

1 to make difficult choices about the types and scale of services
2 provided to citizens, businesses, and employees. The legislature also
3 recognizes that cities and counties, while responding to these fiscal
4 pressures, continue the challenging and critical responsibilities of
5 balancing community needs with those advanced and required by the
6 state.

7 (2) In recognition of the impacts to city and county governments
8 resulting from declining tax revenues, decreasing aid, and increasing
9 service demands, the legislature intends to provide cities and counties
10 with policy options and directives for reducing their nontax
11 administration operating costs.

12 **PART TWO - AUDITS**

13 **Sec. 2.** RCW 43.09.260 and 2009 c 564 s 927 are each amended to
14 read as follows:

15 (1) Except as provided otherwise by this section, the examination
16 of the financial affairs of all local governments (~~(shall)~~) must be
17 made at such reasonable, periodic intervals as the state auditor shall
18 determine. However, an examination of the financial affairs of all
19 local governments, excepting counties and cities, shall be made at
20 least once (~~(in)~~) every three years, and an examination of individual
21 local government health and welfare benefit plans and local government
22 self-insurance programs (~~(shall)~~) must be made at least once every two
23 years. Except as provided otherwise in subsection (2) of this section,
24 an examination of county and city financial affairs may only be made
25 once every three years.

26 (2) (~~(During the 2009-2011 fiscal biennium, the state auditor shall~~
27 ~~conduct audits no more often than once every two years of local~~
28 ~~governments with annual general fund revenues of ten million dollars or~~
29 ~~less and no findings of impropriety for the three year period~~
30 ~~immediately preceding the audit period.)) This (~~(subsection)~~) section
31 does not prohibit the state auditor from conducting audits:~~

- 32 (a) To address suspected fraud or irregular conduct;
- 33 (b) At the request of the local government governing body; (~~(or)~~)
- 34 (c) As required by federal laws or regulations; or
- 35 (d) For local governments, including counties and cities, that had

1 a finding involving a significant violation of state law or weakness in
2 internal controls in the preceding year.

3 (3) Unless the context or express provisions provide otherwise, the
4 term local governments, for purposes of this chapter, includes but is
5 not limited to all counties, cities, and other political subdivisions,
6 municipal corporations, and quasi-municipal corporations, however
7 denominated.

8 (4) ~~((The state auditor shall establish a schedule to govern the~~
9 ~~auditing of local governments which shall include: A designation of~~
10 ~~the various classifications of local governments; a designation of the~~
11 ~~frequency for auditing each type of local government; and a description~~
12 ~~of events which cause a more frequent audit to be conducted.~~

13 (+5)) On every such examination, inquiry (~~shall~~) must be made as
14 to the financial condition and resources of the local government;
15 whether the Constitution and laws of the state, the ordinances and
16 orders of the local government, and the requirements of the state
17 auditor have been properly complied with; and into the methods and
18 accuracy of the accounts and reports.

19 ((+6)) (5) A report of such examination (~~shall~~) must be made and
20 filed in the office of state auditor, and one copy (~~shall~~) must be
21 transmitted to the local government. A copy of any report containing
22 findings of noncompliance with state law shall be transmitted to the
23 attorney general. If any such report discloses malfeasance,
24 misfeasance, or nonfeasance in office on the part of any public officer
25 or employee, within thirty days from the receipt of his or her copy of
26 the report, the attorney general shall institute, in the proper county,
27 such legal action as is proper in the premises by civil process and
28 prosecute the same to final determination to carry into effect the
29 findings of the examination.

30 ((+7)) (6) It (~~shall be~~) is unlawful for any local government or
31 the responsible head thereof, to make a settlement or compromise of any
32 claim arising out of such malfeasance, misfeasance, or nonfeasance, or
33 any action commenced therefor, or for any court to enter upon any
34 compromise or settlement of such action, without the written approval
35 and consent of the attorney general and the state auditor.

36 **PART THREE - EMPLOYMENT ISSUES**

1 **Sec. 3.** RCW 41.56.030 and 2011 1st sp.s. c 21 s 11 are each
2 amended to read as follows:

3 As used in this chapter:

4 (1) "Adult family home provider" means a provider as defined in RCW
5 70.128.010 who receives payments from the medicaid and state-funded
6 long-term care programs.

7 (2) "Bargaining representative" means any lawful organization which
8 has as one of its primary purposes the representation of employees in
9 their employment relations with employers.

10 (3) "Child care subsidy" means a payment from the state through a
11 child care subsidy program established pursuant to RCW 74.12.340 or
12 74.08A.340, 45 C.F.R. Sec. 98.1 through 98.17, or any successor
13 program.

14 (4) "Collective bargaining" means the performance of the mutual
15 obligations of the public employer and the exclusive bargaining
16 representative to meet at reasonable times, to confer and negotiate in
17 good faith, and to execute a written agreement with respect to
18 grievance procedures and collective negotiations on personnel matters,
19 including wages, hours and working conditions, which may be peculiar to
20 an appropriate bargaining unit of such public employer, but excluding
21 the use of volunteers by counties and cities, except that by such
22 obligation neither party shall be compelled to agree to a proposal or
23 be required to make a concession unless otherwise provided in this
24 chapter.

25 (5) "Commission" means the public employment relations commission.

26 (6) "Executive director" means the executive director of the
27 commission.

28 (7) "Family child care provider" means a person who: (a) Provides
29 regularly scheduled care for a child or children in the home of the
30 provider or in the home of the child or children for periods of less
31 than twenty-four hours or, if necessary due to the nature of the
32 parent's work, for periods equal to or greater than twenty-four hours;
33 (b) receives child care subsidies; and (c) is either licensed by the
34 state under RCW 74.15.030 or is exempt from licensing under chapter
35 74.15 RCW.

36 (8) "Individual provider" means an individual provider as defined
37 in RCW 74.39A.240(4) who, solely for the purposes of collective
38 bargaining, is a public employee as provided in RCW 74.39A.270.

1 (9) "Institution of higher education" means the University of
2 Washington, Washington State University, Central Washington University,
3 Eastern Washington University, Western Washington University, The
4 Evergreen State College, and the various state community colleges.

5 (10)(a) "Language access provider" means any independent contractor
6 who provides spoken language interpreter services for department of
7 social and health services appointments or medicaid enrollee
8 appointments, or provided these services on or after January 1, 2009,
9 and before June 10, 2010, whether paid by a broker, language access
10 agency, or the department.

11 (b) "Language access provider" does not mean an owner, manager, or
12 employee of a broker or a language access agency.

13 (11) "Public employee" means any employee of a public employer
14 except any person (a) elected by popular vote, or (b) appointed to
15 office pursuant to statute, ordinance or resolution for a specified
16 term of office as a member of a multimember board, commission, or
17 committee, whether appointed by the executive head or body of the
18 public employer, or (c) whose duties as deputy, administrative
19 assistant or secretary necessarily imply a confidential relationship to
20 (i) the executive head or body of the applicable bargaining unit, or
21 (ii) any person elected by popular vote, or (iii) any person appointed
22 to office pursuant to statute, ordinance or resolution for a specified
23 term of office as a member of a multimember board, commission, or
24 committee, whether appointed by the executive head or body of the
25 public employer, or (d) who is a court commissioner or a court
26 magistrate of superior court, district court, or a department of a
27 district court organized under chapter 3.46 RCW, or (e) who is a
28 personal assistant to a district court judge, superior court judge, or
29 court commissioner. For the purpose of (e) of this subsection, no more
30 than one assistant for each judge or commissioner may be excluded from
31 a bargaining unit.

32 (12) "Public employer" means any officer, board, commission,
33 council, or other person or body acting on behalf of any public body
34 governed by this chapter, or any subdivision of such public body. For
35 the purposes of this section, the public employer of district court or
36 superior court employees for wage-related matters is the respective
37 county legislative authority, or person or body acting on behalf of the

1 legislative authority, and the public employer for nonwage-related
2 matters is the judge or judge's designee of the respective district
3 court or superior court.

4 (13) "Uniformed personnel" means: (a) Law enforcement officers as
5 defined in RCW 41.26.030 employed by the governing body of any city or
6 town with a population of two thousand five hundred or more and law
7 enforcement officers employed by the governing body of any county with
8 a population of ten thousand or more; (b) correctional employees who
9 are uniformed and nonuniformed, commissioned and noncommissioned
10 security personnel employed in a jail as defined in RCW 70.48.020(9),
11 by a county with a population of seventy thousand or more, and who are
12 trained for and charged with the responsibility of controlling and
13 maintaining custody of inmates in the jail and safeguarding inmates
14 from other inmates; (c) general authority Washington peace officers as
15 defined in RCW 10.93.020 employed by a port district in a county with
16 a population of one million or more; (d) security forces established
17 under RCW 43.52.520; (e) firefighters as that term is defined in RCW
18 41.26.030; (f) employees of a port district in a county with a
19 population of one million or more whose duties include crash fire
20 rescue or other firefighting duties; (g) employees of fire departments
21 of public employers who dispatch exclusively either fire or emergency
22 medical services, or both; or (h) employees in the several classes of
23 advanced life support technicians, as defined in RCW 18.71.200, who are
24 employed by a public employer.

