
SUBSTITUTE SENATE BILL 5044

State of Washington

53rd Legislature

1993 Regular Session

By Senate Committee on Government Operations (originally sponsored by Senators Haugen and Winsley)

Read first time 02/01/93.

1 AN ACT Relating to city and town incorporations; amending RCW
2 35.02.010, 35.02.020, 35.02.090, 35A.12.070, and 35A.13.040; and adding
3 new sections to chapter 35.02 RCW.

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

5 **Sec. 1.** RCW 35.02.010 and 1986 c 234 s 2 are each amended to read
6 as follows:

7 Any contiguous area (~~containing not less than three hundred~~
8 ~~inhabitants~~) lying outside the limits of an incorporated city or town
9 may become incorporated as a city or town operating under Title 35 or
10 35A RCW as provided in this chapter (~~PROVIDED, That no area which~~
11 ~~lies within five air miles of the boundary of any city having a~~
12 ~~population of fifteen thousand or more shall be incorporated which~~) if
13 the area contains not less than three thousand inhabitants.

14 **Sec. 2.** RCW 35.02.020 and 1986 c 234 s 3 are each amended to read
15 as follows:

16 A petition for incorporation must be signed by (~~qualified~~)
17 registered voters resident within the limits of the proposed city or
18 town equal in number to ten percent of the (~~votes cast~~) voters voting

1 at the last state general election and presented to the auditor of the
2 county in which all, or the largest portion of, the proposed city or
3 town is located.

4 **Sec. 3.** RCW 35.02.090 and 1986 c 234 s 12 are each amended to read
5 as follows:

6 The elections on the proposed incorporation and for the nomination
7 and election of the initial elected officials shall be conducted in
8 accordance with the general election laws of the state, except as
9 provided in this chapter. No person is entitled to vote (~~thereat~~)
10 unless he or she is a (~~qualified elector~~) registered voter of the
11 county, or any of the counties in which the proposed city or town is
12 located, and has resided within the limits of the proposed city or town
13 for at least thirty days next preceding the date of election.

14 NEW SECTION. **Sec. 4.** A new section is added to chapter 35.02 RCW
15 to read as follows:

16 At the first municipal general election that occurs one year or
17 more after the official date of incorporating a new city or town, an
18 election shall be held to elect city or town elected officials.
19 Candidates for council or commission positions shall run for specific
20 positions.

21 The staggering of terms of office for councilmembers shall occur at
22 this election, where a simple majority of the persons who are elected
23 receiving the greatest numbers of votes shall be elected to four-year
24 terms of office and the remaining persons who are elected shall be
25 elected to two-year terms of office. Their successors shall be elected
26 to four-year terms of office.

27 All city or town elected officials shall serve until their
28 successors are elected and qualified and assume office in accordance
29 with RCW 29.04.170.

30 NEW SECTION. **Sec. 5.** A new section is added to chapter 35.02 RCW
31 to read as follows:

32 City or town councilmembers in a newly incorporated town or city
33 incorporated under this Title shall receive compensation based upon the
34 population of the newly incorporated city or town, as provided in RCW
35 35A.12.070 and 35A.13.040 for the councilmembers of newly incorporated
36 code cities.

1 NEW SECTION. Sec. 6. A new section is added to chapter 35.02 RCW
2 to read as follows:

3 No city or town in a county in which urban growth areas have been
4 designated under RCW 36.70A.110 may incorporate if the proposed
5 incorporation includes territory located beyond an urban growth area.

6 **Sec. 7.** RCW 35A.12.070 and 1971 ex.s. c 251 s 5 are each amended
7 to read as follows:

8 (~~The salaries of~~) Compensation for the mayor and the
9 (~~councilmen~~) councilmembers shall be fixed by ordinance and may be
10 revised from time to time by ordinance(~~, but any increase in the~~
11 ~~compensation attaching to an office shall not be applicable to the term~~
12 ~~then being served by the incumbent if such incumbent is a member of the~~
13 ~~city legislative body fixing his own compensation or as mayor in a~~
14 ~~mayor-council code city casts a tie-breaking vote relating to such~~
15 ~~ordinance: PROVIDED, That~~)). Compensation for the mayor may be
16 increased during the mayor's current term of office if the mayor of
17 such a city does not cast ((such)) a tie-breaking vote((, his salary
18 may be increased during his term of office)) to adopt the ordinance
19 revising the compensation for the mayor.

20 Until the first elective officers of a newly organized code city
21 under this mayor-council plan of government may lawfully be paid the
22 compensation provided by ((such salary)) an ordinance establishing
23 different levels of compensation, such officers shall be entitled to be
24 compensated in the same manner and in the same amount as the
25 compensation paid to officers of such city performing comparable
26 services immediately prior to adoption of this mayor-council plan.

