

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE HOUSE BILL 1140

Chapter 240, Laws of 1993

53rd Legislature
1993 Regular Session

METROPOLITAN MUNICIPAL CORPORATIONS--REVISED PROVISIONS

EFFECTIVE DATE: 7/25/93

Passed by the House April 20, 1993
Yeas 97 Nays 0

BRIAN EBERSOLE
**Speaker of the
House of Representatives**

Passed by the Senate April 16, 1993
Yeas 39 Nays 0

JOEL PRITCHARD
President of the Senate

Approved May 7, 1993

MIKE LOWRY
Governor of the State of Washington

CERTIFICATE

I, Alan Thompson, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 1140** as passed by the House of Representatives and the Senate on the dates hereon set forth.

ALAN THOMPSON
Chief Clerk

FILED

May 7, 1993 - 11:24 a.m.

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE HOUSE BILL 1140

AS AMENDED BY THE SENATE

Passed Legislature - 1993 Regular Session

State of Washington

53rd Legislature

1993 Regular Session

By House Committee on Local Government (originally sponsored by Representatives Locke, Horn, H. Myers, Eide, Valle, Rust, Leonard, Basich, Franklin, Shin, Springer and J. Kohl)

Read first time 02/24/93.

1 AN ACT Relating to metropolitan municipal corporations; amending
2 RCW 35.58.030, 35.58.040, 35.58.090, 35.58.120, 35.58.230, 35.58.270,
3 35.58.300, 35.58.320, 35.58.340, 35.58.350, 35.58.410, 39.36.020,
4 35.58.450, 35.58.460, 35.58.490, 35.58.500, 35.58.520, and 35.58.530;
5 and repealing RCW 35.58.118, 35.58.440, and 35A.57.010.

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

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

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

11 Any metropolitan municipal corporation now existing (~~(or hereafter~~
12 ~~created,)~~) within a county with a population of (~~(from two hundred ten~~
13 ~~thousand to less than one million bordering a county with a population~~
14 ~~of one million or more, or within a county with a population of)) one~~
15 million or more(~~(,)~~) shall, upon May 21, 1971, (~~(as to metropolitan~~
16 ~~corporations existing on such date or upon the date of formation as to~~
17 ~~metropolitan corporations formed after May 21, 1971,)~~) have the same
18 boundaries as those of the respective central county of such
19 metropolitan corporation(~~(: PROVIDED, That))~~). The boundaries of such
20 metropolitan corporation may not be enlarged or diminished after such
21 date by annexation as provided in chapter 35.58 RCW (~~(as now or~~
22 ~~hereafter amended))~~ and any purported annexation of territory shall be
23 deemed void. Any contiguous metropolitan municipal corporations may be
24 consolidated into a single metropolitan municipal corporation upon such
25 terms, for the purpose of performing such metropolitan function or
26 functions, and to be effective at such time as may be approved by
27 resolutions of the respective metropolitan councils. In the event of
28 such consolidation the component city with the largest population shall
29 be the central city of such consolidated metropolitan municipal
30 corporation and the component county with the largest population shall
31 be the central county of such consolidated metropolitan municipal
32 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)) elect
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 35.58.230 and 1965 c 7 s 35.58.230 are each amended to
21 read as follows:

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

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

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

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

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

29 The metropolitan transit commission shall consist of seven members.
30 Six of such members shall be appointed by the metropolitan council and
31 the seventh member shall be the chairman of the metropolitan council
32 who shall be ex officio the chairman of the metropolitan transit
33 commission. Three of the six appointed members of the commission shall
34 be residents of the central city and three shall be residents of the
35 metropolitan area outside of the central city. The three central city
36 members of the first metropolitan transit commission shall be selected
37 from the existing transit commission of the central city, if there be
38 a transit commission in such city. The terms of first appointees shall

1 be for one, two, three, four, five and six years, respectively.
2 Thereafter, commissioners shall serve for a term of four years.
3 Compensation of transit commissioners shall be determined by the
4 metropolitan council.

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

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

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

18 The metropolitan park board shall authorize expenditures for park
19 and parkway purposes within the budget adopted by the metropolitan
20 council. Bonds of the metropolitan municipal corporation for park and
21 parkway purposes shall be issued by the metropolitan council as
22 provided in this chapter.

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

29 The requirement to create a metropolitan park board shall not apply
30 to a county that has assumed the rights, powers, functions, and
31 obligations of the metropolitan municipal corporation under chapter
32 36.56 RCW.

