

CERTIFICATION OF ENROLLMENT

SENATE BILL 5275

Chapter 196, Laws of 1995

54th Legislature
1995 Regular Session

CONSOLIDATION OF CITIES AND TOWNS

EFFECTIVE DATE: 7/23/95

Passed by the Senate April 17, 1995
YEAS 43 NAYS 0

JOEL PRITCHARD

President of the Senate

Passed by the House April 5, 1995
YEAS 95 NAYS 1

CLYDE BALLARD

**Speaker of the
House of Representatives**

Approved May 1, 1995

MIKE LOWRY

Governor of the State of Washington

CERTIFICATE

I, Marty Brown, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 5275** as passed by the Senate and the House of Representatives on the dates hereon set forth.

MARTY BROWN

Secretary

FILED

May 1, 1995 - 11:38 a.m.

**Secretary of State
State of Washington**

SENATE BILL 5275

AS AMENDED BY THE HOUSE

Passed Legislature - 1995 Regular Session

State of Washington 54th Legislature 1995 Regular Session

By Senators Haugen, McCaslin and Winsley

Read first time 01/18/95. Referred to Committee on Government Operations.

1 AN ACT Relating to consolidation of cities and towns; amending RCW
2 35.10.460, 35.10.470, 35.10.480, 35.10.490, 35.21.010, and 35.10.420;
3 and adding a new section to chapter 35.10 RCW.

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

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

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

1 submitted to the voters, the question shall be separately stated and
2 the ballots shall contain, as a separate proposition to be voted on,
3 the option of a voter to select one of the names of the proposed
4 consolidated city.

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

7 The county canvassing board in each county involved shall canvass
8 the returns in each election. The votes cast in each of such cities
9 shall be canvassed separately, and the statement shall show the whole
10 number of votes cast, the number of votes cast in each city for
11 consolidation, and the number of votes cast in each city against such
12 consolidation. If a proposal for assumption or indebtedness was voted
13 upon in a city in which the indebtedness did not originate, the
14 statement shall show the number of votes cast in such a city for
15 assumption of indebtedness and the number of votes cast against
16 assumption of indebtedness. If a question of the form or plan of
17 government was voted upon, the statement shall show the number of votes
18 cast in each city for each of the optional forms or plans of
19 government. If a name for the proposed consolidated city was voted
20 upon, the statement shall show the number of votes cast in each city
21 for each optional name. A certified copy of such statement shall be
22 filed with the legislative body of each of the cities proposed to be
23 consolidated.

24 If it appears from such statement of canvass that a majority of the
25 votes cast in each of the cities were in favor of consolidation, the
26 consolidation shall be authorized and shall be effective when the newly
27 elected legislative body members assume office, as provided in RCW
28 35.10.480.

29 If a question of the form or plan of government was voted upon,
30 that form or plan receiving the greatest combined number of votes shall
31 become the form or plan of government for the consolidated city. If
32 two or three of the forms or plans of government received the same
33 highest number of votes, the form or plan of government shall be chosen
34 by lot between those receiving the same highest number, where the mayor
35 of the largest of the cities proposed to be consolidated draws the lot
36 at a public meeting.

37 If a proposition to assume indebtedness was submitted to voters of
38 a city in which the indebtedness did not originate, the proposition

1 shall be deemed approved if approved by a majority of at least three-
2 fifths of the voters of the city, and the number of persons voting on
3 the proposition constitutes not less than forty percent of the number
4 of votes cast in the city at the last preceding general election.
5 Approval of the proposition authorizes annual property taxes to be
6 levied on the property within the city in which the indebtedness did
7 not originate that are in excess of regular property taxes. However,
8 if the general indebtedness in question was incurred by action of a
9 city legislative body, a proposition for assuming the indebtedness need
10 only be approved by a simple majority vote of the voters of the city in
11 which such indebtedness did not originate.

12 If a question of the name of the proposed consolidated city was
13 voted upon, that name receiving the greatest combined number of votes
14 shall become the name of the consolidated city. If two proposed names
15 receive the same number of votes, the name shall be chosen by lot,
16 where the mayor of the largest of the cities proposed to be
17 consolidated draws the lot at a public meeting.

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

20 If the voters of each of the cities proposed to consolidate approve
21 the consolidation, elections to nominate and elect the elected
22 officials of the consolidated city shall be held at times specified in
23 RCW 35A.02.050. If the joint resolution or the petitions prescribe
24 that councilmembers of the consolidated city shall be elected from
25 wards, then the councilmembers shall be elected from wards under RCW
26 35A.12.180. Terms shall be established as if the city is initially
27 incorporating.

28 The newly elected officials shall take office immediately upon
29 their qualification. The effective date of the consolidation shall be
30 when a majority of the newly elected members of the legislative body
31 assume office. The clerk of the newly consolidated city shall transmit
32 a duly certified copy of an abstract of the votes to authorize the
33 consolidation and of the election of the newly elected city officials
34 to the secretary of state and the office of financial management.

