 residing within the metropolitan area, for their approval or rejection,

1 a proposition authorizing the metropolitan municipal corporation, if
2 formed, to levy at the earliest time permitted by law on all taxable
3 property located within the metropolitan municipal corporation a
4 general tax, for one year, of twenty-five cents per thousand dollars of
5 assessed value in excess of any constitutional or statutory limitation
6 for authorized purposes of the metropolitan municipal corporation. The
7 proposition shall be expressed on the ballots in substantially the
8 following form:

9 "ONE YEAR TWENTY-FIVE CENTS
10 PER THOUSAND DOLLARS OF
11 ASSESSED VALUE LEVY

12 Shall the metropolitan municipal corporation, if formed, levy
13 a general tax of twenty-five cents per thousand dollars of
14 assessed value for one year upon all the taxable property
15 within said corporation in excess of the constitutional and/or
16 statutory tax limits for authorized purposes of the
17 corporation?

18 YES 1
19 NO 1 "

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

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

27 Unless the rights, powers, functions, and obligations of a
28 metropolitan municipal corporation have been assumed by a county as
29 provided in chapter 36.56 RCW, a metropolitan municipal corporation
30 shall be governed by a metropolitan council composed of (~~the~~
31 following:

32 (1) ~~One member (a) who shall be the elected county executive of the~~
33 ~~central county, or (b) if there shall be no elected county executive,~~
34 ~~one member who shall be selected by, and from, the board of~~
35 ~~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.~~

31 (7) ~~For any metropolitan municipal corporation which shall be~~
32 ~~authorized to perform the function of metropolitan water pollution~~
33 ~~abatement, two additional members who shall be commissioners of a sewer~~
34 ~~district or a water district which is operating a sewer system and is~~
35 ~~a component part of the metropolitan municipal corporation and shall~~
36 ~~participate only in those council actions which relate to the~~
37 ~~performance of the function of metropolitan water pollution abatement.~~
38 ~~The commissioners of all such sewer districts and water districts which~~
39 ~~are component parts of the metropolitan municipal corporation shall~~

1 meet on the first Tuesday of the month following May 21, 1971 and
2 thereafter on the second Tuesday of June of each even numbered year at
3 seven o'clock p.m. at the office of the board of county commissioners
4 of the central county. After election of a chairman, nominations shall
5 be made to select members to serve on the metropolitan council and
6 successive ballots taken for each member until one candidate receives
7 a majority of votes cast. The two members so selected shall not be
8 from districts whose boundaries come within ten miles of each other.

9 (8) One member, who shall be chairman of the metropolitan council,
10 selected by the other members of the council. The member shall not
11 hold any public office of or be an employee of any component city or
12 component county of the metropolitan municipal corporation)) elected
13 officials of the component counties and component cities, and possibly
14 other persons, as determined by agreement of each of the component
15 counties and the component cities equal in number to at least twenty-
16 five percent of the total number of component cities that have at least
17 seventy-five percent of the combined component city populations. The
18 agreement shall remain in effect until altered in the same manner as
19 the initial composition is determined.

20 **Sec. 5.** RCW 35.58.200 and 1975 c 36 s 1 are each amended to read
21 as follows:

22 If a metropolitan municipal corporation shall be authorized to
23 perform the function of metropolitan water pollution abatement, it
24 shall have the following powers in addition to the general powers
25 granted by this chapter:

26 (1) To prepare a comprehensive water pollution abatement plan
27 including provisions for waterborne pollutant removal, water quality
28 improvement, sewage disposal, and storm water drainage for the
29 metropolitan area.

