

2 **SB 5275** - H COMM AMD **ADOPTED 4/5/95**
3 By Committee on Government Operations

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

7 **"Sec. 1.** RCW 35.10.460 and 1985 c 281 s 9 are each amended to read
8 as follows:

9 (~~Ballot titles on the questions shall be prepared as provided in~~
10 ~~RCW 35A.29.120.~~) If a proposal for assumption of indebtedness is to
11 be submitted to the voters of a city in which the indebtedness did not
12 originate, the proposal shall be separately stated and the ballots
13 shall contain, as a separate proposition to be voted on, the words "For
14 Assumption of Indebtedness to be paid by the levy of annual property
15 taxes in excess of regular property taxes" and "Against Assumption of
16 Indebtedness to be paid by the levy of annual property taxes in excess
17 of regular property taxes" or words equivalent thereto. If the
18 question of the form or plan of government is to be submitted to the
19 voters, the question shall be separately stated and the ballots shall
20 contain, as a separate proposition to be voted on, the option of a
21 voter to select one of the three forms or plans of government. If the
22 question of the name of the proposed consolidated city is to be
23 submitted to the voters, the question shall be separately stated and
24 the ballots shall contain, as a separate proposition to be voted on,
25 the option of a voter to select one of the names of the proposed
26 consolidated city.

27 **Sec. 2.** RCW 35.10.470 and 1985 c 281 s 10 are each amended to read
28 as follows:

29 The county canvassing board in each county involved shall canvass
30 the returns in each election. The votes cast in each of such cities
31 shall be canvassed separately, and the statement shall show the whole
32 number of votes cast, the number of votes cast in each city for
33 consolidation, and the number of votes cast in each city against such
34 consolidation. If a proposal for assumption or indebtedness was voted
35 upon in a city in which the indebtedness did not originate, the

1 statement shall show the number of votes cast in such a city for
2 assumption of indebtedness and the number of votes cast against
3 assumption of indebtedness. If a question of the form or plan of
4 government was voted upon, the statement shall show the number of votes
5 cast in each city for each of the optional forms or plans of
6 government. If a name for the proposed consolidated city was voted
7 upon, the statement shall show the number of votes cast in each city
8 for each optional name. A certified copy of such statement shall be
9 filed with the legislative body of each of the cities proposed to be
10 consolidated.

11 If it appears from such statement of canvass that a majority of the
12 votes cast in each of the cities were in favor of consolidation, the
13 consolidation shall be authorized and shall be effective when the newly
14 elected legislative body members assume office, as provided in RCW
15 35.10.480.

16 If a question of the form or plan of government was voted upon,
17 that form or plan receiving the greatest combined number of votes shall
18 become the form or plan of government for the consolidated city. If
19 two or three of the forms or plans of government received the same
20 highest number of votes, the form or plan of government shall be chosen
21 by lot between those receiving the same highest number, where the mayor
22 of the largest of the cities proposed to be consolidated draws the lot
23 at a public meeting.

24 If a proposition to assume indebtedness was submitted to voters of
25 a city in which the indebtedness did not originate, the proposition
26 shall be deemed approved if approved by a majority of at least three-
27 fifths of the voters of the city, and the number of persons voting on
28 the proposition constitutes not less than forty percent of the number
29 of votes cast in the city at the last preceding general election.
30 Approval of the proposition authorizes annual property taxes to be
31 levied on the property within the city in which the indebtedness did
32 not originate that are in excess of regular property taxes. However,
33 if the general indebtedness in question was incurred by action of a
34 city legislative body, a proposition for assuming the indebtedness need
35 only be approved by a simple majority vote of the voters of the city in
36 which such indebtedness did not originate.

37 If a question of the name of the proposed consolidated city was
38 voted upon, that name receiving the greatest combined number of votes
39 shall become the name of the consolidated city. If two proposed names

1 receive the same number of votes, the name shall be chosen by lot,
2 where the mayor of the largest of the cities proposed to be
3 consolidated draws the lot at a public meeting.

4 **Sec. 3.** RCW 35.10.480 and 1985 c 281 s 11 are each amended to read
5 as follows:

6 If the voters of each of the cities proposed to consolidate approve
7 the consolidation, elections to nominate and elect the elected
8 officials of the consolidated city shall be held at times specified in
9 RCW 35A.02.050. If the joint resolution or the petitions prescribe
10 that councilmembers of the consolidated city shall be elected from
11 wards, then the councilmembers shall be elected from wards under RCW
12 35A.12.180. Terms shall be established as if the city is initially
13 incorporating.

14 The newly elected officials shall take office immediately upon
15 their qualification. The effective date of the consolidation shall be
16 when a majority of the newly elected members of the legislative body
17 assume office. The clerk of the newly consolidated city shall transmit
18 a duly certified copy of an abstract of the votes to authorize the
19 consolidation and of the election of the newly elected city officials
20 to the secretary of state and the office of financial management.