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

1 A joint resolution or the petitions may prescribe the name of the
2 proposed consolidated city or may provide that a ballot proposition to
3 determine the name of the proposed consolidated city be submitted to
4 the voters of the cities proposed to be consolidated. If two
5 alternative names are submitted, the name receiving the simple majority
6 vote of the voters voting on the question shall become the name of the
7 consolidated city. If the name for the proposed consolidated city is
8 not prescribed by the joint resolution or petition, or a proposition on
9 the name is not submitted to the voters of the cities proposed to be
10 consolidated, then the newly consolidated city shall be known as the
11 city of (listing the names of the cities that were
12 consolidated in alphabetical order). The legislative body of the newly
13 consolidated city may present another name or two names for the newly
14 consolidated city to the city voters for their approval or rejection at
15 the next municipal general election held after the effective date of
16 the consolidation. If only one alternative name is submitted, this
17 alternative name shall become the name of the consolidated city if
18 approved by a simple majority vote of the voters voting on the
19 question. If two alternative names are submitted, the name receiving
20 the simple majority vote of the voters voting on the question shall
21 become the name of the consolidated city.

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

24 (1) Municipal corporations now or hereafter organized are bodies
25 politic and corporate under the name of the city of , or the
26 town of , as the case may be, and as such may sue and be
27 sued, contract or be contracted with, acquire, hold, possess and
28 dispose of property, subject to the restrictions contained in other
29 chapters of this title, having a common seal, and change or alter the
30 same at pleasure, and exercise such other powers, and have such other
31 privileges as are conferred by this title(~~(:—PROVIDED, That)~~).
32 However, not more than two square miles in area shall be included
33 within the corporate limits of a town having a population of fifteen
34 hundred or less, or located in a county with a population of one
35 million or more, and not more than three square miles in area shall be
36 included within the corporate limits of a town having a population of
37 more than fifteen hundred in a county with a population of less than
38 one million, nor shall more than twenty acres of unplatted land

1 belonging to any one person be taken within the corporate limits of a
2 town without the consent of the owner of such unplatted land(~~(÷~~
3 ~~PROVIDED FURTHER, That~~)).

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

7 (3) Except as provided in subsection (2) of this section, the
8 original incorporation of a town shall be limited to an area of not
9 more than one square mile and a population as prescribed in RCW
10 35.01.040.

11 NEW SECTION. Sec. 6. A new section is added to chapter 35.10 RCW
12 to read as follows:

13 Unless a commission form of government is prescribed or submitted
14 to the voters under RCW 35.10.430, a joint resolution or petition may
15 prescribe that wards be used to elect the councilmembers of the
16 consolidated city. The joint resolution or petition must contain a map
17 of the proposed consolidated city that clearly delineates the
18 boundaries of each ward. Each ward in the proposed consolidated city
19 shall contain approximately the same population. To the greatest
20 extent possible, the integrity of the boundaries of the cities that are
21 proposed to be consolidated shall be respected when the wards are drawn
22 so that the territory within each city is: (1) Included within the
23 fewest number of wards, to the extent the city has a population that is
24 greater than the maximum population established for each ward; or (2)
25 included wholly within one ward, to the extent the city has a
26 population that is equal to or less than the maximum population
27 established for each ward. After the election specified in RCW
28 35.10.480, election wards may be modified in the manner specified in
29 RCW 35A.12.180.

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

32 The submission of a ballot proposal to the voters of two or more
33 contiguous cities for the consolidation of these contiguous cities may
34 also be caused by the filing of a petition with the legislative body of
35 each such city, signed by the voters of each city in number equal to
36 not less than ten percent of (~~the votes cast~~) voters who voted in the
37 city at the last general municipal election therein, seeking

1 consolidation of such contiguous cities. A copy of the petition shall
2 be forwarded immediately by each city to the auditor of the county or
3 counties within which that city is located.

4 The county auditor or auditors shall determine the sufficiency of
5 the signatures in each petition within ten days of receipt of the
6 copies and immediately notify the cities proposed to be consolidated of
7 the sufficiency. If each of the petitions is found to have sufficient
8 valid signatures, the auditor or auditors shall call a special election
9 at which the question of whether such cities shall consolidate shall be
10 submitted to the voters of each of such cities. If a general election
11 is to be held more than ninety days but not more than one hundred
12 eighty days after the filing of the last petition, the question shall
13 be submitted at that election. Otherwise the question shall be
14 submitted at a special election to be called for that purpose at the
15 next special election date, as specified in RCW 29.13.020, that occurs
16 ninety or more days after the date when the last petition was filed.

17 If each of the petitions is found to have sufficient valid
18 signatures, the auditor or auditors also shall notify the county
19 legislative authority of each county in which the cities are located of
20 the proposed consolidation.

21 Petitions shall conform with the requirements for form prescribed
22 in RCW 35A.01.040, except different colored paper may be used on
23 petitions circulated in the different cities. A legal description of
24 the cities need not be included in the petitions.

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Passed the House April 5, 1995.

Approved by the Governor May 1, 1995.

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