30 (2) To acquire by purchase, condemnation, gift, or grant and to
31 lease, construct, add to, improve, replace, repair, maintain, operate
32 and regulate the use of metropolitan facilities for water pollution
33 abatement, including but not limited to, removal of waterborne
34 pollutants, water quality improvement, sewage disposal and storm water
35 drainage within or without the metropolitan area, including but not
36 limited to trunk, interceptor and outfall sewers, whether used to carry
37 sanitary waste, storm water, or combined storm and sanitary sewage,
38 lift and pumping stations, pipelines, drains, sewage treatment plants,

1 flow control structures together with all lands, property rights,
2 equipment and accessories necessary for such facilities. Sewer
3 facilities which are owned by a county, city, or special district may
4 be acquired or used by the metropolitan municipal corporation only with
5 the consent of the legislative body of the county, city, or special
6 districts owning such facilities. Counties, cities, and special
7 districts are hereby authorized to convey or lease such facilities to
8 metropolitan municipal corporations or to contract for their joint use
9 on such terms as may be fixed by agreement between the legislative body
10 of such county, city, or special district and the metropolitan council,
11 without submitting the matter to the voters of such county, city, or
12 district.

13 (3) To require counties, cities, special districts and other
14 political subdivisions to discharge sewage collected by such entities
15 from any portion of the metropolitan area which can drain by gravity
16 flow into such metropolitan facilities as may be provided to serve such
17 areas when the metropolitan council shall declare by resolution that
18 the health, safety, or welfare of the people within the metropolitan
19 area requires such action.

20 (4) To fix rates and charges for the use of metropolitan water
21 pollution abatement facilities, and to expend the moneys so collected
22 for authorized water pollution abatement activities.

23 (5) To establish minimum standards for the construction of local
24 water pollution abatement facilities and to approve plans for
25 construction of such facilities by component counties or cities or by
26 special districts, which are connected to the facilities of the
27 metropolitan municipal corporation. No such county, city, or special
28 district shall construct such facilities without first securing such
29 approval.

30 (6) To acquire by purchase, condemnation, gift, or grant, to lease,
31 construct, add to, improve, replace, repair, maintain, operate and
32 regulate the use of facilities for the local collection of sewage or
33 storm water in portions of the metropolitan area not contained within
34 any city or special district operating local public sewer facilities
35 and, with the consent of the legislative body of any such city or
36 special district, to exercise such powers within such city or special
37 district and for such purpose to have all the powers conferred by law
38 upon such city or special district with respect to such local
39 collection facilities: PROVIDED, That such consent shall not be

1 required if the department of ecology certifies that a water pollution
2 problem exists within any such city or special district and notifies
3 the city or special district to correct such problem and corrective
4 construction of necessary local collection facilities shall not have
5 been commenced within one year after notification. All costs of such
6 local collection facilities shall be paid for by the area served
7 thereby.

8 (7) To participate fully in federal and state programs under the
9 federal water pollution control act (86 Stat. 816 et seq., 33 U.S.C.
10 1251 et seq.) and to take all actions necessary to secure to itself or
11 its component agencies the benefits of that act and to meet the
12 requirements of that act, including but not limited to the following:

13 (a) authority to develop and implement such plans as may be
14 appropriate or necessary under the act.

15 (b) authority to require by appropriate regulations that its
16 component agencies comply with all effluent treatment and limitation
17 requirements, standards of performance requirements, pretreatment
18 requirements, a user charge and industrial cost recovery system
19 conforming to federal regulation, and all conditions of national permit
20 discharge elimination system permits issued to the metropolitan
21 municipal corporation or its component agencies. Adoption of such
22 regulations and compliance therewith shall not constitute a breach of
23 any sewage disposal contract between a metropolitan municipal
24 corporation and its component agencies nor a defense to an action for
25 the performance of all terms and conditions of such contracts not
26 inconsistent with such regulations and such contracts, as modified by
27 such regulations, shall be in all respects valid and enforceable.

28 (8) To sell, use, or otherwise dispose of sanitary waste or storm
29 water, any materials or products removed from the sanitary waste or
30 storm water, including heat or energy, and electrical energy derived as
31 a byproduct from the system of sewers.