25 **PART FOUR - STORM WATER AND LOW IMPACT DEVELOPMENT**

26 **Sec. 4.** RCW 90.48.260 and 2011 c 353 s 12 are each amended to read
27 as follows:

28 (1) The department of ecology is hereby designated as the state
29 water pollution control agency for all purposes of the federal clean
30 water act as it exists on February 4, 1987, and is hereby authorized to
31 participate fully in the programs of the act as well as to take all
32 action necessary to secure to the state the benefits and to meet the
33 requirements of that act. With regard to the national estuary program
34 established by section 320 of that act, the department shall exercise
35 its responsibility jointly with the Puget Sound partnership, created in
36 RCW 90.71.210. The department of ecology may delegate its authority

1 under this chapter, including its national pollutant discharge
2 elimination permit system authority and duties regarding animal feeding
3 operations and concentrated animal feeding operations, to the
4 department of agriculture through a memorandum of understanding. Until
5 any such delegation receives federal approval, the department of
6 agriculture's adoption or issuance of animal feeding operation and
7 concentrated animal feeding operation rules, permits, programs, and
8 directives pertaining to water quality shall be accomplished after
9 reaching agreement with the director of the department of ecology.
10 Adoption or issuance and implementation shall be accomplished so that
11 compliance with such animal feeding operation and concentrated animal
12 feeding operation rules, permits, programs, and directives will achieve
13 compliance with all federal and state water pollution control laws.
14 The powers granted herein include, among others, and notwithstanding
15 any other provisions of this chapter ((90.48-RCW)) or otherwise, the
16 following:

17 (a) Complete authority to establish and administer a comprehensive
18 state point source waste discharge or pollution discharge elimination
19 permit program which will enable the department to qualify for full
20 participation in any national waste discharge or pollution discharge
21 elimination permit system and will allow the department to be the sole
22 agency issuing permits required by such national system operating in
23 the state of Washington subject to the provisions of RCW 90.48.262(2).
24 Program elements authorized herein may include, but are not limited to:
25 (i) Effluent treatment and limitation requirements together with timing
26 requirements related thereto; (ii) applicable receiving water quality
27 standards requirements; (iii) requirements of standards of performance
28 for new sources; (iv) pretreatment requirements; (v) termination and
29 modification of permits for cause; (vi) requirements for public notices
30 and opportunities for public hearings; (vii) appropriate relationships
31 with the secretary of the army in the administration of his
32 responsibilities which relate to anchorage and navigation, with the
33 administrator of the environmental protection agency in the performance
34 of his duties, and with other governmental officials under the federal
35 clean water act; (viii) requirements for inspection, monitoring, entry,
36 and reporting; (ix) enforcement of the program through penalties,
37 emergency powers, and criminal sanctions; (x) a continuing planning
38 process; and (xi) user charges.

1 (b) The power to establish and administer state programs in a
2 manner which will insure the procurement of moneys, whether in the form
3 of grants, loans, or otherwise; to assist in the construction,
4 operation, and maintenance of various water pollution control
5 facilities and works; and the administering of various state water
6 pollution control management, regulatory, and enforcement programs.

7 (c) The power to develop and implement appropriate programs
8 pertaining to continuing planning processes, area-wide waste treatment
9 management plans, and basin planning.

10 The governor shall have authority to perform those actions required
11 of him or her by the federal clean water act.

12 (2) By July 31, 2012, the department shall:

13 (a) Reissue without modification and for a term of one year any
14 national pollutant discharge elimination system municipal storm water
15 general permit first issued on January 17, 2007; and

16 (b) Issue an updated national pollutant discharge elimination
17 system municipal storm water general permit for any permit first issued
18 on January 17, 2007. An updated permit issued under this subsection
19 shall become effective beginning August 1, 2013.

20 (3) For phase II permittees located west of the crest of the
21 Cascade mountains, the issuance of a permit under subsection (2)(b) of
22 this section must include a process providing for the following:

23 (a) Technical training regarding the benefits of low-impact
24 development including, but not limited to, when the use of low-impact
25 development is appropriate and feasible, and the design, installation,
26 maintenance, and best practices of low-impact development. The
27 technical training required by this subsection (3)(a) must be provided
28 by the department of commerce, and the Washington State University
29 extension LID technical training program or equivalent organization,
30 and must be provided to phase II permittees and the private development
31 community including builders, engineers, and other industry
32 professionals. The training required by this subsection (3)(a) must be
33 sequenced geographically and provided in time for local jurisdictions
34 to comply with (b) of this subsection and RCW 36.70A.130(5); and

35 (b) In accordance with the schedule established in this subsection
36 (3)(b), a review and revision by phase II permittees of their local
37 development-related codes, rules, standards, or other enforceable
38 documents to remove barriers to, and to specifically authorize, the

1 application of low-impact development principles and low-impact
2 development best management practices in new and redevelopment. In
3 completing this review, the permittees shall identify opportunities to
4 minimize impervious surfaces, native vegetation loss, and storm water
5 runoff in all categories of developments. The local jurisdiction, in
6 completing this review, retains authority to preserve development
7 regulations or other codes necessary to protect public safety,
8 community character, and to implement other priorities of the
9 jurisdiction. The requirements of this subsection (3)(b) must be
10 completed in accordance with the following schedule:

11 (i) On or before June 30, 2015, for phase II permittees in King,
12 Pierce, and Snohomish counties;

13 (ii) On or before June 30, 2016, for phase II permittees in
14 Clallam, Clark, Island, Jefferson, Kitsap, Mason, San Juan, Skagit,
15 Thurston, and Whatcom counties;

16 (iii) On or before June 30, 2017, for phase II permittees in
17 Cowlitz, Lewis, and Skamania counties; and

18 (iv) On or before June 30, 2018, for phase II permittees in Grays
19 Harbor, Pacific, and Wahkiakum counties.

20 (4) A permit issued under subsection (2)(b) of this section must:

21 (a) Authorize incentives to permittees to require low-impact
22 development, and must include:

23 (i) Incentives for reduced catch basin inspection frequency, not to
24 exceed once per permit cycle;

25 (ii) Incentives for a twenty-five percent reduction in dues to any
26 regional monitoring program; and

27 (iii) A priority for competitive storm water grants issued by the
28 department of ecology;

29 (b) Authorize permittees to offer the following incentives to
30 prospective developers who use low-impact development techniques and
31 best practices consistent with the permit:

32 (i) The creation of a dedicated low-impact development review team
33 in a jurisdiction or an expedited review;

34 (ii) Adjustments to bulk, dimensional, or height restrictions;

35 (iii) Adjustments to parking requirements;

36 (iv) Public recognition;

37 (v) Reduced application fees; and

1 (vi) The authority to site low-impact development facilities within
2 critical areas buffers of wetlands and streams;

3 (c) Specify that jurisdictions become eligible for the incentives
4 in (a)(i) through (iii) of this subsection if:

5 (i) The jurisdiction requires low-impact development, where
6 feasible, in more than fifty percent of an area subject to a permit and
7 zoned for development and offers two or more of the incentives in (b)
8 of this subsection; or

9 (ii) The department of ecology certifies the jurisdiction's
10 eligibility based on the strength of a different incentive program;

11 (d) Specify that the review and revision of local development codes
12 as directed under subsection (3)(b) of this section is a requirement
13 under this chapter, not the federal clean water act;

14 (e) Maintain the option for jurisdictions to provide for a
15 distinction in storm water treatment responsibility for developments
16 above and below one acre in size; and

17 (f) Obligate the department of ecology to develop model practices
18 and multiple options for jurisdictions to ensure ongoing maintenance of
19 storm water treatment and control facilities owned by private parties
20 at a low cost and liability for permittees. These options must be
21 available and tested before they become a permit obligation.

22 (5) For phase II permittees located east of the crest of the
23 Cascade mountains, the permit issued under subsection (2)(b) of this
24 section must provide for the following:

25 (a) A process for the department of ecology to develop, throughout
26 the course of the next permit, a collaborative program to monitor the
27 effectiveness of storm water treatments required by the updated
28 national pollutant discharge elimination system municipal storm water
29 general permit; and

30 (b) An option for jurisdictions to elect to have the department of
31 ecology perform any responsibilities related to measuring the
32 effectiveness of public education and outreach techniques.

33 (6) In preparation for subsequent updated national pollutant
34 discharge elimination system municipal storm water general permits, the
35 department of ecology shall review the experiences of the jurisdictions
36 selecting and not selecting to incentivize and require low-impact
37 development when considering whether and how to expand requirements
38 related to low-impact development.

1 **PART FIVE - CIVIL ACTIONS**

2 **Sec. 5.** RCW 46.61.687 and 2007 c 510 s 4 are each amended to read
3 as follows:

4 (1) Whenever a child who is less than sixteen years of age is being
5 transported in a motor vehicle that is in operation and that is
6 required by RCW 46.37.510 to be equipped with a safety belt system in
7 a passenger seating position, or is being transported in a neighborhood
8 electric vehicle or medium-speed electric vehicle that is in operation,
9 the driver of the vehicle shall keep the child properly restrained as
10 follows:

11 (a) A child must be restrained in a child restraint system, if the
12 passenger seating position equipped with a safety belt system allows
13 sufficient space for installation, until the child is eight years old,
14 unless the child is four feet nine inches or taller. The child
15 restraint system must comply with standards of the United States
16 department of transportation and must be secured in the vehicle in
17 accordance with instructions of the vehicle manufacturer and the child
18 restraint system manufacturer.

19 (b) A child who is eight years of age or older or four feet nine
20 inches or taller shall be properly restrained with the motor vehicle's
21 safety belt properly adjusted and fastened around the child's body or
22 an appropriately fitting child restraint system.

23 (c) The driver of a vehicle transporting a child who is under
24 thirteen years old shall transport the child in the back seat positions
25 in the vehicle where it is practical to do so.

26 (2) Enforcement of subsection (1) of this section is subject to a
27 visual inspection by law enforcement to determine if the child
28 restraint system in use is appropriate for the child's individual
29 height, weight, and age. The visual inspection for usage of a child
30 restraint system must ensure that the child restraint system is being
31 used in accordance with the instruction of the vehicle and the child
32 restraint system manufacturers. The driver of a vehicle transporting
33 a child who is under thirteen years old shall transport the child in
34 the back seat positions in the vehicle where it is practical to do so.

35 (3) A person violating subsection (1) of this section may be issued
36 a notice of traffic infraction under chapter 46.63 RCW. If the person
37 to whom the notice was issued presents proof of acquisition of an
38 approved child passenger restraint system or a child booster seat, as

1 appropriate, within seven days to the jurisdiction issuing the notice
2 and the person has not previously had a violation of this section
3 dismissed, the jurisdiction shall dismiss the notice of traffic
4 infraction.

5 (4) Failure to comply with ~~((the))~~ any requirements of this section
6 ~~((shall not constitute negligence by a parent or legal guardian.~~
7 ~~Failure to use a child restraint system shall not))~~ may be admissible
8 ~~((as evidence of negligence))~~ in any civil action.

9 (5) This section does not apply to: (a) For hire vehicles, (b)
10 vehicles designed to transport sixteen or less passengers, including
11 the driver, operated by auto transportation companies, as defined in
12 RCW 81.68.010, (c) vehicles providing customer shuttle service between
13 parking, convention, and hotel facilities, and airport terminals, and
14 (d) school buses.

15 (6) As used in this section, "child restraint system" means a child
16 passenger restraint system that meets the Federal Motor Vehicle Safety
17 Standards set forth in 49 C.F.R. 571.213.