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

35 A metropolitan municipal corporation shall have power to acquire by
36 purchase and condemnation all lands and property rights, both within
37 and without the metropolitan area, which are necessary for its

1 purposes. Such right of eminent domain shall be exercised by the
2 metropolitan council in the same manner and by the same procedure as is
3 or may be provided by law for cities (~~of the first class~~), except
4 insofar as such laws may be inconsistent with the provisions of this
5 chapter.

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

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

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

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

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

35 (2) To appoint or provide for the appointment of, and to remove or
36 to provide for the removal of, all officers and employees of the

1 metropolitan municipal corporation except those whose appointment or
2 removal is otherwise provided by this chapter.

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

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

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

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

29 (2) Subsection (1) of this section shall not apply to a county that
30 has assumed the rights, powers, functions, and obligations of a
31 metropolitan municipal corporation under chapter 36.56 RCW. This
32 subsection (2) shall apply only to each county that has assumed the
33 rights, powers, functions, and obligations of a metropolitan municipal
34 corporation under chapter 36.56 RCW.

35 Each county that has assumed the rights, powers, functions, and
36 obligations of a metropolitan municipal corporation under chapter 36.56
37 RCW shall, on or before the third Monday in June of each year, prepare
38 an estimate of all revenues to be collected during the following

1 calendar year, including any surplus funds remaining unexpended from
2 the preceding year for each authorized metropolitan function.

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

6 As long as any general obligation indebtedness remains outstanding
7 that was issued by the metropolitan municipal corporation prior to the
8 assumption by the county, the county shall continue to impose the taxes
9 authorized by RCW 82.14.045 and 35.58.273(5) at the maximum rates and
10 on all of the taxable events authorized by law. If, despite the
11 continued imposition of those taxes, the estimate of revenues made on
12 or before the third Monday in June shows that estimated revenues will
13 be insufficient to make all debt service payments falling due in the
14 following calendar year on all general obligation indebtedness issued
15 by the metropolitan municipal corporation prior to the assumption by
16 the county of the rights, powers, functions, and obligations of the
17 metropolitan municipal corporation, the remaining amount required to
18 make the debt service payments shall be designated as "supplemental
19 income" and shall be obtained from component cities and component
20 counties as provided under RCW 35.58.420.

21 The county shall prepare and adopt a budget each year in accordance
22 with applicable general law or county charter. If supplemental income
23 has been designated under this subsection, the supplemental income
24 shall be reflected in the budget that is adopted. If during the budget
25 year the actual tax revenues from the taxes imposed under the authority
26 of RCW 82.14.045 and 35.58.273(5) exceed the estimates upon which the
27 supplemental income was based, the difference shall be refunded to the
28 component cities and component counties in proportion to their payments
29 promptly after the end of the budget year. A county that has assumed
30 the rights, powers, functions, and obligations of a metropolitan
31 municipal corporation under chapter 36.56 RCW shall not be required to
32 confine capital or betterment expenditures for authorized metropolitan
33 functions from bond proceeds or emergency expenditures to items
34 provided in the budget.

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

37 (1) Except as otherwise expressly provided by law or in subsections
38 (2), (3) and (4) of this section, no taxing district shall for any

1 purpose become indebted in any manner to an amount exceeding
2 three-eighths of one percent of the value of the taxable property in
3 such taxing district without the assent of three-fifths of the voters
4 therein voting at an election to be held for that purpose, nor in cases
5 requiring such assent shall the total indebtedness incurred at any time
6 exceed one and one-fourth percent on the value of the taxable property
7 therein.

8 (2) Counties, cities, towns, and public hospital districts are
9 limited to an indebtedness amount not exceeding three-fourths of one
10 percent of the value of the taxable property in such counties, cities,
11 towns, or public hospital districts without the assent of three-fifths
12 of the voters therein voting at an election held for that purpose. In
13 cases requiring such assent counties, cities, towns, and public
14 hospital districts are limited to a total indebtedness of two and one-
15 half percent of the value of the taxable property therein. However,
16 any county that has assumed the rights, powers, functions, and
17 obligations of a metropolitan municipal corporation under chapter 36.56
18 RCW may become indebted to a larger amount for its authorized
19 metropolitan functions, as provided under chapter 35.58 RCW, but not
20 exceeding an additional three-fourths of one percent of the value of
21 the taxable property in the county without the assent of three-fifths
22 of the voters therein voting at an election held for that purpose, and
23 in cases requiring such assent not exceeding an additional two and one-
24 half percent of the value of the taxable property in the county.