32 **Sec. 6.** RCW 35.58.210 and 1974 ex.s. c 70 s 7 are each amended to
33 read as follows:

34 If a metropolitan municipal corporation shall be authorized to
35 perform the function of metropolitan water pollution abatement, the
36 metropolitan council shall, prior to the effective date of the
37 assumption of such function, cause a metropolitan water pollution
38 abatement advisory committee to be formed by notifying the legislative

1 body of each component city and county which operates a sewer system to
2 appoint one person to serve on such advisory committee and the board of
3 commissioners of each sewer district and water district which operates
4 a sewer system, any portion of which lies within the metropolitan area,
5 to appoint one person to serve on such committee who shall be a
6 commissioner of such a sewer or water district. The metropolitan water
7 pollution abatement advisory committee shall meet at the time and place
8 provided in the notice and elect a chairman. The members of such
9 committee shall serve at the pleasure of the appointing bodies and
10 shall receive no compensation other than reimbursement for expenses
11 actually incurred in the performance of their duties. The function of
12 such advisory committee shall be to advise the metropolitan council in
13 matters relating to the performance of the water pollution
14 (~~abatement~~) abatement function.

15 The requirement to create a metropolitan water pollution abatement
16 advisory committee shall not apply to a county that has assumed the
17 rights, powers, functions, and obligations of the metropolitan
18 municipal corporation under chapter 36.56 RCW.

19 **Sec. 7.** RCW 35.58.220 and 1965 c 7 s 35.58.220 are each amended to
20 read as follows:

21 If a metropolitan municipal corporation shall be authorized to
22 perform the function of metropolitan water supply, it shall have the
23 following powers in addition to the general powers granted by this
24 chapter:

25 (1) To prepare a comprehensive plan for the development of sources
26 of water supply, trunk supply mains and water treatment and storage
27 facilities for the metropolitan area.

28 (2) To acquire by purchase, condemnation, gift or grant and to
29 lease, construct, add to, improve, replace, repair, maintain, operate
30 and regulate the use of metropolitan facilities for water supply within
31 or without the metropolitan area, including buildings, structures,
32 water sheds, wells, springs, dams, settling basins, intakes, treatment
33 plants, trunk supply mains and pumping stations, together with all
34 lands, property, equipment and accessories necessary to enable the
35 metropolitan municipal corporation to obtain and develop sources of
36 water supply, treat and store water and deliver water through trunk
37 supply mains. Water supply facilities which are owned by a city or
38 special district may be acquired or used by the metropolitan municipal

1 corporation only with the consent of the legislative body of the city
2 or special district owning such facilities. Cities and special
3 districts are hereby authorized to convey or lease such facilities to
4 metropolitan municipal corporations or to contract for their joint use
5 on such terms as may be fixed by agreement between the legislative body
6 of such city or special district and the metropolitan council, without
7 submitting the matter to the voters of such city or district.

8 (3) To fix rates and charges for water supplied by the metropolitan
9 municipal corporation.

10 (4) To acquire by purchase, condemnation, gift or grant and to
11 lease, construct, add to, improve, replace, repair, maintain, operate
12 and regulate the use of facilities for the local distribution of water
13 in portions of the metropolitan area not contained within any city or
14 water district and, with the consent of the legislative body of any
15 city or water district, to exercise such powers within such city or
16 water district and for such purpose to have all the powers conferred by
17 law upon such city or water district with respect to such local
18 distribution facilities. All costs of such local distribution
19 facilities shall be paid for by the area served thereby.

20 (5) To generate electrical energy as a byproduct from the water
21 system and to use, sell, or otherwise dispose of this electrical
22 energy.

23 **Sec. 8.** RCW 35.58.230 and 1965 c 7 s 35.58.230 are each amended to
24 read as follows:

25 If a metropolitan municipal corporation shall be authorized to
26 perform the function of metropolitan water supply, the metropolitan
27 council shall, prior to the effective date of the assumption of such
28 function, cause a metropolitan water advisory committee to be formed by
29 notifying the legislative body of each component city which operates a
30 water system to appoint one person to serve on such advisory committee
31 and the board of commissioners of each water district, any portion of
32 which lies within the metropolitan area, to appoint one person to serve
33 on such committee who shall be a water district commissioner. The
34 metropolitan water advisory committee shall meet at the time and place
35 provided in the notice and elect a chairman. The members of such
36 committee shall serve at the pleasure of the appointing bodies and
37 shall receive no compensation other than reimbursement for expenses
38 actually incurred in the performance of their duties. The function of

1 such advisory committee shall be to advise the metropolitan council
2 with respect to matters relating to the performance of the water supply
3 function.