18 (7) The requirements of subsection (1) of this section do not apply
19 in any seating position where there is only a lap belt available and
20 the child weighs more than forty pounds.

21 (8)(a) Except as provided in (b) of this subsection, a person who
22 has a current national certification as a child passenger safety
23 technician and who in good faith provides inspection, adjustment, or
24 educational services regarding child passenger restraint systems is not
25 liable for civil damages resulting from any act or omission in
26 providing the services, other than acts or omissions constituting gross
27 negligence or willful or wanton misconduct.

28 (b) The immunity provided in this subsection does not apply to a
29 certified child passenger safety technician who is employed by a
30 retailer of child passenger restraint systems and who, during his or
31 her hours of employment and while being compensated, provides
32 inspection, adjustment, or educational services regarding child
33 passenger restraint systems.

34 **Sec. 6.** RCW 46.61.688 and 2009 c 275 s 8 are each reenacted and
35 amended to read as follows:

36 (1) For the purposes of this section, "motor vehicle" includes:

1 (a) "Buses," meaning motor vehicles with motive power, except
2 trailers, designed to carry more than ten passengers;

3 (b) "Medium-speed electric vehicle" meaning a self-propelled,
4 electrically powered four-wheeled motor vehicle, equipped with a roll
5 cage or crush-proof body design, whose speed attainable in one mile is
6 more than thirty miles per hour but not more than thirty-five miles per
7 hour and otherwise meets or exceeds the federal regulations set forth
8 in 49 C.F.R. Sec. 571.500;

9 (c) "Motorcycle," meaning a three-wheeled motor vehicle that is
10 designed (i) so that the driver rides on a seat in a partially or
11 completely enclosed seating area that is equipped with safety belts and
12 (ii) to be steered with a steering wheel;

13 (d) "Multipurpose passenger vehicles," meaning motor vehicles with
14 motive power, except trailers, designed to carry ten persons or less
15 that are constructed either on a truck chassis or with special features
16 for occasional off-road operation;

17 (e) "Neighborhood electric vehicle," meaning a self-propelled,
18 electrically powered four-wheeled motor vehicle whose speed attainable
19 in one mile is more than twenty miles per hour and not more than
20 twenty-five miles per hour and conforms to federal regulations under 49
21 C.F.R. Sec. 571.500;

22 (f) "Passenger cars," meaning motor vehicles with motive power,
23 except multipurpose passenger vehicles, motorcycles, or trailers,
24 designed for carrying ten passengers or less; and

25 (g) "Trucks," meaning motor vehicles with motive power, except
26 trailers, designed primarily for the transportation of property.

27 (2)(a) This section only applies to:

28 (i) Motor vehicles that meet the manual seat belt safety standards
29 as set forth in 49 C.F.R. Sec. 571.208;

30 (ii) Motorcycles, when equipped with safety belts that meet the
31 standards set forth in 49 C.F.R. Part 571; and

32 (iii) Neighborhood electric vehicles and medium-speed electric
33 vehicles that meet the seat belt standards as set forth in 49 C.F.R.
34 Sec. 571.500.

35 (b) This section does not apply to a vehicle occupant for whom no
36 safety belt is available when all designated seating positions as
37 required under 49 C.F.R. Part 571 are occupied.

1 (3) Every person sixteen years of age or older operating or riding
2 in a motor vehicle shall wear the safety belt assembly in a properly
3 adjusted and securely fastened manner.

4 (4) No person may operate a motor vehicle unless all child
5 passengers under the age of sixteen years are either: (a) Wearing a
6 safety belt assembly or (b) are securely fastened into an approved
7 child restraint device.

8 (5) A person violating this section shall be issued a notice of
9 traffic infraction under chapter 46.63 RCW. A finding that a person
10 has committed a traffic infraction under this section shall be
11 contained in the driver's abstract but shall not be available to
12 insurance companies or employers.

13 (6) Failure to comply with ((the)) any requirements of this section
14 ((does not constitute negligence, nor may failure to wear a safety belt
15 assembly)) may be admissible ((as evidence of negligence)) in any civil
16 action.

17 (7) This section does not apply to an operator or passenger who
18 possesses written verification from a licensed physician that the
19 operator or passenger is unable to wear a safety belt for physical or
20 medical reasons.

21 (8) The state patrol may adopt rules exempting operators or
22 occupants of farm vehicles, construction equipment, and vehicles that
23 are required to make frequent stops from the requirement of wearing
24 safety belts.

25 **PART SIX - PUBLIC HEALTH SYSTEM RECOMMENDATIONS**

26 NEW SECTION. **Sec. 7.** (1) Statewide organizations representing
27 local public health officials, counties, and cities must convene a work
28 group that includes four local health jurisdiction representatives, two
29 elected county representatives, two elected city representatives, and
30 the secretary of the department of health or his or her designee. The
31 work group must develop recommendations to the legislature on preferred
32 funding and service delivery methods that will ensure the presence of
33 a cost-effective, nimble, responsive, and sustainable public health
34 system throughout Washington. All necessary efforts must be made to
35 ensure that work group members represent the economic and geographic

1 diversity of Washington's local health jurisdictions, counties, and
2 cities.

3 (2) The work group shall submit its initial recommendations to the
4 appropriate legislative committees by January 1, 2013.

5 (3) This section expires June 30, 2013.

6 **PART SEVEN - PUBLIC NOTICE**

7 **Sec. 8.** RCW 35.22.288 and 1994 c 273 s 7 are each amended to read
8 as follows:

9 (1) Promptly after adoption, the text of each ordinance (~~(or)~~) must
10 be posted on the city's web site and available as a paper copy at a
11 location designated by the city legislative authority. Additionally,
12 and promptly after adoption, the city shall publish a summary of the
13 content of each ordinance (~~(shall be published)~~) at least once in the
14 official newspaper of the city.

15 (2) For purposes of this section, a summary (~~(shall mean)~~) is a
16 brief description (~~(which)~~) of fifty or fewer words that succinctly
17 describes the main points of the ordinance. Publication of the title
18 of an ordinance authorizing the issuance of bonds, notes, or other
19 evidences of indebtedness shall constitute publication of a summary of
20 that ordinance. When the city publishes a summary, the publication
21 shall include a statement that the full text of the ordinance is
22 available through the city's web site and will be mailed upon request.

23 (~~(An inadvertent mistake or omission in publishing the text or a~~
24 ~~summary of the content of)~~) (3) A failure to publish an ordinance shall
25 not render the ordinance invalid.

26 (4) In addition to the requirement that a city publish the text or
27 a summary of the content of each adopted ordinance, every city shall
28 establish a procedure for notifying the public of upcoming hearings and
29 the preliminary agenda for the forthcoming council meeting. Such
30 procedure may include, but (~~(not be)~~) is neither required nor limited
31 to, posting on the city's web site, written notification to the city's
32 official newspaper, publication of a notice in the official newspaper,
33 posting of upcoming council meeting agendas, or such other processes as
34 the city determines will satisfy the intent of this requirement.

1 **Sec. 9.** RCW 35A.12.160 and 1994 c 273 s 15 are each amended to
2 read as follows:

3 (1) Promptly after adoption, the text of each ordinance (~~(or)~~) must
4 be posted on the city's web site and available as a paper copy at a
5 location designated by the city legislative authority. Additionally,
6 and promptly after adoption, the city shall publish a summary of the
7 content of each ordinance (~~(shall be published)~~) at least once in the
8 city's official newspaper.

9 (2) For purposes of this section, a summary (~~(shall mean)~~) is a
10 brief description (~~(which)~~) of fifty or fewer words that succinctly
11 describes the main points of the ordinance. Publication of the title
12 of an ordinance authorizing the issuance of bonds, notes, or other
13 evidences of indebtedness shall constitute publication of a summary of
14 that ordinance. When the city publishes a summary, the publication
15 shall include a statement that the full text of the ordinance is
16 available through the city's web site and will be mailed upon request.

17 (~~(An inadvertent mistake or omission in publishing the text or a~~
18 ~~summary of the content of)~~) (3) A failure to publish an ordinance shall
19 not render the ordinance invalid.

20 (4) In addition to the requirement that a city publish the text or
21 a summary of the content of each adopted ordinance, every city shall
22 establish a procedure for notifying the public of upcoming hearings and
23 the preliminary agenda for the forthcoming council meeting. Such
24 procedure may include, but (~~(not be)~~) is neither required nor limited
25 to, posting on the city's web site, written notification to the city's
26 official newspaper, publication of a notice in the official newspaper,
27 posting of upcoming council meeting agendas, or such other processes as
28 the city determines will satisfy the intent of this requirement.

29 **Sec. 10.** RCW 36.72.071 and 1977 c 34 s 1 are each amended to read
30 as follows:

31 (~~(All county officers shall cause all legal notices and delinquent~~
32 ~~tax lists to be advertised in the official county newspaper designated~~
33 ~~by the county legislative authority.)~~) (1) In accordance with
34 applicable time frame requirements, the text of each legal or official
35 notice must be posted on the county's web site and available as a paper
36 copy at a location designated by the originating county officer or
37 authority. Additionally, and in accordance with applicable time frame

1 requirements, the county shall publish a summary of the content of each
2 legal or official notice in the official county newspaper designated by
3 the county legislative authority. Nothing in this section prohibits a
4 county from publishing the full text of legal or official notices in
5 the official county newspaper.

6 (2) For purposes of this section, a summary is a brief description
7 of fifty or fewer words that succinctly describes the main points of
8 the legal or official notice. Publication of the title of an ordinance
9 authorizing the issuance of bonds, notes, or other evidence of
10 indebtedness constitutes publication of a summary of that ordinance.
11 When the county publishes a summary, the summary shall include a
12 statement that the full text of the legal or official notice is
13 available through the county's web site and at the location designated
14 by the originating county officer or authority.

15 (3) A failure to publish an ordinance does not render the ordinance
16 invalid.

17 **Sec. 11.** RCW 36.22.020 and 1995 c 194 s 2 are each amended to read
18 as follows:

19 It shall be the duty of the county auditor of each county, within
20 fifteen days after the adjournment of each regular session, to publish
21 a summary of the proceedings of the legislative authority at such term,
22 in any newspaper published in the county or having a general
23 circulation therein, or the auditor may post copies of such proceedings
24 in three of the most public places in the county. The seal of the
25 county commissioners for each county, used by the county auditor as
26 clerk to attest the proceedings of the legislative authority, shall be
27 and remain in the custody of the county auditor, and the auditor is
28 hereby authorized to use such seal in attestation of all official acts,
29 whether as clerk of the legislative authority, as auditor or recorder
30 of deeds; and all certificates, exemplifications of records, or other
31 acts performed as county auditor, certified under the seal of the
32 county commissioners, pursuant to this section, in this state, shall be
33 as valid and legally binding as though attested by a seal of office of
34 the county auditor.

