1 **1707 AMS GO S5272.3**

2 **HB 1707** - S COMM AMD
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 35.01.020 and 1994 c 81 s 4 are each amended to read
8 as follows:
9   A second class city is a city with a population of ((more than))
10 fifteen hundred <u>or more</u> at the time of its organization or
11 reorganization that does not have a charter adopted under Article XI,
12 section 10, of the state Constitution, and does not operate under Title
13 35A RCW.

14   **Sec. 2.** RCW 35.01.040 and 1994 c 81 s 5 are each amended to read
15 as follows:
16   A town has a population of <u>less than</u> fifteen hundred ((or less)) at
17 the time of its organization and does not operate under Title 35A RCW.

18   **Sec. 3.** RCW 35.22.010 and 1965 c 7 s 35.22.010 are each amended to
19 read as follows:
20   Cities of the first class shall be organized and governed according
21 to the law providing for the government of cities having a population
22 of ((twenty)) <u>ten</u> thousand or more inhabitants <u>that have adopted a</u>
23 <u>charter</u> in accordance with Article ((11)) <u>XI</u>, section 10 of the state
24 Constitution.

25   **Sec. 4.** RCW 35.23.051 and 1994 c 223 s 17 and 1994 c 81 s 36 are
26 each reenacted and amended to read as follows:
27   General municipal elections in second class cities ((not operating
28 under the commission form of government)) shall be held biennially in
29 the odd-numbered years and shall be subject to general election law.
30   The terms of office of the mayor, city attorney, clerk, and
31 treasurer shall be four years and until their successors are elected
32 and qualified and assume office in accordance with RCW 29.04.170:
33 PROVIDED, That if the offices of city attorney, clerk, and treasurer

1 are made appointive, the city attorney, clerk, and treasurer shall not
2 be appointed for a definite term: PROVIDED FURTHER, That the term of
3 the elected treasurer shall not commence in the same biennium in which
4 the term of the mayor commences, nor in which the terms of the city
5 attorney and clerk commence if they are elected.
6 Council positions shall be numbered in each second class city so
7 that council position seven has a two-year term of office and council
8 positions one through six shall each have four-year terms of office.
9 Each councilmember shall remain in office until a successor is elected
10 and qualified and assumes office in accordance with RCW 29.04.170.
11 In its discretion the council of a second class city may divide the
12 city by ordinance into a convenient number of wards, not exceeding six,
13 fix the boundaries of the wards, and change the ward boundaries from
14 time to time and as provided in RCW 29.70.100. No change in the
15 boundaries of any ward shall be made within one hundred twenty days
16 next before the date of a general municipal election, nor within twenty
17 months after the wards have been established or altered. However, if
18 a boundary change results in one ward being represented by more
19 councilmembers than the number to which it is entitled, those having
20 the shortest unexpired terms shall be assigned by the council to wards
21 where there is a vacancy, and the councilmembers so assigned shall be
22 deemed to be residents of the wards to which they are assigned for
23 purposes of determining whether those positions are vacant.
24 Whenever such city is so divided into wards, the city council shall
25 designate by ordinance the number of councilmembers to be elected from
26 each ward, apportioning the same in proportion to the population of the
27 wards. Thereafter the councilmembers so designated shall be elected by
28 the voters resident in such ward, or by general vote of the whole city
29 as may be designated in such ordinance. Council position seven shall
30 not be associated with a ward and the person elected to that position
31 may reside anywhere in the city and voters throughout the city may vote
32 at a primary to nominate candidates for position seven, when a primary
33 is necessary, and at a general election to elect the person to council
34 position seven. ((When)) Additional territory that is added to the
35 city ((it may)) shall, by act of the council, be annexed to contiguous
36 wards without affecting the right to redistrict at the expiration of
37 twenty months after last previous division. The removal of a
38 councilmember from the ward for which he or she was elected shall
39 create a vacancy in such office.

Wards shall be redrawn as provided in chapter 29.70 RCW. Wards shall be used as follows: (1) Only a resident of the ward may be a candidate for, or hold office as, a councilmember of the ward; and (2) only voters of the ward may vote at a primary to nominate candidates for a councilmember of the ward. Voters of the entire city may vote at the general election to elect a councilmember of a ward, unless the city had prior to January 1, 1994, limited the voting in the general election for any or all council positions to only voters residing within the ward associated with the council positions. If a city had so limited the voting in the general election to only voters residing within the ward, then the city shall be authorized to continue to do so. The elections for the remaining council position or council positions that are not associated with a ward shall be conducted as if the wards did not exist.

Sec. 5. RCW 35.23.101 and 1994 c 223 s 19 and 1994 c 81 s 38 are each reenacted and amended to read as follows:

The council of a second class city may declare a council position vacant if the councilmember is absent for three consecutive regular meetings without permission of the council. In addition, a vacancy in an elective office shall occur and shall be filled as provided in chapter 42.12 RCW.

Vacancies in offices other than that of mayor or city councilmember shall be filled by appointment of the mayor.

If there is a temporary vacancy in an appointive office due to illness, absence from the city, or other temporary inability to act, the mayor may appoint a temporary appointee to exercise the duties of the office until the temporary disability of the incumbent is removed.

Sec. 6. RCW 35.33.020 and 1985 c 175 s 4 are each amended to read as follows:

The provisions of this chapter apply to <u>all</u> cities of the first class ((~~which~~)) <u>that</u> have a population of less than three hundred thousand, to all cities of the second ((~~and third classes~~)) <u>class</u>, and to all towns, except those cities and towns ((~~which~~)) <u>that</u> have adopted an ordinance under RCW 35.34.040 providing for a biennial budget.