4 The requirement to create a metropolitan water advisory committee
5 shall not apply to a county that has assumed the rights, powers,
6 functions, and obligations of the metropolitan municipal corporation
7 under chapter 36.56 RCW.

8 **Sec. 9.** RCW 35.58.270 and 1967 c 105 s 12 are each amended to read
9 as follows:

10 If a metropolitan municipal corporation shall be authorized to
11 perform the function of metropolitan transportation with a commission
12 form of management, a metropolitan transit commission shall be formed
13 prior to the effective date of the assumption of such function. Except
14 as provided in this section, the metropolitan transit commission shall
15 exercise all powers of the metropolitan municipal corporation with
16 respect to metropolitan transportation facilities, including but not
17 limited to the power to construct, acquire, maintain, operate, extend,
18 alter, repair, control and manage a local public transportation system
19 within and without the metropolitan area, to establish new passenger
20 transportation services and to alter, curtail, or abolish any services
21 as the commission may deem desirable and to fix tolls and fares.

22 The comprehensive plan for public transportation service and any
23 amendments thereof shall be adopted by the metropolitan council and the
24 metropolitan transit commission shall provide transportation facilities
25 and service consistent with such plan. The metropolitan transit
26 commission shall authorize expenditures for transportation purposes
27 within the budget adopted by the metropolitan council. Tolls and fares
28 may be fixed or altered by the commission only after approval thereof
29 by the metropolitan council. Bonds of the metropolitan municipal
30 corporation for public transportation purposes shall be issued by the
31 metropolitan council as provided in this chapter.

32 The metropolitan transit commission shall consist of seven members.
33 Six of such members shall be appointed by the metropolitan council and
34 the seventh member shall be the chairman of the metropolitan council
35 who shall be ex officio the chairman of the metropolitan transit
36 commission. Three of the six appointed members of the commission shall
37 be residents of the central city and three shall be residents of the
38 metropolitan area outside of the central city. The three central city

1 members of the first metropolitan transit commission shall be selected
2 from the existing transit commission of the central city, if there be
3 a transit commission in such city. The terms of first appointees shall
4 be for one, two, three, four, five and six years, respectively.
5 Thereafter, commissioners shall serve for a term of four years.
6 Compensation of transit commissioners shall be determined by the
7 metropolitan council.

8 The requirement to create a metropolitan transit commission shall
9 not apply to a county that has assumed the rights, powers, functions,
10 and obligations of the metropolitan municipal corporation under chapter
11 36.56 RCW.

12 **Sec. 10.** RCW 35.58.280 and 1965 c 7 s 35.58.280 are each amended
13 to read as follows:

14 If a metropolitan municipal corporation shall be authorized to
15 perform the function of metropolitan garbage disposal, it shall have
16 the following powers in addition to the general powers granted by this
17 chapter:

18 (1) To prepare a comprehensive garbage disposal plan for the
19 metropolitan area.

20 (2) To acquire by purchase, condemnation, gift, or grant and to
21 lease, construct, add to, improve, replace, repair, maintain, operate
22 and regulate the use of metropolitan facilities for garbage disposal
23 within or without the metropolitan area, including garbage disposal
24 sites, central collection station sites, structures, machinery and
25 equipment for the operation of central collection stations (~~and~~), for
26 the hauling and disposal of garbage by any means, for the recycling of
27 garbage or solid waste, for the processing, treating, and conversion of
28 garbage or solid waste into materials or products, including energy,
29 and for the sale or use of these materials or products, together with
30 all lands, property, equipment and accessories necessary for such
31 facilities. Garbage disposal facilities which are owned by a city or
32 county may be acquired or used by the metropolitan municipal
33 corporation only with the consent of the legislative body of the city
34 or county owning such facilities. Cities and counties are hereby
35 authorized to convey or lease such facilities to metropolitan municipal
36 corporations or to contract for their joint use on such terms as may be
37 fixed by agreement between the legislative body of such city or county

1 and the metropolitan council, without submitting the matter to the
2 voters of such city or county.