35 Publications required by this section may be in the form of a
36 summary that complies with RCW 36.72.071.

1 **Sec. 12.** RCW 36.29.010 and 2005 c 502 s 2 are each amended to read
2 as follows:

3 The county treasurer:

4 (1) Shall receive all money due the county and disburse it on
5 warrants issued and attested by the county auditor and electronic funds
6 transfer under RCW 39.58.750 as attested by the county auditor;

7 (2) Shall issue a receipt in duplicate for all money received other
8 than taxes; the treasurer shall deliver immediately to the person
9 making the payment the original receipt and the duplicate shall be
10 retained by the treasurer;

11 (3) Shall affix on the face of all paid warrants the date of
12 redemption or, in the case of proper contract between the treasurer and
13 a qualified public depository, the treasurer may consider the date
14 affixed by the financial institution as the date of redemption;

15 (4) Shall endorse, before the date of issue by the county or by any
16 taxing district for whom the county treasurer acts as treasurer, on the
17 face of all warrants for which there are not sufficient funds for
18 payment, "interest bearing warrant." When there are funds to redeem
19 outstanding warrants, the county treasurer shall give notice:

20 (a) By publication in a legal newspaper published or circulated in
21 the county; or

22 (b) By posting at three public places in the county if there is no
23 such newspaper; or

24 (c) By notification to the financial institution holding the
25 warrant;

26 (5) Shall pay interest on all interest-bearing warrants from the
27 date of issue to the date of notification;

28 (6) Shall maintain financial records reflecting receipts and
29 disbursement by fund in accordance with generally accepted accounting
30 principles;

31 (7) Shall account for and pay all bonded indebtedness for the
32 county and all special districts for which the county treasurer acts as
33 treasurer;

34 (8) Shall invest all funds of the county or any special district in
35 the treasurer's custody, not needed for immediate expenditure, in a
36 manner consistent with appropriate statutes. If cash is needed to
37 redeem warrants issued from any fund in the custody of the treasurer,

1 the treasurer shall liquidate investments in an amount sufficient to
2 cover such warrant redemptions; and

3 (9) May provide certain collection services for county departments.

4 The treasurer, at the expiration of the term of office, shall make
5 a complete settlement with the county legislative authority, and shall
6 deliver to the successor all public money, books, and papers in the
7 treasurer's possession.

8 Money received by all entities for whom the county treasurer serves
9 as treasurer must be deposited within twenty-four hours in an account
10 designated by the county treasurer unless a waiver is granted by the
11 county treasurer in accordance with RCW 43.09.240.

12 Publications required by this section may be in the form of a
13 summary that complies with RCW 36.72.071.

14 **Sec. 13.** RCW 36.32.120 and 2003 c 337 s 6 are each amended to read
15 as follows:

16 The legislative authorities of the several counties shall:

17 (1) Provide for the erection and repairing of court houses, jails,
18 and other necessary public buildings for the use of the county;

19 (2) Lay out, discontinue, or alter county roads and highways within
20 their respective counties, and do all other necessary acts relating
21 thereto according to law, except within cities and towns which have
22 jurisdiction over the roads within their limits;

23 (3) License and fix the rates of ferriage; grant grocery and other
24 licenses authorized by law to be by them granted at fees set by the
25 legislative authorities which shall not exceed the costs of
26 administration and operation of such licensed activities;

27 (4) Fix the amount of county taxes to be assessed according to the
28 provisions of law, and cause the same to be collected as prescribed by
29 law;

30 (5) Allow all accounts legally chargeable against the county not
31 otherwise provided for, and audit the accounts of all officers having
32 the care, management, collection, or disbursement of any money
33 belonging to the county or appropriated to its benefit;

34 (6) Have the care of the county property and the management of the
35 county funds and business and in the name of the county prosecute and
36 defend all actions for and against the county, and such other powers as
37 are or may be conferred by law;

1 (7) Make and enforce, by appropriate resolutions or ordinances, all
2 such police and sanitary regulations as are not in conflict with state
3 law, and within the unincorporated area of the county may adopt by
4 reference Washington state statutes and recognized codes and/or
5 compilations printed in book form relating to the construction of
6 buildings, the installation of plumbing, the installation of electric
7 wiring, health, or other subjects, and may adopt such codes and/or
8 compilations or portions thereof, together with amendments thereto, or
9 additions thereto: PROVIDED, That except for Washington state
10 statutes, there shall be filed in the county auditor's office one copy
11 of such codes and compilations ten days prior to their adoption by
12 reference, and additional copies may also be filed in library or city
13 offices within the county as deemed necessary by the county legislative
14 authority: PROVIDED FURTHER, That no such regulation, code,
15 compilation, and/or statute shall be effective unless before its
16 adoption, a public hearing has been held thereon by the county
17 legislative authority of which at least ten days' notice has been
18 given. Any violation of such regulations, ordinances, codes,
19 compilations, and/or statutes or resolutions shall constitute a
20 misdemeanor or a civil violation subject to a monetary penalty:
21 PROVIDED FURTHER, That violation of a regulation, ordinance, code,
22 compilation, and/or statute relating to traffic including parking,
23 standing, stopping, and pedestrian offenses is a traffic infraction,
24 except that violation of a regulation, ordinance, code, compilation,
25 and/or statute equivalent to those provisions of Title 46 RCW set forth
26 in RCW 46.63.020 remains a misdemeanor. However, the punishment for
27 any criminal ordinance shall be the same as the punishment provided in
28 state law for the same crime and no act that is a state crime may be
29 made a civil violation. The notice must set out a copy of the proposed
30 regulations or summarize the content of each proposed regulation; or if
31 a code is adopted by reference the notice shall set forth the full
32 official title and a statement describing the general purpose of such
33 code. For purposes of this subsection, a summary shall mean a brief
34 description which succinctly describes the main points of the proposed
35 regulation. When the county publishes a summary, the publication shall
36 include a statement that the full text of the proposed regulation will
37 be mailed upon request. An inadvertent mistake or omission in
38 publishing the text or a summary of the content of a proposed

1 regulation shall not render the regulation invalid if it is adopted.
2 The notice shall also include the day, hour, and place of hearing and
3 must be given by publication in the newspaper in which legal notices of
4 the county are printed;

5 (8) Have power to compound and release in whole or in part any debt
6 due to the county when in their opinion the interest of their county
7 will not be prejudiced thereby, except in cases where they or any of
8 them are personally interested;

9 (9) Have power to administer oaths or affirmations necessary in the
10 discharge of their duties and commit for contempt any witness refusing
11 to testify before them with the same power as district judges;

12 (10) Have power to declare by ordinance what shall be deemed a
13 nuisance within the county, including but not limited to "litter" and
14 "potentially dangerous litter" as defined in RCW 70.93.030; to prevent,
15 remove, and abate a nuisance at the expense of the parties creating,
16 causing, or committing the nuisance; and to levy a special assessment
17 on the land or premises on which the nuisance is situated to defray the
18 cost, or to reimburse the county for the cost of abating it. This
19 assessment shall constitute a lien against the property which shall be
20 of equal rank with state, county, and municipal taxes.

21 (11) Publications required by this section may be in the form of a
22 summary that complies with RCW 36.72.071.

23 **Sec. 14.** RCW 36.32.235 and 2009 c 229 s 6 are each amended to read
24 as follows:

25 (1) In each county with a population of four hundred thousand or
26 more which by resolution establishes a county purchasing department,
27 the purchasing department shall enter into leases of personal property
28 on a competitive basis and purchase all supplies, materials, and
29 equipment on a competitive basis, for all departments of the county, as
30 provided in this chapter and chapter 39.04 RCW, except that the county
31 purchasing department is not required to make purchases that are paid
32 from the county road fund or equipment rental and revolving fund.

33 (2) As used in this section, "public works" has the same definition
34 as in RCW 39.04.010.

35 (3) Except as otherwise specified in this chapter or in chapter
36 36.77 RCW, all counties subject to these provisions shall contract on
37 a competitive basis for all public works after bids have been submitted

1 to the county upon specifications therefor. Such specifications shall
2 be in writing and shall be filed with the clerk of the county
3 legislative authority for public inspection.

4 (4) An advertisement shall be published in the county official
5 newspaper stating the time and place where bids will be opened, the
6 time after which bids will not be received, the character of the work
7 to be done, the materials and equipment to be furnished, and that
8 specifications therefor may be seen at the office of the clerk of the
9 county legislative authority. An advertisement shall also be published
10 in a legal newspaper of general circulation in or as near as possible
11 to that part of the county in which such work is to be done. If the
12 county official newspaper is a newspaper of general circulation
13 covering at least forty percent of the residences in that part of the
14 county in which such public works are to be done, then the publication
15 of an advertisement of the applicable specifications in the county
16 official newspaper is sufficient. Such advertisements shall be
17 published at least once at least thirteen days prior to the last date
18 upon which bids will be received.

19 (5) The bids shall be in writing, shall be filed with the clerk,
20 shall be opened and read in public at the time and place named therefor
21 in the advertisements, and after being opened, shall be filed for
22 public inspection. No bid may be considered for public work unless it
23 is accompanied by a bid deposit in the form of a surety bond, postal
24 money order, cash, cashier's check, or certified check in an amount
25 equal to five percent of the amount of the bid proposed.

26 (6) The contract for the public work shall be awarded to the lowest
27 responsible bidder. Any or all bids may be rejected for good cause.
28 The county legislative authority shall require from the successful
29 bidder for such public work a contractor's bond in the amount and with
30 the conditions imposed by law.

31 (7) If the bidder to whom the contract is awarded fails to enter
32 into the contract and furnish the contractor's bond as required within
33 ten days after notice of the award, exclusive of the day of notice, the
34 amount of the bid deposit shall be forfeited to the county and the
35 contract awarded to the next lowest and best bidder. The bid deposit
36 of all unsuccessful bidders shall be returned after the contract is
37 awarded and the required contractor's bond given by the successful
38 bidder is accepted by the county legislative authority. Immediately

1 after the award is made, the bid quotations obtained shall be recorded
2 and open to public inspection and shall be available by telephone
3 inquiry.