27 Until (~~a salary ordinance can be passed and become effective as~~
28 ~~to~~) elective officers of a newly incorporated code city may lawfully
29 be paid the compensation provided by an ordinance establishing
30 different levels of compensation, such first elective officers shall be
31 entitled to compensation as follows: (1) In cities having less than
32 five thousand inhabitants, the mayor shall be entitled to a salary of
33 one hundred ((and)) fifty dollars per calendar month and a
34 (~~councilman~~) councilmember shall be entitled to twenty dollars per
35 meeting for not more than two meetings per month; (2) in cities having
36 more than five thousand but less than fifteen thousand inhabitants, the
37 mayor shall be entitled to a salary of three hundred ((and)) fifty
38 dollars per calendar month and a (~~councilman~~) councilmember shall be

1 entitled to one hundred (~~and~~) fifty dollars per calendar month; and
2 (3) in cities having more than fifteen thousand inhabitants, the mayor
3 shall be entitled to a salary of twelve hundred (~~and~~) fifty dollars
4 per calendar month and a (~~councilman~~) councilmember shall be entitled
5 to four hundred dollars per calendar month(~~— PROVIDED, That such~~
6 ~~interim compensation shall remain in effect only until a salary~~
7 ~~ordinance is passed and becomes effective as to such officers, and the~~
8 ~~amounts herein provided shall not be construed as fixing the usual~~
9 ~~salary of such officers)).~~

10 The mayor and (~~councilmen~~) councilmembers shall receive
11 reimbursement for their actual and necessary expenses incurred in the
12 performance of the duties of their office, or the council by ordinance
13 may provide for a per diem allowance. Procedure for approval of claims
14 for expenses shall be as provided by ordinance.

15 **Sec. 8.** RCW 35A.13.040 and 1979 ex.s. c 18 s 25 are each amended
16 to read as follows:

17 (~~The salaries of the councilmen~~) Compensation for councilmembers,
18 including the mayor, shall be fixed by ordinance and may be revised
19 from time to time by ordinance(~~, but any increase or reduction in the~~
20 ~~compensation attaching to an office shall not become effective until~~
21 ~~the expiration of the term then being served by the incumbent:~~
22 ~~PROVIDED, That compensation of councilmen may not be increased or~~
23 ~~diminished after their election nor may the compensation of the mayor~~
24 ~~be increased or diminished after the mayor has been chosen by the~~
25 ~~council~~)).

26 Until (~~councilmen~~) councilmembers of a newly(~~-~~)organized
27 council-manager code city may lawfully be paid as provided by
28 (~~salary~~) an ordinance establishing different levels of compensation,
29 such (~~councilmen~~) councilmembers shall be entitled to compensation in
30 the same manner and in the same amount as (~~councilmen~~) councilmembers
31 of such city prior to the adoption of this council-manager plan.

32 Until (~~a salary ordinance can be passed and become effective as~~
33 ~~to~~) elective officers of a newly incorporated code city may lawfully
34 be paid the compensation provided by an ordinance establishing
35 different levels of compensation, the first (~~councilmen~~)
36 councilmembers shall be entitled to compensation as follows: (1) In
37 cities having less than five thousand inhabitants(~~-~~) the
38 councilmembers shall be entitled to compensation at a rate of twenty

1 dollars per meeting for not more than two meetings per month; (2) in
2 cities having more than five thousand but less than fifteen thousand
3 inhabitants(~~(—)~~) the councilmembers shall be entitled to compensation
4 at a salary of one hundred ((and)) fifty dollars per calendar month;
5 and (3) in cities having more than fifteen thousand inhabitants(~~(—)~~)
6 the councilmembers shall be entitled to compensation at a salary of
7 four hundred dollars per calendar month. ((A—councilman)) The
8 councilmember who is occupying the position of mayor, in addition to
9 ~~((his))~~ per day compensation or salary as a ((councilman))
10 councilmember, shall be entitled, while serving as mayor, to an
11 additional amount per meeting or per calendar month, or portion
12 thereof, equal to twenty-five percent of the per meeting compensation
13 rate or councilmanic salary(~~(:—PROVIDED, That such interim~~
14 ~~compensation shall remain in effect only until a salary ordinance is~~
15 ~~passed and becomes effective as to such officers, and the compensation~~
16 ~~provided herein shall not be construed as fixing the usual compensation~~
17 ~~of such officers))~~).

18 ((Councilmen)) Councilmembers, including the mayor, shall receive
19 reimbursement for their actual and necessary expenses incurred in the
20 performance of the duties of their office, or the council by ordinance
21 may provide for a per diem allowance. Procedure for approval of claims
22 for expenses shall be as provided by ordinance.

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