3 (3) To fix rates and charges for the use of metropolitan garbage
4 disposal facilities.

5 (4) With the consent of any component city, to acquire by purchase,
6 condemnation, gift or grant and to lease, construct, add to, improve,
7 replace, repair, maintain, operate and regulate the use of facilities
8 for the local collection of garbage within such city, and for such
9 purpose to have all the powers conferred by law upon such city with
10 respect to such local collection facilities. Nothing herein contained
11 shall be deemed to authorize the local collection of garbage except in
12 component cities. All costs of such local collection facilities shall
13 be paid for by the area served thereby.

14 **Sec. 11.** RCW 35.58.300 and 1965 c 7 s 35.58.300 are each amended
15 to read as follows:

16 If a metropolitan municipal corporation shall be authorized to
17 perform the function of metropolitan parks and parkways, a metropolitan
18 park board shall be formed prior to the effective date of the
19 assumption of such function. Except as provided in this section, the
20 metropolitan park board shall exercise all powers of the metropolitan
21 municipal corporation with respect to metropolitan park and parkway
22 facilities.

23 The metropolitan park board shall authorize expenditures for park
24 and parkway purposes within the budget adopted by the metropolitan
25 council. Bonds of the metropolitan municipal corporation for park and
26 parkway purposes shall be issued by the metropolitan council as
27 provided in this chapter.

28 The metropolitan park board shall consist of five members appointed
29 by the metropolitan council at least two of whom shall be residents of
30 the central city. The terms of first appointees shall be for one, two,
31 three, four and five years, respectively. Thereafter members shall
32 serve for a term of four years. Compensation of park board members
33 shall be determined by the metropolitan council.

34 The requirement to create a metropolitan park board shall not apply
35 to a county that has assumed the rights, powers, functions, and
36 obligations of the metropolitan municipal corporation under chapter
37 36.56 RCW.

1 **Sec. 12.** RCW 35.58.320 and 1965 c 7 s 35.58.320 are each amended
2 to read as follows:

3 A metropolitan municipal corporation shall have power to acquire by
4 purchase and condemnation all lands and property rights, both within
5 and without the metropolitan area, which are necessary for its
6 purposes. Such right of eminent domain shall be exercised by the
7 metropolitan council in the same manner and by the same procedure as is
8 or may be provided by law for cities (~~(of the first class)~~), except
9 insofar as such laws may be inconsistent with the provisions of this
10 chapter.

11 **Sec. 13.** RCW 35.58.340 and 1965 c 7 s 35.58.340 are each amended
12 to read as follows:

13 Except as otherwise provided herein, a metropolitan municipal
14 corporation may sell, or otherwise dispose of any real or personal
15 property acquired in connection with any authorized metropolitan
16 function and which is no longer required for the purposes of the
17 metropolitan municipal corporation in the same manner as provided for
18 cities (~~(of the first class)~~). When the metropolitan council
19 determines that a metropolitan facility or any part thereof which has
20 been acquired from a component city or county without compensation is
21 no longer required for metropolitan purposes, but is required as a
22 local facility by the city or county from which it was acquired, the
23 metropolitan council shall by resolution transfer it to such city or
24 county.

25 **Sec. 14.** RCW 35.58.350 and 1965 c 7 s 35.58.350 are each amended
26 to read as follows:

27 All the powers and functions of a metropolitan municipal
28 corporation shall be vested in the metropolitan council unless
29 expressly vested in specific officers, boards, or commissions by this
30 chapter, or vested in the county legislative authority of a county that
31 has assumed the rights, powers, functions, and obligations of a
32 metropolitan municipal corporation as provided in chapter 36.56 RCW.
33 Without limitation of the foregoing authority, or of other powers given
34 it by this chapter, the metropolitan council shall have the following
35 powers:

36 (1) To establish offices, departments, boards and commissions in
37 addition to those provided by this chapter which are necessary to carry

1 out the purposes of the metropolitan municipal corporation, and to
2 prescribe the functions, powers and duties thereof.