4 (8) As limited by subsection (10) of this section, a county subject
5 to these provisions may have public works performed by county employees
6 in any annual or biennial budget period equal to a dollar value not
7 exceeding ten percent of the public works construction budget,
8 including any amount in a supplemental public works construction
9 budget, over the budget period.

10 Whenever a county subject to these provisions has had public works
11 performed in any budget period up to the maximum permitted amount for
12 that budget period, all remaining public works except emergency work
13 under subsection (12) of this section within that budget period shall
14 be done by contract pursuant to public notice and call for competitive
15 bids as specified in subsection (3) of this section. The state auditor
16 shall report to the state treasurer any county subject to these
17 provisions that exceeds this amount and the extent to which the county
18 has or has not reduced the amount of public works it has performed by
19 public employees in subsequent years.

20 (9) If a county subject to these provisions has public works
21 performed by public employees in any budget period that are in excess
22 of this ten percent limitation, the amount in excess of the permitted
23 amount shall be reduced from the otherwise permitted amount of public
24 works that may be performed by public employees for that county in its
25 next budget period. Ten percent of the motor vehicle fuel tax
26 distributions to that county shall be withheld if two years after the
27 year in which the excess amount of work occurred, the county has failed
28 to so reduce the amount of public works that it has performed by public
29 employees. The amount withheld shall be distributed to the county when
30 it has demonstrated in its reports to the state auditor that the amount
31 of public works it has performed by public employees has been reduced
32 as required.

33 (10) In addition to the percentage limitation provided in
34 subsection (8) of this section, counties subject to these provisions
35 containing a population of four hundred thousand or more shall not have
36 public employees perform a public works project in excess of ninety
37 thousand dollars if more than a single craft or trade is involved with
38 the public works project, or a public works project in excess of forty-

1 five thousand dollars if only a single craft or trade is involved with
2 the public works project. A public works project means a complete
3 project. The restrictions in this subsection do not permit the
4 division of the project into units of work or classes of work to avoid
5 the restriction on work that may be performed by public employees on a
6 single project.

7 The cost of a separate public works project shall be the costs of
8 materials, supplies, equipment, and labor on the construction of that
9 project. The value of the public works budget shall be the value of
10 all the separate public works projects within the budget.

11 (11) In addition to the accounting and recordkeeping requirements
12 contained in chapter 39.04 RCW, any county which uses public employees
13 to perform public works projects under RCW 36.32.240(1) shall prepare
14 a year-end report to be submitted to the state auditor indicating the
15 total dollar amount of the county's public works construction budget
16 and the total dollar amount for public works projects performed by
17 public employees for that year.

18 The year-end report submitted pursuant to this subsection to the
19 state auditor shall be in accordance with the standard form required by
20 RCW 43.09.205.

21 (12) Notwithstanding any other provision in this section, counties
22 may use public employees without any limitation for emergency work
23 performed under an emergency declared pursuant to RCW 36.32.270, and
24 any such emergency work shall not be subject to the limitations of this
25 section. Publication of the description and estimate of costs relating
26 to correcting the emergency may be made within seven days after the
27 commencement of the work. Within two weeks of the finding that such an
28 emergency existed, the county legislative authority shall adopt a
29 resolution certifying the damage to public facilities and costs
30 incurred or anticipated relating to correcting the emergency.
31 Additionally this section shall not apply to architectural and
32 engineering or other technical or professional services performed by
33 public employees in connection with a public works project.

34 (13) In lieu of the procedures of subsections (3) through (11) of
35 this section, a county may let contracts using the small works roster
36 process provided in RCW 39.04.155.

37 Whenever possible, the county shall invite at least one proposal

1 from a minority or woman contractor who shall otherwise qualify under
2 this section.

3 (14) The allocation of public works projects to be performed by
4 county employees shall not be subject to a collective bargaining
5 agreement.

6 (15) This section does not apply to performance-based contracts, as
7 defined in RCW 39.35A.020(4), that are negotiated under chapter 39.35A
8 RCW.

9 (16) Nothing in this section prohibits any county from allowing for
10 preferential purchase of products made from recycled materials or
11 products that may be recycled or reused.

12 (17) This section does not apply to contracts between the public
13 stadium authority and a team affiliate under RCW 36.102.060(4), or
14 development agreements between the public stadium authority and a team
15 affiliate under RCW 36.102.060(7) or leases entered into under RCW
16 36.102.060(8).

17 (18) Publications required by this section may be in the form of a
18 summary that complies with RCW 36.72.071.

19 **Sec. 15.** RCW 36.32.245 and 2007 c 88 s 1 are each amended to read
20 as follows:

21 (1) No contract for the purchase of materials, equipment, or
22 supplies may be entered into by the county legislative authority or by
23 any elected or appointed officer of the county until after bids have
24 been submitted to the county. Bid specifications shall be in writing
25 and shall be filed with the clerk of the county legislative authority
26 for public inspection. An advertisement shall be published in the
27 official newspaper of the county stating the time and place where bids
28 will be opened, the time after which bids will not be received, the
29 materials, equipment, supplies, or services to be purchased, and that
30 the specifications may be seen at the office of the clerk of the county
31 legislative authority. The advertisement shall be published at least
32 once at least thirteen days prior to the last date upon which bids will
33 be received.

34 (2) The bids shall be in writing and filed with the clerk. The
35 bids shall be opened and read in public at the time and place named in
36 the advertisement. Contracts requiring competitive bidding under this
37 section may be awarded only to the lowest responsible bidder.

1 Immediately after the award is made, the bid quotations shall be
2 recorded and open to public inspection and shall be available by
3 telephone inquiry. Any or all bids may be rejected for good cause.

4 (3) For advertisement and formal sealed bidding to be dispensed
5 with as to purchases between five thousand and twenty-five thousand
6 dollars, the county legislative authority must use the uniform process
7 to award contracts as provided in RCW 39.04.190. Advertisement and
8 formal sealed bidding may be dispensed with as to purchases of less
9 than five thousand dollars upon the order of the county legislative
10 authority.

11 (4) This section does not apply to performance-based contracts, as
12 defined in RCW 39.35A.020(4), that are negotiated under chapter 39.35A
13 RCW; or contracts and purchases for the printing of election ballots,
14 voting machine labels, and all other election material containing the
15 names of candidates and ballot titles.

16 (5) Nothing in this section shall prohibit the legislative
17 authority of any county from allowing for preferential purchase of
18 products made from recycled materials or products that may be recycled
19 or reused.

20 (6) This section does not apply to contracting for public defender
21 services by a county.

22 (7) Publications required by this section may be in the form of a
23 summary that complies with RCW 36.72.071.

24 **Sec. 16.** RCW 36.32.250 and 2009 c 229 s 8 are each amended to read
25 as follows:

26 No contract for public works may be entered into by the county
27 legislative authority or by any elected or appointed officer of the
28 county until after bids have been submitted to the county upon
29 specifications therefor. Such specifications shall be in writing and
30 shall be filed with the clerk of the county legislative authority for
31 public inspection. An advertisement shall be published in the county
32 official newspaper stating the time and place where bids will be
33 opened, the time after which bids will not be received, the character
34 of the work to be done, the materials and equipment to be furnished,
35 and that specifications therefor may be seen at the office of the clerk
36 of the county legislative authority. An advertisement shall also be
37 published in a legal newspaper of general circulation in or as near as

1 possible to that part of the county in which such work is to be done.
2 If the county official newspaper is a newspaper of general circulation
3 covering at least forty percent of the residences in that part of the
4 county in which such public works are to be done, then the publication
5 of an advertisement of the applicable specifications in the county
6 official newspaper shall be sufficient. Such advertisements shall be
7 published at least once at least thirteen days prior to the last date
8 upon which bids will be received. The bids shall be in writing, shall
9 be filed with the clerk, shall be opened and read in public at the time
10 and place named therefor in the advertisements, and after being opened,
11 shall be filed for public inspection. No bid may be considered for
12 public work unless it is accompanied by a bid deposit in the form of a
13 surety bond, postal money order, cash, cashier's check, or certified
14 check in an amount equal to five percent of the amount of the bid
15 proposed. The contract for the public work shall be awarded to the
16 lowest responsible bidder. Any or all bids may be rejected for good
17 cause. The county legislative authority shall require from the
18 successful bidder for such public work a contractor's bond in the
19 amount and with the conditions imposed by law. If the bidder to whom
20 the contract is awarded fails to enter into the contract and furnish
21 the contractor's bond as required within ten days after notice of the
22 award, exclusive of the day of notice, the amount of the bid deposit
23 shall be forfeited to the county and the contract awarded to the next
24 lowest and best bidder. A low bidder who claims error and fails to
25 enter into a contract is prohibited from bidding on the same project if
26 a second or subsequent call for bids is made for the project. The bid
27 deposit of all unsuccessful bidders shall be returned after the
28 contract is awarded and the required contractor's bond given by the
29 successful bidder is accepted by the county legislative authority. In
30 the letting of any contract for public works involving less than forty
31 thousand dollars, advertisement and competitive bidding may be
32 dispensed with on order of the county legislative authority.
33 Immediately after the award is made, the bid quotations obtained shall
34 be recorded and open to public inspection and shall be available by
35 telephone inquiry.

36 As an alternative to requirements under this section, a county may
37 let contracts using the small works roster process under RCW 39.04.155.

1 This section does not apply to performance-based contracts, as
2 defined in RCW 39.35A.020(4), that are negotiated under chapter 39.35A
3 RCW.

4 Publications required by this section may be in the form of a
5 summary that complies with RCW 36.72.071.

6 **Sec. 17.** RCW 36.34.020 and 1991 c 363 s 66 are each amended to
7 read as follows:

8 Whenever the county legislative authority desires to dispose of any
9 county property except:

10 (1) When selling to a governmental agency;

11 (2) When personal property to be disposed of is to be traded in
12 upon the purchase of a like article;

13 (3) When the value of the property to be sold is less than two
14 thousand five hundred dollars;

15 (4) When the county legislative authority by a resolution setting
16 forth the facts has declared an emergency to exist;
17 it shall publish notice of its intention so to do once each week during
18 two successive weeks in a legal newspaper of general circulation in the
19 county.