21 **Sec. 4.** RCW 35.10.490 and 1985 c 281 s 12 are each amended to read
22 as follows:

23 A joint resolution or the petitions may prescribe the name of the
24 proposed consolidated city or may provide that a ballot proposition to
25 determine the name of the proposed consolidated city be submitted to
26 the voters of the cities proposed to be consolidated. If two
27 alternative names are submitted, the name receiving the simple majority
28 vote of the voters voting on the question shall become the name of the
29 consolidated city. If the name for the proposed consolidated city is
30 not prescribed by the joint resolution or petition, or a proposition on
31 the name is not submitted to the voters of the cities proposed to be
32 consolidated, then the newly consolidated city shall be known as the
33 city of (listing the names of the cities that were
34 consolidated in alphabetical order). The legislative body of the newly
35 consolidated city may present another name or two names for the newly
36 consolidated city to the city voters for their approval or rejection at
37 the next municipal general election held after the effective date of

1 the consolidation. If only one alternative name is submitted, this
2 alternative name shall become the name of the consolidated city if
3 approved by a simple majority vote of the voters voting on the
4 question. If two alternative names are submitted, the name receiving
5 the simple majority vote of the voters voting on the question shall
6 become the name of the consolidated city.

7 **Sec. 5.** RCW 35.21.010 and 1991 c 363 s 37 are each amended to read
8 as follows:

9 (1) Municipal corporations now or hereafter organized are bodies
10 politic and corporate under the name of the city of, or the
11 town of, as the case may be, and as such may sue and be
12 sued, contract or be contracted with, acquire, hold, possess and
13 dispose of property, subject to the restrictions contained in other
14 chapters of this title, having a common seal, and change or alter the
15 same at pleasure, and exercise such other powers, and have such other
16 privileges as are conferred by this title(~~(:—PROVIDED, That)~~).
17 However, not more than two square miles in area shall be included
18 within the corporate limits of a town having a population of fifteen
19 hundred or less, or located in a county with a population of one
20 million or more, and not more than three square miles in area shall be
21 included within the corporate limits of a town having a population of
22 more than fifteen hundred in a county with a population of less than
23 one million, nor shall more than twenty acres of unplatted land
24 belonging to any one person be taken within the corporate limits of a
25 town without the consent of the owner of such unplatted land(~~(:÷
26 PROVIDED FURTHER, That)~~).

27 (2) Notwithstanding subsections (1) and (3) of this section, a town
28 located in three or more counties is excluded from a limitation in
29 square mileage.

30 (3) Except as provided in subsection (2) of this section, the
31 original incorporation of a town shall be limited to an area of not
32 more than one square mile and a population as prescribed in RCW
33 35.01.040.

34 NEW SECTION. **Sec. 6.** A new section is added to chapter 35.10 RCW
35 to read as follows:

36 Unless a commission form of government is prescribed or submitted
37 to the voters under RCW 35.10.430, a joint resolution or petition may

1 prescribe that wards be used to elect the councilmembers of the
2 consolidated city. The joint resolution or petition must contain a map
3 of the proposed consolidated city that clearly delineates the
4 boundaries of each ward. Each ward in the proposed consolidated city
5 shall contain approximately the same population. To the greatest
6 extent possible, the integrity of the boundaries of the cities that are
7 proposed to be consolidated shall be respected when the wards are drawn
8 so that the territory within each city is: (1) Included within the
9 fewest number of wards, to the extent the city has a population that is
10 greater than the maximum population established for each ward; or (2)
11 included wholly within one ward, to the extent the city has a
12 population that is equal to or less than the maximum population
13 established for each ward. After the election specified in RCW
14 35.10.480, election wards may be modified in the manner specified in
15 RCW 35A.12.180.

16 **Sec. 7.** RCW 35.10.420 and 1985 c 281 s 5 are each amended to read
17 as follows:

18 The submission of a ballot proposal to the voters of two or more
19 contiguous cities for the consolidation of these contiguous cities may
20 also be caused by the filing of a petition with the legislative body of
21 each such city, signed by the voters of each city in number equal to
22 not less than ten percent of (~~the votes cast~~) voters who voted in the
23 city at the last general municipal election therein, seeking
24 consolidation of such contiguous cities. A copy of the petition shall
25 be forwarded immediately by each city to the auditor of the county or
26 counties within which that city is located.

27 The county auditor or auditors shall determine the sufficiency of
28 the signatures in each petition within ten days of receipt of the
29 copies and immediately notify the cities proposed to be consolidated of
30 the sufficiency. If each of the petitions is found to have sufficient
31 valid signatures, the auditor or auditors shall call a special election
32 at which the question of whether such cities shall consolidate shall be
33 submitted to the voters of each of such cities. If a general election
34 is to be held more than ninety days but not more than one hundred
35 eighty days after the filing of the last petition, the question shall
36 be submitted at that election. Otherwise the question shall be
37 submitted at a special election to be called for that purpose at the
38 next special election date, as specified in RCW 29.13.020, that occurs

1 ninety or more days after the date when the last petition was filed.

2 If each of the petitions is found to have sufficient valid
3 signatures, the auditor or auditors also shall notify the county
4 legislative authority of each county in which the cities are located of
5 the proposed consolidation.

6 Petitions shall conform with the requirements for form prescribed
7 in RCW 35A.01.040, except different colored paper may be used on
8 petitions circulated in the different cities. A legal description of
9 the cities need not be included in the petitions."

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12

13 On page 1, line 1 of the title, after "towns;" strike the remainder
14 of the title and insert "amending RCW 35.10.460, 35.10.470, 35.10.480,
15 35.10.490, 35.21.010, and 35.10.420; and adding a new section to
16 chapter 35.10 RCW."

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