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

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

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

13 **Sec. 15.** RCW 35.58.410 and 1965 c 7 s 35.58.410 are each amended
14 to read as follows:

15 On or before the third Monday in June of each year, each
16 metropolitan municipal corporation shall adopt a budget for the
17 following calendar year. Such budget shall include a separate section
18 for each authorized metropolitan function. Expenditures shall be
19 segregated as to operation and maintenance expenses and capital and
20 betterment outlays. Administrative and other expense general to the
21 corporation shall be allocated between the authorized metropolitan
22 functions. The budget shall contain an estimate of all revenues to be
23 collected during the following budget year, including any surplus funds
24 remaining unexpended from the preceding year. ~~((The remaining funds
25 required to meet budget expenditures, if any, shall be designated as
26 "supplemental income" and shall be obtained from the component cities
27 and counties in the manner provided in this chapter.))~~ The
28 metropolitan council shall not be required to confine capital or
29 betterment expenditures made from bond proceeds or emergency
30 expenditures to items provided in the budget. The affirmative vote of
31 three-fourths of all members of the metropolitan council shall be
32 required to authorize emergency expenditures.

33 **Sec. 16.** RCW 35.58.450 and 1984 c 186 s 18 are each amended to
34 read as follows:

35 Notwithstanding the limitations of chapter 39.36 RCW and any other
36 statutory limitations otherwise applicable and limiting municipal debt,
37 a metropolitan municipal corporation shall have the power to contract

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

26 Whenever the voters of a metropolitan municipal corporation have,
27 pursuant to RCW 84.52.056, approved excess property tax levies to
28 retire such bond issues, both the principal of and interest on such
29 general obligation bonds may be made payable from annual tax levies to
30 be made upon all the taxable property within the metropolitan municipal
31 corporation in excess of the constitutional and/or statutory tax
32 limit. The principal of and interest on any general obligation bond
33 may be made payable from any other taxes or any special assessments
34 which the metropolitan municipal corporation may be authorized to levy
35 or from any otherwise unpledged revenue which may be derived from the
36 ownership or operation of properties or facilities incident to the
37 performance of the authorized function for which such bonds are issued
38 or may be made payable from any combination of the foregoing sources.
39 The metropolitan council may include in the principal amount of such

1 bond issue an amount for engineering, architectural, planning,
2 financial, legal, urban design and other services incident to
3 acquisition or construction solely for authorized capital purposes
4 (~~and may include an amount to establish a guaranty fund for revenue~~
5 ~~bonds issued solely for capital purposes~~)).

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

9 **Sec. 17.** RCW 35.58.460 and 1983 c 167 s 48 are each amended to
10 read as follows:

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

35 Such revenue bonds and the interest thereon issued against such
36 fund or funds shall be a valid claim of the owners thereof only as
37 against such fund or funds and the revenue pledged therefor, and shall

1 not constitute a general indebtedness of the metropolitan municipal
2 corporation.

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

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

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

37 The metropolitan council may include in the principal amount of any
38 such revenue bond issue an amount to establish necessary reserves, an
39 amount for working capital and an amount necessary for interest during

1 the period of construction of any such metropolitan facilities plus six
2 months. The metropolitan council may, if it deems it to the best
3 interest of the metropolitan municipal corporation, provide in any
4 contract for the construction or acquisition of any metropolitan
5 facilities or additions or improvements thereto or replacements or
6 extensions thereof that payment therefor shall be made only in such
7 revenue bonds at the par value thereof.

8 If the metropolitan municipal corporation shall fail to carry out
9 or perform any of its obligations or covenants made in the
10 authorization, issuance and sale of such bonds, the owner of any such
11 bond may bring action against the metropolitan municipal corporation
12 and compel the performance of any or all of such covenants.