20 Publications required by this section may be in the form of a
21 summary that complies with RCW 36.72.071.

22 **Sec. 18.** RCW 36.34.090 and 1997 c 393 s 5 are each amended to read
23 as follows:

24 Whenever county property is to be sold at public auction,
25 consignment auction, or sealed bid, the county treasurer or the county
26 treasurer's designee shall publish notice thereof once during each of
27 two successive calendar weeks in a newspaper of general circulation in
28 the county. Notice thereof must also be posted in a conspicuous place
29 in the courthouse. The posting and date of first publication must be
30 at least ten days before the day fixed for the sale.

31 Publications required by this section may be in the form of a
32 summary that complies with RCW 36.72.071.

33 **Sec. 19.** RCW 36.34.160 and 1963 c 4 s 36.34.160 are each amended
34 to read as follows:

35 When, in the judgment of the board of county commissioners, it is

1 found desirable to lease the land applied for, it shall first give
2 notice of its intention to make such lease by publishing a notice in a
3 legal newspaper at least once a week for the term of three weeks, and
4 shall also post a notice of such intention in a conspicuous place in
5 the courthouse for the same length of time. The notice so published
6 and posted shall designate and describe the property which is proposed
7 to be leased, together with the improvements thereon and appurtenances
8 thereto, and shall contain a notice that the board of county
9 commissioners will meet at the county courthouse on a day and at an
10 hour designated in the notice, for the purpose of leasing the property
11 which day and hour shall be at a time not more than a week after the
12 expiration of the time required for the publication of the notice.

13 Publications required by this section may be in the form of a
14 summary that complies with RCW 36.72.071.

15 **Sec. 20.** RCW 36.34.170 and 1963 c 4 s 36.34.170 are each amended
16 to read as follows:

17 Any person may appear at the meeting of the county commissioners or
18 any adjourned meeting thereof, and make objection to the leasing of the
19 property, which objection shall be stated in writing. In passing upon
20 objections the board of county commissioners shall, in writing, briefly
21 give its reasons for accepting or rejecting the same, and such
22 objections, and the reasons for accepting or refusing the application,
23 shall be published by the board in the next subsequent weekly issue of
24 the newspaper in which the notice of hearing was published.

25 Publications required by this section may be in the form of a
26 summary that complies with RCW 36.72.071.

27 **Sec. 21.** RCW 36.35.120 and 2001 c 299 s 10 are each amended to
28 read as follows:

29 Real property acquired by any county of this state by foreclosure
30 of delinquent taxes may be sold by order of the county legislative
31 authority of the county when in the judgment of the county legislative
32 authority it is deemed in the best interests of the county to sell the
33 real property.

34 When the legislative authority desires to sell any such property it
35 may, if deemed advantageous to the county, combine any or all of the
36 several lots and tracts of such property in one or more units, and may

1 reserve from sale coal, oil, gas, gravel, minerals, ores, fossils,
2 timber, or other resources on or in the lands, and the right to mine
3 for and remove the same, and it shall then enter an order on its
4 records fixing the unit or units in which the property shall be sold
5 and the minimum price for each of such units, and whether the sale will
6 be for cash or whether a contract will be offered, and reserving from
7 sale such of the resources as it may determine and from which units
8 such reservations shall apply, and directing the county treasurer to
9 sell such property in the unit or units and at not less than the price
10 or prices and subject to such reservations so fixed by the county
11 legislative authority. The order shall be subject to the approval of
12 the county treasurer if several lots or tracts of land are combined in
13 one unit.

14 Except in cases where the sale is to be by direct negotiation as
15 provided in RCW 36.35.150, it shall be the duty of the county treasurer
16 upon receipt of such order to publish once a week for three consecutive
17 weeks a notice of the sale of such property in a newspaper of general
18 circulation in the county where the land is situated. The notice shall
19 describe the property to be sold, the unit or units, the reservations,
20 and the minimum price fixed in the order, together with the time and
21 place and terms of sale, in the same manner as foreclosure sales as
22 provided by RCW 84.64.080.

23 The person making the bid shall state whether he or she will pay
24 cash for the amount of his or her bid or accept a real estate contract
25 of purchase in accordance with the provisions hereinafter contained.
26 The person making the highest bid shall become the purchaser of the
27 property. If the highest bidder is a contract bidder the purchaser
28 shall be required to pay thirty percent of the total purchase price at
29 the time of the sale and shall enter into a contract with the county as
30 vendor and the purchaser as vendee which shall obligate and require the
31 purchaser to pay the balance of the purchase price in ten equal annual
32 installments commencing November 1st and each year following the date
33 of the sale, and shall require the purchaser to pay twelve percent
34 interest on all deferred payments, interest to be paid at the time the
35 annual installment is due; and may contain a provision authorizing the
36 purchaser to make payment in full at any time of any balance due on the
37 total purchase price plus accrued interest on such balance. The
38 contract shall contain a provision requiring the purchaser to pay

1 before delinquency all subsequent taxes and assessments that may be
2 levied or assessed against the property subsequent to the date of the
3 contract, and shall contain a provision that time is of the essence of
4 the contract and that in event of a failure of the vendee to make
5 payments at the time and in the manner required and to keep and perform
6 the covenants and conditions therein required of him or her that the
7 contract may be forfeited and terminated at the election of the vendor,
8 and that in event of the election all sums theretofore paid by the
9 vendee shall be forfeited as liquidated damages for failure to comply
10 with the provisions of the contract; and shall require the vendor to
11 execute and deliver to the vendee a deed of conveyance covering the
12 property upon the payment in full of the purchase price, plus accrued
13 interest.

14 The county legislative authority may, by order entered in its
15 records, direct the coal, oil, gas, gravel, minerals, ores, timber, or
16 other resources sold apart from the land, such sale to be conducted in
17 the manner hereinabove prescribed for the sale of the land. Any such
18 reserved minerals or resources not exceeding two hundred dollars in
19 value may be sold, when the county legislative authority deems it
20 advisable, either with or without such publication of the notice of
21 sale, and in such manner as the county legislative authority may
22 determine will be most beneficial to the county.

23 Publications required by this section may be in the form of a
24 summary that complies with RCW 36.72.071.

25 **Sec. 22.** RCW 36.35.180 and 2009 c 549 s 4075 are each amended to
26 read as follows:

27 Upon filing a copy of the summons and notice in the office of the
28 county clerk, service thereof as against every interest in and claim
29 against any and every part of the property described in such summons
30 and notice, and every person, firm, or corporation, except one who is
31 in the actual, open and notorious possession of any of the properties,
32 shall be had by publication in the official county newspaper for six
33 consecutive weeks; and no affidavit for publication of such summons and
34 notice shall be required. In case special assessments imposed by a
35 city or town against any of the real property described in the summons
36 and notice remain outstanding, a copy of the same shall be served on

1 the treasurer of the city or town within which such real property is
2 situated within five days after such summons and notice is filed.

3 The summons and notice in such action shall contain the title of
4 the court; specify in general terms the years for which the taxes were
5 levied and the amount of the taxes and the costs for which each tract
6 of land was sold; give the legal description of each tract of land
7 involved, and the tax record owner thereof during the years in which
8 the taxes for which the property was sold were levied; state that the
9 purpose of the action is to foreclose all adverse claims of every
10 nature in and to the property described, and to have the title of
11 existing liens and claims of every nature against the described real
12 property, except that of the county, forever barred.

13 The summons and notice shall also summon all persons, firms and
14 corporations claiming any right, title and interest in and to the
15 described real property to appear within sixty days after the date of
16 the first publication, specifying the day and year, and state in
17 writing what right, title and interest they have or claim to have in
18 and to the property described, and file the same with the clerk of the
19 court above named; and shall notify them that in case of their failure
20 so to do, judgment will be rendered determining that the title to the
21 real property is in the county free from all existing adverse
22 interests, rights or claims whatsoever: PROVIDED, That in case any of
23 the lands involved is in the actual, open and notorious possession of
24 anyone at the time the summons and notice is filed, as herein provided,
25 a copy of the same modified as herein specified shall be served
26 personally upon such person in the same manner as summons is served in
27 civil actions generally. The summons shall be substantially in the
28 form above outlined, except that in lieu of the statement relative to
29 the date and day of publication it shall require the person served to
30 appear within twenty days after the day of service, exclusive of the
31 date of service, and that the day of service need not be specified
32 therein, and except further that the recitals regarding the amount of
33 the taxes and costs and the years the same were levied, the legal
34 description of the land and the tax record owner thereof may be omitted
35 except as to the land occupied by the persons served.

36 Every summons and notice provided for in RCW 36.35.160 through
37 36.35.270 shall be subscribed by the prosecuting attorney of the

1 county, or by any successor or assign of the county or his or her
2 attorney, as the case may be, followed by the post office address of
3 the successor or assign.

4 Publications required by this section may be in the form of a
5 summary that complies with RCW 36.72.071.

6 **Sec. 23.** RCW 36.36.020 and 1985 c 425 s 2 are each amended to read
7 as follows:

8 The county legislative authority of a county may create one or more
9 aquifer protection areas for the purpose of funding the protection,
10 preservation, and rehabilitation of subterranean water.

11 When a county legislative authority proposes to create an aquifer
12 protection area it shall conduct a public hearing on the proposal.
13 Notice of the public hearing shall be published at least once, not less
14 than ten days prior to the hearing, in a newspaper of general
15 circulation within the proposed aquifer protection area. The public
16 hearing may be continued to other times, dates, and places announced at
17 the public hearing, without publication of the notice. At the public
18 hearing, the county legislative authority shall hear objections and
19 comments from anyone interested in the proposed aquifer protection
20 area.

21 After the public hearing, the county legislative authority may
22 adopt a resolution causing a ballot proposition to be submitted to the
23 registered voters residing within the proposed aquifer protection area
24 to authorize the creation of the aquifer protection area, if the county
25 legislative authority finds that the creation of the aquifer protection
26 area would be in the public interest. The resolution shall: (1)
27 Describe the boundaries of the proposed aquifer protection area; (2)
28 find that its creation is in the public interest; (3) state the maximum
29 level of fees for the withdrawal of water, or on-site sewage disposal,
30 occurring in the aquifer protection area, or both; and (4) describe the
31 uses for the fees.