Sec. 7. RCW 35.34.020 and 1985 c 175 s 5 are each amended to read as follows:

1   This chapter applies to all cities of the first((,)) and second((,
2   and third)) classes and to all towns ((which)), that have by ordinance
3   adopted this chapter authorizing the adoption of a fiscal biennium
4   budget.

5   **Sec. 8.** RCW 35.86.010 and 1975 1st ex.s. c 221 s 1 are each
6   amended to read as follows:
7   Cities of the first((,)) and second((, and third)) classes are
8   authorized to provide off-street parking space and facilities located
9   on land dedicated for park or civic center purposes, or on other
10 municipally-owned land where the primary purpose of such off-street
11 parking facility is to provide parking for persons who use such park or
12 civic center facilities. In addition a city may own other off-street
13 parking facilities and operate them in accordance with RCW 35.86A.120.

14   **Sec. 9.** RCW 35A.06.020 and 1995 c 134 s 11 are each amended to
15 read as follows:
16   The classifications of municipalities ((which existed prior to the
17 time this title goes into effect«)) as first class cities, second class
18 cities, unclassified cities, and towns((«)), and the restrictions,
19 limitations, duties, and obligations specifically imposed by law upon
20 such classes of cities and towns, shall have no application to
21 noncharter code cities, but every noncharter code city, by adopting
22 such classification, has elected to be governed by the provisions of
23 this title, with the powers granted hereby. However, any code city
24 that retains its old plan of government is subject to the laws
25 applicable to that old plan of government until the city abandons its
26 old plan of government and reorganizes and adopts a plan of government
27 under chapter 35A.12 or 35A.13 RCW.

28   **Sec. 10.** RCW 35A.12.010 and 1994 c 223 s 30 are each amended to
29 read as follows:
30   The government of any noncharter code city or charter code city
31 electing to adopt the mayor-council plan of government authorized by
32 this chapter shall be vested in an elected mayor and an elected
33 council. The council of a noncharter code city having less than
34 twenty-five hundred inhabitants shall consist of five members; when
35 there are twenty-five hundred or more inhabitants, the council shall
36 consist of seven members((: PROVIDED, That)). A city with a

population of over two thousand but less than twenty-five hundred at
the time of reclassification as an optional municipal code city may
choose to maintain a seven-member council. The decision concerning the
number of councilmembers shall be made by the council and be
incorporated as a section of the ordinance adopting for the city the
classification of noncharter code city. If the population of a city
after having become a code city decreases from twenty-five hundred or
more to less than twenty-five hundred, it shall continue to have a
seven member council. If, after a city has become a mayor-council code
city, its population increases to twenty-five hundred or more
inhabitants, the number of councilmanic offices in such city may
increase from five to seven members upon the affirmative vote of a
majority of the existing council to increase the number of councilmanic
offices in the city. When the population of a mayor-council code city
having five councilmanic offices increases to five thousand or more
inhabitants, the number of councilmanic offices in the city shall
increase from five to seven members. In the event of an increase in
the number of councilmanic offices, the city council shall, by majority
vote, pursuant to RCW 35A.12.050, appoint two persons to serve in these
offices until the next municipal general election, at which election
one person shall be elected for a two-year term and one person shall be
elected for a four-year term. The number of inhabitants shall be
determined by the most recent official state or federal census or
determination by the state office of financial management. A charter
adopted under the provisions of this title, incorporating the mayor-
council plan of government set forth in this chapter, may provide for
an uneven number of councilmembers not exceeding eleven.

A noncharter code city of less than five thousand inhabitants which
has elected the mayor-council plan of government and which has seven
councilmanic offices may establish a five-member council in accordance
with the following procedure. At least six months prior to a municipal
general election, the city council shall adopt an ordinance providing
for reduction in the number of councilmanic offices to five. The
ordinance shall specify which two councilmanic offices, the terms of
which expire at the next general election, are to be terminated. The
ordinance shall provide for the renumbering of council positions and
shall also provide for a two-year extension of the term of office of a
retained councilmanic office, if necessary, in order to comply with RCW
35A.12.040.

1   However, a noncharter code city that has retained its old mayor-
2 council plan of government, as provided in RCW 35A.02.130, is subject
3 to the laws applicable to that old plan of government.

4   <u>NEW SECTION.</u> **Sec. 11.** RCW 35.21.620 shall be recodified as a
5 section in chapter 35.22 RCW.

6   <u>NEW SECTION.</u> **Sec. 12.** The following acts or parts of acts are
7 each repealed:
8   (1) RCW 35.21.600 and 1979 c 151 s 27, 1965 ex.s. c 47 s 6, & 1965
9 c 7 s 35.21.600;
10   (2) RCW 35.21.610 and 1965 ex.s. c 47 s 1; and
11   (3) RCW 35A.61.010 and 1967 ex.s. c 119 s 35A.61.010."

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13   By Committee on Government Operations

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15   On page 1, line 1 of the title, after "towns;" strike the remainder
16 of the title and insert "amending RCW 35.01.020, 35.01.040, 35.22.010,
17 35.33.020, 35.34.020, 35.86.010, 35A.06.020, and 35A.12.010; reenacting
18 and amending RCW 35.23.051 and 35.23.101; adding a new section to
19 chapter 35.22 RCW; recodifying RCW 35.21.620; and repealing RCW
20 35.21.600, 35.21.610, and 35A.61.010."

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