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

15 **Sec. 18.** RCW 35.58.490 and 1965 c 7 s 35.58.490 are each amended
16 to read as follows:

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

28 **Sec. 19.** RCW 35.58.500 and 1965 c 7 s 35.58.500 are each amended
29 to read as follows:

30 The metropolitan municipal corporation shall have the power to levy
31 special assessments payable over a period of not exceeding twenty years
32 on all property within the metropolitan area specially benefited by any
33 improvement, on the basis of special benefits conferred, to pay in
34 whole, or in part, the damages or costs of any such improvement, and
35 for such purpose may establish local improvement districts and enlarged
36 local improvement districts, issue local improvement warrants and bonds
37 to be repaid by the collection of local improvement assessments and

1 generally to exercise with respect to any improvements which it may be
2 authorized to construct or acquire the same powers as may now or
3 hereafter be conferred by law upon cities (~~((of the first class))~~). Such
4 local improvement districts shall be created and such special
5 assessments levied and collected and local improvement warrants and
6 bonds issued and sold in the same manner as shall now or hereafter be
7 provided by law for cities (~~((of the first class))~~). The duties imposed
8 upon the city treasurer under such acts shall be imposed upon the
9 treasurer of the county in which such local improvement district shall
10 be located.

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

23 **Sec. 20.** RCW 35.58.520 and 1965 c 7 s 35.58.520 are each amended
24 to read as follows:

25 A metropolitan municipal corporation shall have the power to invest
26 its funds held in reserves or sinking funds or any such funds which are
27 not required for immediate disbursement, in (~~((property or securities in~~
28 ~~which mutual savings banks may legally invest funds subject to their~~
29 ~~control))~~) any investments in which a city is authorized to invest, as
30 provided in RCW 35.39.030.

31 **Sec. 21.** RCW 35.58.530 and 1969 ex.s. c 135 s 3 are each amended
32 to read as follows:

33 Territory located within a component county that is annexed to a
34 component city after the establishment of a metropolitan municipal
35 corporation shall by such act be annexed to ((such)) the metropolitan
36 municipal corporation. Territory within a metropolitan municipal
37 corporation may be annexed to a city which is not within such

1 metropolitan municipal corporation in the manner provided by law and in
2 such event either (1) such city may be annexed to such metropolitan
3 municipal corporation by ordinance of the legislative body of the city
4 concurred in by resolution of the metropolitan council, or (2) if such
5 city shall not be so annexed such territory shall remain within the
6 metropolitan municipal corporation unless such city shall by resolution
7 of its legislative body request the withdrawal of such territory
8 subject to any outstanding indebtedness of the metropolitan corporation
9 and the metropolitan council shall by resolution consent to such
10 withdrawal.

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

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

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

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

29 Any resolution or petition calling for such an election shall
30 describe the boundaries of the territory to be annexed, and state that
31 the annexation of such territory to the metropolitan municipal
32 corporation will be conducive to the welfare and benefit of the persons
33 or property within the metropolitan municipal corporation and within
34 the territory proposed to be annexed.

35 Upon receipt of such a petition, the auditor shall examine the same
36 and certify to the sufficiency of the signatures thereon. (~~For the~~
37 ~~purpose of examining the signatures on such petition, the auditor shall~~
38 ~~be permitted access to the voter registration books of each city within~~
39 ~~the territory proposed to be annexed and of each county a portion of~~

1 ~~which shall be located within the territory proposed to be annexed. No~~
2 ~~person may withdraw his name from a petition after it has been filed~~
3 ~~with the auditor.))~~ Within thirty days following the receipt of such
4 petition, the auditor shall transmit the same to the metropolitan
5 council, together with his certificate as to the sufficiency thereof.

6 NEW SECTION. **Sec. 22.** The following acts or parts of acts are
7 each repealed:

- 8 (1) RCW 35.58.118 and 1971 ex.s. c 303 s 4 & 1967 c 105 s 10;
9 (2) RCW 35.58.420 and 1965 c 7 s 35.58.420;
10 (3) RCW 35.58.440 and 1965 c 7 s 35.58.440; and
11 (4) RCW 35A.57.010 and 1967 ex.s. c 119 s 35A.57.010.

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