25 (3) School districts are limited to an indebtedness amount not
26 exceeding three-eighths of one percent of the value of the taxable
27 property in such district without the assent of three-fifths of the
28 voters therein voting at an election held for that purpose. In cases
29 requiring such assent school districts are limited to a total
30 indebtedness of two and one-half percent of the value of the taxable
31 property therein.

32 (4) No part of the indebtedness allowed in this chapter shall be
33 incurred for any purpose other than strictly county, city, town, school
34 district, township, port district, metropolitan park district, or other
35 municipal purposes: PROVIDED, That a city or town, with such assent,
36 may become indebted to a larger amount, but not exceeding two and one-
37 half percent additional, determined as herein provided, for supplying
38 such city or town with water, artificial light, and sewers, when the
39 works for supplying such water, light, and sewers shall be owned and

1 controlled by the city or town; and a city or town, with such assent,
2 may become indebted to a larger amount, but not exceeding two and one-
3 half percent additional for acquiring or developing open space and park
4 facilities: PROVIDED FURTHER, That any school district may become
5 indebted to a larger amount but not exceeding two and one-half percent
6 additional for capital outlays.

7 (5) Such indebtedness may be authorized in any total amount in one
8 or more propositions and the amount of such authorization may exceed
9 the amount of indebtedness which could then lawfully be incurred. Such
10 indebtedness may be incurred in one or more series of bonds from time
11 to time out of such authorization but at no time shall the total
12 general indebtedness of any taxing district exceed the above
13 limitation.

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

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

18 Notwithstanding the limitations of chapter 39.36 RCW and any other
19 statutory limitations otherwise applicable and limiting municipal debt,
20 a metropolitan municipal corporation shall have the power to contract
21 indebtedness and issue general obligation bonds and to pledge the full
22 faith and credit of the corporation to the payment thereof, for any
23 authorized capital purpose of the metropolitan municipal corporation,
24 not to exceed an amount, together with any outstanding nonvoter
25 approved general indebtedness, equal to three-fourths of one percent of
26 the value of the taxable property within the metropolitan municipal
27 corporation, as the term "value of the taxable property" is defined in
28 RCW 39.36.015. A metropolitan municipal corporation may additionally
29 contract indebtedness and issue general obligation bonds, for any
30 authorized capital purpose of a metropolitan municipal corporation,
31 together with any other outstanding general indebtedness, not to exceed
32 an amount equal to five percent of the value of the taxable property
33 within the corporation, as the term "value of the taxable property" is
34 defined in RCW 39.36.015, when a proposition authorizing the
35 indebtedness has been approved by three-fifths of the persons voting on
36 said proposition at said election at which such election the total
37 number of persons voting on such bond proposition shall constitute not
38 less than forty percent of the total number of (~~votes cast~~) voters

1 voting within the area of said metropolitan municipal corporation at
2 the last preceding state general election. Such general obligation
3 bonds may be authorized in any total amount in one or more propositions
4 and the amount of such authorization may exceed the amount of bonds
5 which could then lawfully be issued. Such bonds may be issued in one
6 or more series from time to time out of such authorization. The
7 elections shall be held pursuant to RCW 39.36.050.

8 Whenever the voters of a metropolitan municipal corporation have,
9 pursuant to RCW 84.52.056, approved excess property tax levies to
10 retire such bond issues, both the principal of and interest on such
11 general obligation bonds may be made payable from annual tax levies to
12 be made upon all the taxable property within the metropolitan municipal
13 corporation in excess of the constitutional and/or statutory tax
14 limit. The principal of and interest on any general obligation bond
15 may be made payable from any other taxes or any special assessments
16 which the metropolitan municipal corporation may be authorized to levy
17 or from any otherwise unpledged revenue which may be derived from the
18 ownership or operation of properties or facilities incident to the
19 performance of the authorized function for which such bonds are issued
20 or may be made payable from any combination of the foregoing sources.
21 The metropolitan council may include in the principal amount of such
22 bond issue an amount for engineering, architectural, planning,
23 financial, legal, urban design and other services incident to
24 acquisition or construction solely for authorized capital purposes
25 (~~and may include an amount to establish a guaranty fund for revenue~~
26 ~~bonds issued solely for capital purposes~~)).