32 An aquifer protection area shall be created by ordinances of the
33 county if the voters residing in the proposed aquifer protection area
34 approve the ballot proposition by a simple majority vote. The ballot
35 proposition shall be in substantially the following form:

36 "Shall the . . . (insert the name) aquifer protection area be
37 created and authorized to impose monthly fees on . . . (insert

1 "the withdrawal of water" or "on-site sewage disposal") of not
2 to exceed . . . (insert a dollar amount) per household unit for
3 up to . . . (insert a number of years) to finance . . . (insert
4 the type of activities proposed to be financed)?

5 Yes
6 No"

7 If both types of monthly fees are proposed to be imposed, maximum rates
8 for each shall be included in the ballot proposition.

9 An aquifer protection area may not include territory located within
10 a city or town without the approval of the city or town governing body,
11 nor may it include territory located in the unincorporated area of
12 another county without the approval of the county legislative authority
13 of that county.

14 Publications required by this section may be in the form of a
15 summary that complies with RCW 36.72.071.

16 **Sec. 24.** RCW 36.38.030 and 1963 c 4 s 36.38.030 are each amended
17 to read as follows:

18 The ordinance levying and fixing the tax shall be headed by a title
19 expressing the subject thereof, and the style of the ordinance shall
20 be: "Be it ordained by the Board of County Commissioners of
21 County, State of Washington." The ordinance shall be
22 enacted by a majority vote of the board at a regular meeting thereof,
23 and only after the form of such ordinance as ultimately enacted has
24 been on file with the clerk of the board and open to public inspection
25 for not less than ten days. The ordinance shall not become effective
26 until thirty days following its enactment, and within five days
27 following its enactment it shall be printed and published in a
28 newspaper of general circulation in the county. The ordinance shall be
29 signed by a majority of the board, attested by the clerk of the board,
30 and shall be duly entered and recorded in the book wherein orders of
31 the board are entered and recorded. The ordinance may be at any time
32 amended or repealed by an ordinance enacted, published, and recorded in
33 the same manner.

34 Publications required by this section may be in the form of a
35 summary that complies with RCW 36.72.071.

1 **Sec. 25.** RCW 36.40.060 and 1985 c 469 s 47 are each amended to
2 read as follows:

3 The county legislative authority shall then publish a notice
4 stating that it has completed and placed on file its preliminary budget
5 for the county for the ensuing fiscal year, a copy of which will be
6 furnished any citizen who will call at its office for it, and that it
7 will meet on the first Monday in October thereafter for the purpose of
8 fixing the final budget and making tax levies, designating the time and
9 place of the meeting, and that any taxpayer may appear thereat and be
10 heard for or against any part of the budget. The notice shall be
11 published once each week for two consecutive weeks immediately
12 following adoption of the preliminary budget in the official newspaper
13 of the county. The county legislative authority shall provide a
14 sufficient number of copies of the detailed and comparative preliminary
15 budget to meet the reasonable demands of taxpayers therefor and the
16 same shall be available for distribution not later than two weeks
17 immediately preceding the first Monday in October.

18 Publications required by this section may be in the form of a
19 summary that complies with RCW 36.72.071.

20 **Sec. 26.** RCW 36.40.100 and 1985 c 469 s 48 are each amended to
21 read as follows:

22 The estimates of expenditures itemized and classified as required
23 in RCW 36.40.040 and as finally fixed and adopted in detail by the
24 board of county commissioners shall constitute the appropriations for
25 the county for the ensuing fiscal year; and every county official shall
26 be limited in the making of expenditures or the incurring of
27 liabilities to the amount of the detailed appropriation items or
28 classes respectively: PROVIDED, That upon a resolution formally
29 adopted by the board at a regular or special meeting and entered upon
30 the minutes, transfers or revisions within departments, or supplemental
31 appropriations to the budget from unanticipated federal or state funds
32 may be made: PROVIDED FURTHER, That the board shall publish notice of
33 the time and date of the meeting at which the supplemental
34 appropriations resolution will be adopted, and the amount of the
35 appropriation, once each week, for two consecutive weeks prior to the
36 meeting in the official newspaper of the county.

1 Publications required by this section may be in the form of a
2 summary that complies with RCW 36.72.071.

3 **Sec. 27.** RCW 36.40.140 and 1969 ex.s. c 185 s 3 are each amended
4 to read as follows:

5 When a public emergency, other than such as are specifically
6 described in RCW 36.40.180, and which could not reasonably have been
7 foreseen at the time of making the budget, requires the expenditure of
8 money not provided for in the budget, the board of county commissioners
9 by majority vote of the commissioners at any meeting the time and place
10 of which all the commissioners have had reasonable notice, shall adopt
11 and enter upon its minutes a resolution stating the facts constituting
12 the emergency and the estimated amount of money required to meet it,
13 and shall publish the same, together with a notice that a public
14 hearing thereon will be held at the time and place designated therein,
15 which shall not be less than one week after the date of publication, at
16 which any taxpayer may appear and be heard for or against the
17 expenditure of money for the alleged emergency. The resolution and
18 notice shall be published once in the official county newspaper, or if
19 there is none, in a legal newspaper in the county. Upon the conclusion
20 of the hearing, if the board of county commissioners approves it, an
21 order shall be made and entered upon its official minutes by a majority
22 vote of all the members of the board setting forth the facts
23 constituting the emergency, together with the amount of expenditure
24 authorized, which order, so entered, shall be lawful authorization to
25 expend said amount for such purpose unless a review is applied for
26 within five days thereafter.

27 Publications required by this section may be in the form of a
28 summary that complies with RCW 36.72.071.

29 **Sec. 28.** RCW 36.55.040 and 1985 c 469 s 49 are each amended to
30 read as follows:

31 On application being made to the county legislative authority for
32 franchise, it shall fix a time and place for hearing the same, and
33 shall cause the county auditor to give public notice thereof at the
34 expense of the applicant, by posting notices in three public places in
35 the county seat of the county at least fifteen days before the day
36 fixed for the hearing. The county legislative authority shall also

1 publish a like notice two times in the official newspaper of the
2 county, the last publication to be not less than five days before the
3 day fixed for the hearing. The notice shall state the name or names of
4 the applicant or applicants, a description of the county roads by
5 reference to section, township and range in which the county roads or
6 portions thereof are physically located, to be included in the
7 franchise for which the application is made, and the time and place
8 fixed for the hearing.

9 Publications required by this section may be in the form of a
10 summary that complies with RCW 36.72.071.

11 **Sec. 29.** RCW 36.58.090 and 1992 c 131 s 4 are each amended to read
12 as follows:

13 (1) Notwithstanding the provisions of any county charter or any law
14 to the contrary, and in addition to any other authority provided by
15 law, the legislative authority of a county may contract with one or
16 more vendors for one or more of the design, construction, or operation
17 of, or other service related to, the solid waste handling systems,
18 plants, sites, or other facilities in accordance with the procedures
19 set forth in this section. When a contract for design services is
20 entered into separately from other services permitted under this
21 section, procurement shall be in accord with chapter 39.80 RCW. For
22 the purpose of this chapter, the term "legislative authority" shall
23 mean the board of county commissioners or, in the case of a home rule
24 charter county, the official, officials, or public body designated by
25 the charter to perform the functions authorized therein.

26 (2) If the legislative authority of the county decides to proceed
27 with the consideration of qualifications or proposals for services from
28 vendors, the county shall publish notice of its requirements and
29 request submission of qualifications statements or proposals. The
30 notice shall be published in the official newspaper of the county at
31 least once a week for two weeks not less than sixty days before the
32 final date for the submission of qualifications statements or
33 proposals. The notice shall state in summary form (a) the general
34 scope and nature of the design, construction, operation, or other
35 service, (b) the name and address of a representative of the county who
36 can provide further details, (c) the final date for the submission of
37 qualifications statements or proposals, (d) an estimated schedule for

1 the consideration of qualifications, the selection of vendors, and the
2 negotiation of a contract or contracts for services, (e) the location
3 at which a copy of any request for qualifications or request for
4 proposals will be made available, and (f) the criteria established by
5 the legislative authority to select a vendor or vendors, which may
6 include but shall not be limited to the vendor's prior experience,
7 including design, construction, or operation of other similar
8 facilities; respondent's management capability, schedule availability
9 and financial resources; cost of the services, nature of facility
10 design proposed by the vendor; system reliability; performance
11 standards required for the facilities; compatibility with existing
12 service facilities operated by the public body or other providers of
13 service to the public; project performance guarantees; penalty and
14 other enforcement provisions; environmental protection measures to be
15 used; consistency with the applicable comprehensive solid waste
16 management plan; and allocation of project risks.

17 (3) If the legislative authority of the county decides to proceed
18 with the consideration of qualifications or proposals, it may designate
19 a representative to evaluate the vendors who submitted qualifications
20 statements or proposals and conduct discussions regarding
21 qualifications or proposals with one or more vendors. The legislative
22 authority or representative may request submission of qualifications
23 statements and may later request more detailed proposals from one or
24 more vendors who have submitted qualifications statements, or the
25 representative may request detailed proposals without having first
26 received and evaluated qualifications statements. The representative
27 shall evaluate the qualifications or proposals, as applicable. If two
28 or more vendors submit qualifications or proposals that meet the
29 criteria established by the legislative authority of the county,
30 discussions and interviews shall be held with at least two vendors.
31 Any revisions to a request for qualifications or request for proposals
32 shall be made available to all vendors then under consideration by the
33 city or town and shall be made available to any other person who has
34 requested receipt of that information.

35 (4) Based on criteria established by the legislative authority of
36 the county, the representative shall recommend to the legislative
37 authority a vendor or vendors that are initially determined to be the
38 best qualified to provide one or more of the design, construction, or

1 operation of, or other service related to, the proposed project or
2 services. The legislative authority may select one or more qualified
3 vendors for one or more of the design, construction, or operation of,
4 or other service related to, the proposed project or services.

5 (5) The legislative authority or its representative may attempt to
6 negotiate a contract with the vendor or vendors selected for one or
7 more of the design, construction, or operation of, or other service
8 related to, the proposed project or services on terms that the
9 legislative authority determines to be fair and reasonable and in the
10 best interest of the county. If the legislative authority or its
11 representative is unable to negotiate such a contract with any one or
12 more of the vendors first selected on terms that it determines to be
13 fair and reasonable and in the best interest of the county,
14 negotiations with any one or more of the vendors shall be terminated or
15 suspended and another qualified vendor or vendors may be selected in
16 accordance with the procedures set forth in this section. If the
17 legislative authority decides to continue the process of selection,
18 negotiations shall continue with a qualified vendor or vendors in
19 accordance with this section at the sole discretion of the legislative
20 authority until an agreement is reached with one or more qualified
21 vendors, or the process is terminated by the legislative authority.
22 The process may be repeated until an agreement is reached.