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

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

32 (1) A metropolitan municipal corporation may issue revenue bonds to
33 provide funds to carry out its authorized metropolitan water pollution
34 abatement, water supply, garbage disposal or transportation purposes,
35 without submitting the matter to the voters of the metropolitan
36 municipal corporation. The metropolitan council shall create a special
37 fund or funds for the sole purpose of paying the principal of and
38 interest on the bonds of each such issue, into which fund or funds the

1 metropolitan council may obligate the metropolitan municipal
2 corporation to pay such amounts of the gross revenue of the particular
3 utility constructed, acquired, improved, added to, or repaired out of
4 the proceeds of sale of such bonds, as the metropolitan council shall
5 determine and may obligate the metropolitan municipal corporation to
6 pay such amounts out of otherwise unpledged revenue which may be
7 derived from the ownership, use or operation of properties or
8 facilities owned, used or operated incident to the performance of the
9 authorized function for which such bonds are issued or out of otherwise
10 unpledged fees, tolls, charges, tariffs, fares, rentals, special taxes
11 or other sources of payment lawfully authorized for such purpose, as
12 the metropolitan council shall determine. The principal of, and
13 interest on, such bonds shall be payable only out of such special fund
14 or funds, and the owners of such bonds shall have a lien and charge
15 against the gross revenue of such utility or any other revenue, fees,
16 tolls, charges, tariffs, fares, special taxes or other authorized
17 sources pledged to the payment of such bonds.

18 Such revenue bonds and the interest thereon issued against such
19 fund or funds shall be a valid claim of the owners thereof only as
20 against such fund or funds and the revenue pledged therefor, and shall
21 not constitute a general indebtedness of the metropolitan municipal
22 corporation.

23 Each such revenue bond shall state upon its face that it is payable
24 from such special fund or funds, and all revenue bonds issued under
25 this chapter shall be negotiable securities within the provisions of
26 the law of this state. Such revenue bonds may be registered either as
27 to principal only or as to principal and interest as provided in RCW
28 39.46.030, or may be bearer bonds; shall be in such denominations as
29 the metropolitan council shall deem proper; shall be payable at such
30 time or times and at such places as shall be determined by the
31 metropolitan council; shall bear interest at such rate or rates as
32 shall be determined by the metropolitan council; shall be signed by the
33 chairman and attested by the secretary of the metropolitan council,
34 (~~one~~) any of which signatures may be (~~a~~) facsimile signatures, and
35 the seal of the metropolitan municipal corporation shall be impressed
36 or imprinted thereon; any attached interest coupons shall be signed by
37 the facsimile signatures of said officials.

38 Such revenue bonds shall be sold in such manner, at such price and
39 at such rate or rates of interest as the metropolitan council shall

1 deem to be for the best interests of the metropolitan municipal
2 corporation, either at public or private sale.

3 The metropolitan council may at the time of the issuance of such
4 revenue bonds make such covenants with the owners of said bonds as it
5 may deem necessary to secure and guarantee the payment of the principal
6 thereof and the interest thereon, including but not being limited to
7 covenants to set aside adequate reserves to secure or guarantee the
8 payment of such principal and interest, to maintain rates sufficient to
9 pay such principal and interest and to maintain adequate coverage over
10 debt service, to appoint a trustee or trustees for the bond owners to
11 safeguard the expenditure of the proceeds of sale of such bonds and to
12 fix the powers and duties of such trustee or trustees and to make such
13 other covenants as the metropolitan council may deem necessary to
14 accomplish the most advantageous sale of such bonds. The metropolitan
15 council may also provide that revenue bonds payable out of the same
16 source may later be issued on a parity with revenue bonds being issued
17 and sold.

18 The metropolitan council may include in the principal amount of any
19 such revenue bond issue an amount to establish necessary reserves, an
20 amount for working capital and an amount necessary for interest during
21 the period of construction of any such metropolitan facilities plus six
22 months. The metropolitan council may, if it deems it to the best
23 interest of the metropolitan municipal corporation, provide in any
24 contract for the construction or acquisition of any metropolitan
25 facilities or additions or improvements thereto or replacements or
26 extensions thereof that payment therefor shall be made only in such
27 revenue bonds at the par value thereof.

28 If the metropolitan municipal corporation shall fail to carry out
29 or perform any of its obligations or covenants made in the
30 authorization, issuance and sale of such bonds, the owner of any such
31 bond may bring action against the metropolitan municipal corporation
32 and compel the performance of any or all of such covenants.

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

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

37 ~~((If a metropolitan municipal corporation shall have been~~
38 ~~authorized to levy a general tax on all taxable property located within~~

1 ~~the metropolitan municipal corporation in the manner provided in this~~
2 ~~chapter, either at the time of the formation of the metropolitan~~
3 ~~municipal corporation or subsequently, the))~~ A metropolitan council
4 shall have the power to authorize the issuance of interest bearing
5 warrants on such terms and conditions as the metropolitan council shall
6 provide(~~(, same to be repaid from the proceeds of such tax when~~
7 ~~collected))~~ and to repay the interest bearing warrants with any moneys
8 legally authorized for such purposes, including tax receipts where
9 appropriate.

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

12 The metropolitan municipal corporation shall have the power to levy
13 special assessments payable over a period of not exceeding twenty years
14 on all property within the metropolitan area specially benefited by any
15 improvement, on the basis of special benefits conferred, to pay in
16 whole, or in part, the damages or costs of any such improvement, and
17 for such purpose may establish local improvement districts and enlarged
18 local improvement districts, issue local improvement warrants and bonds
19 to be repaid by the collection of local improvement assessments and
20 generally to exercise with respect to any improvements which it may be
21 authorized to construct or acquire the same powers as may now or
22 hereafter be conferred by law upon cities (~~(of the first class)~~). Such
23 local improvement districts shall be created and such special
24 assessments levied and collected and local improvement warrants and
25 bonds issued and sold in the same manner as shall now or hereafter be
26 provided by law for cities (~~(of the first class)~~). The duties imposed
27 upon the city treasurer under such acts shall be imposed upon the
28 treasurer of the county in which such local improvement district shall
29 be located.

30 A metropolitan municipal corporation may provide that special
31 benefit assessments levied in any local improvement district may be
32 paid into such revenue bond redemption fund or funds as may be
33 designated by the metropolitan council to secure the payment of revenue
34 bonds issued to provide funds to pay the cost of improvements for which
35 such assessments were levied. If local improvement district
36 assessments shall be levied for payment into a revenue bond fund, the
37 local improvement district created therefor shall be designated a
38 utility local improvement district. A metropolitan municipal

1 corporation that creates a utility local improvement district shall
2 conform with the laws relating to utility local improvement districts
3 created by a city.

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

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

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

14 Territory located within a component county that is annexed to a
15 component city after the establishment of a metropolitan municipal
16 corporation shall by such act be annexed to (~~such~~) the metropolitan
17 municipal corporation. Territory within a metropolitan municipal
18 corporation may be annexed to a city which is not within such
19 metropolitan municipal corporation in the manner provided by law and in
20 such event either (1) such city may be annexed to such metropolitan
21 municipal corporation by ordinance of the legislative body of the city
22 concurred in by resolution of the metropolitan council, or (2) if such
23 city shall not be so annexed such territory shall remain within the
24 metropolitan municipal corporation unless such city shall by resolution
25 of its legislative body request the withdrawal of such territory
26 subject to any outstanding indebtedness of the metropolitan corporation
27 and the metropolitan council shall by resolution consent to such
28 withdrawal.

29 Any territory located within a component county that is contiguous
30 to a metropolitan municipal corporation and lying wholly within an
31 incorporated city or town may be annexed to such metropolitan municipal
32 corporation by ordinance of the legislative body of such city or town
33 requesting such annexation concurred in by resolution of the
34 metropolitan council.

35 Any other territory located within a component county that is
36 adjacent to a metropolitan municipal corporation may be annexed thereto
37 by vote of the qualified electors residing in the territory to be

1 annexed, in the manner provided in this chapter. An election to annex
2 such territory may be called pursuant to a petition or resolution in
3 the following manner:

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

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

10 Any resolution or petition calling for such an election shall
11 describe the boundaries of the territory to be annexed, and state that
12 the annexation of such territory to the metropolitan municipal
13 corporation will be conducive to the welfare and benefit of the persons
14 or property within the metropolitan municipal corporation and within
15 the territory proposed to be annexed.

16 Upon receipt of such a petition, the auditor shall examine the same
17 and certify to the sufficiency of the signatures thereon. (~~For the~~
18 ~~purpose of examining the signatures on such petition, the auditor shall~~
19 ~~be permitted access to the voter registration books of each city within~~
20 ~~the territory proposed to be annexed and of each county a portion of~~
21 ~~which shall be located within the territory proposed to be annexed. No~~
22 ~~person may withdraw his name from a petition after it has been filed~~
23 ~~with the auditor.)) Within thirty days following the receipt of such
24 petition, the auditor shall transmit the same to the metropolitan
25 council, together with his certificate as to the sufficiency thereof.~~

26 NEW SECTION. **Sec. 19.** The following acts or parts of acts are
27 each repealed:

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

29 (2) RCW 35.58.440 and 1965 c 7 s 35.58.440; and

30 (3) RCW 35A.57.010 and 1967 ex.s. c 119 s 35A.57.010.

Passed the House April 20, 1993.

Passed the Senate April 16, 1993.

Approved by the Governor May 7, 1993.

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