23 (6) Prior to entering into a contract with a vendor, the
24 legislative authority of the county shall make written findings, after
25 holding a public hearing on the proposal, that it is in the public
26 interest to enter into the contract, that the contract is financially
27 sound, and that it is advantageous for the county to use this method
28 for awarding contracts compared to other methods.

29 (7) Each contract shall include a project performance bond or bonds
30 or other security by the vendor that in the judgment of the legislative
31 authority of the county is sufficient to secure adequate performance by
32 the vendor.

33 (8) The provisions of chapters 39.12(~~(7)~~) and 39.19(~~(7) and 39.25~~)
34 RCW shall apply to a contract entered into under this section to the
35 same extent as if the systems and plants were owned by a public body.

36 (9) The vendor selection process permitted by this section shall be
37 supplemental to and shall not be construed as a repeal of or limitation
38 on any other authority granted by law.

1 (10) The alternative selection process provided by this section may
2 not be used in the selection of a person or entity to construct a
3 publicly owned facility for the storage or transfer of solid waste or
4 solid waste handling equipment unless the facility is either (a)
5 privately operated pursuant to a contract greater than five years, or
6 (b) an integral part of a solid waste processing facility located on
7 the same site. Instead, the applicable provisions of RCW 36.32.250 and
8 chapters 39.04 and 39.30 RCW shall be followed.

9 (11) Publications required by this section may be in the form of a
10 summary that complies with RCW 36.72.071.

11 **Sec. 30.** RCW 36.58.110 and 1982 c 175 s 2 are each amended to read
12 as follows:

13 A county legislative authority proposing to establish a solid waste
14 disposal district or to modify or dissolve an existing solid waste
15 disposal district shall conduct a hearing at the time and place
16 specified in a notice published at least once not less than ten days
17 prior to the hearing in a newspaper of general circulation within the
18 proposed solid waste disposal district. This notice shall be in
19 addition to any other notice required by law to be published.
20 Additional notice of such hearing may be given by mail, posting within
21 the proposed solid waste disposal district, or in any manner local
22 authorities deem necessary to notify affected persons. All hearings
23 shall be public and the county legislative authority shall hear
24 objections from any person affected by the formation, modification, or
25 dissolution of the solid waste disposal district and make such changes
26 in the boundaries of the district or any other modifications that the
27 county legislative authority deems necessary.

28 Publications required by this section may be in the form of a
29 summary that complies with RCW 36.72.071.

30 **Sec. 31.** RCW 36.58A.020 and 1971 ex.s. c 293 s 3 are each amended
31 to read as follows:

32 The county legislative authority proposing to establish a solid
33 waste collection district or to modify or dissolve an existing solid
34 waste collection district shall conduct a hearing at the time and place
35 specified in a notice published at least once not less than ten days
36 prior to the hearing in a newspaper of general circulation within the

1 county. Additional notice of such hearing may be given by mail,
2 posting on the property, or in any manner local authorities deem
3 necessary to notify adjacent landowners and the public. All hearings
4 shall be public and the legislative authority shall hear objections
5 from any person affected by the formation of the solid waste collection
6 district and make such changes in the boundaries of the district or any
7 other modifications of plans that the legislative authority deems
8 necessary.

9 Publications required by this section may be in the form of a
10 summary that complies with RCW 36.72.071.

11 **Sec. 32.** RCW 36.60.020 and 1983 c 303 s 9 are each amended to read
12 as follows:

13 (1) A county legislative authority proposing to establish a county
14 rail district, or to modify the boundaries of an existing county rail
15 district, or to dissolve an existing county rail district, shall
16 conduct a hearing at the time and place specified in a notice published
17 at least once, not less than ten days prior to the hearing, in a
18 newspaper of general circulation within the proposed county rail
19 district. This notice shall be in addition to any other notice
20 required by law to be published. Additional notice of the hearing may
21 be given by mail, posting within the proposed county rail district, or
22 in any manner the county legislative authority deems necessary to
23 notify affected persons. All hearings shall be public and the county
24 legislative authority shall hear objections from any person affected by
25 the formation, modification of the boundaries, or dissolution of the
26 county rail district.

27 (2) Following the hearing held under subsection (1) of this
28 section, the county legislative authority may adopt a resolution
29 providing for the submission of a proposal to establish a county rail
30 district, modify the boundaries of an existing county rail district, or
31 dissolve an existing county rail district, if the county legislative
32 authority finds the proposal to be in the public interest. The
33 resolution shall contain the boundaries of the district if applicable.

34 (3) A proposition to create a county rail district, modify the
35 boundaries of an existing county rail district, or dissolve an existing
36 rail district shall be submitted to the affected voters at the next
37 general election held sixty or more days after the adoption of the

1 resolution providing for the submittal by the county legislative
2 authority. The resolution shall establish the boundaries of the
3 district and include a finding that the creation of the district is in
4 the public interest and that the area included within the district can
5 reasonably be expected to benefit from its creation. No portion of a
6 city may be included in such a district unless the entire city is
7 included.

8 (4) The district shall be created upon approval of the proposition
9 by simple majority vote. The ballot proposition submitted to the
10 voters shall be in substantially the following form:

11 FORMATION OF COUNTY RAIL DISTRICT

12 Shall a county rail district be established for the area described in
13 a resolution of the legislative authority of county,
14 adopted on the day of, ((19)) 20. . . ?

15 Yes

16 No

17 (5) Publications required by this section may be in the form of a
18 summary that complies with RCW 36.72.071.

19 **Sec. 33.** RCW 36.60.120 and 1986 c 26 s 3 are each amended to read
20 as follows:

21 If a petition to establish, modify the boundaries, or dissolve a
22 county rail district is filed with the county legislative authority
23 that complies with the requirements specified in RCW 36.60.110, the
24 legislative authority may accept the petition, fix a date for a public
25 hearing, and publish notice of the hearing in one issue of the official
26 county newspaper. The notice shall also be posted in three public
27 places within the area proposed for establishment, modification, or
28 dissolution, and shall specify the time and place of hearing. The
29 expense of publication and posting of the notice shall be paid by the
30 signers of the petition.

31 Publications required by this section may be in the form of a
32 summary that complies with RCW 36.72.071.

33 **Sec. 34.** RCW 36.61.040 and 2008 c 301 s 6 are each amended to read
34 as follows:

35 Notice of the public hearing shall be published in at least two

1 consecutive issues of a newspaper of general circulation in the
2 proposed lake or beach management district, the date of the first
3 publication to be at least fifteen days prior to the date fixed for the
4 public hearing by the resolution of intention. Notice of the public
5 hearing shall also be given to the owner or reputed owner of any lot,
6 tract, parcel of land, or other property within the proposed lake or
7 beach management district by mailing the notice at least fifteen days
8 before the date fixed for the public hearing to the owner or reputed
9 owner of the property as shown on the tax rolls of the county assessor
10 at the address shown thereon. Notice of the public hearing shall also
11 be mailed to the departments of fish and wildlife, natural resources,
12 and ecology at least fifteen days before the date fixed for the public
13 hearing.

14 Notices of the public hearing shall: (1) Refer to the resolution
15 of intention; (2) designate the proposed lake or beach management
16 district by number; (3) set forth a proposed plan describing: (a) The
17 nature of the proposed lake or beach improvement or maintenance
18 activities; (b) the amount of special assessments or rates and charges
19 proposed to be raised by the lake or beach management district; (c) if
20 special assessments are proposed to be imposed, whether the special
21 assessments will be imposed annually for the duration of the lake or
22 beach management district, or the full special assessments will be
23 payable at one time, with the possibility of periodic installments
24 being paid and lake or beach management bonds being issued, or both;
25 (d) if rates and charges are proposed to be imposed, the annual amount
26 of revenue proposed to be collected and whether revenue bonds payable
27 from the rates and charges are proposed to be issued; and (e) the
28 proposed duration of the lake or beach management district; and (4)
29 indicate the date, time, and place of the public hearing designated in
30 the resolution of intention.

31 In the case of the notice sent to each owner or reputed owner by
32 mail, the notice shall set forth the estimated amount of the cost of
33 the lake or beach improvement or maintenance activities to be borne by
34 special assessment, or annual special assessments, or rates and charges
35 on the lot, tract, parcel of land, or other property owned by the owner
36 or reputed owner.

37 If the county legislative authority has designated a committee of
38 itself or an officer to hear complaints and make recommendations to the

1 full county legislative authority, as provided in RCW 36.61.060, the
2 notice shall also describe this additional step before the full county
3 legislative authority may adopt a resolution creating the lake or beach
4 management district.

5 Publications required by this section may be in the form of a
6 summary that complies with RCW 36.72.071.

7 **Sec. 35.** RCW 36.61.100 and 2008 c 301 s 12 are each amended to
8 read as follows:

9 If the proposal receives a simple majority vote in favor of
10 creating the lake or beach management district, the county legislative
11 authority shall adopt an ordinance creating the lake or beach
12 management district and may proceed with establishing the special
13 assessments or rates and charges, collecting the special assessments or
14 rates and charges, and performing the lake or beach improvement or
15 maintenance activities. If a proposed lake management district
16 includes more than one lake and its adjacent areas, the lake management
17 district may only be established if the proposal receives a simple
18 majority vote in favor of creating it by the voters on each lake and
19 its adjacent areas. The county legislative authority shall publish a
20 notice in a newspaper of general circulation in a lake or beach
21 management district indicating that such an ordinance has been adopted
22 within ten days of the adoption of the ordinance.

23 The ballots shall be available for public inspection after they are
24 counted.

25 Publications required by this section may be in the form of a
26 summary that complies with RCW 36.72.071.

27 **Sec. 36.** RCW 36.61.190 and 2008 c 301 s 19 are each amended to
28 read as follows:

29 Special assessments and installments on any special assessment
30 shall be collected by the county treasurer.

31 The county treasurer shall publish a notice indicating that the
32 special assessment roll has been confirmed and that the special
33 assessments are to be collected. The notice shall indicate the
34 duration of the lake or beach management district and shall describe
35 whether the special assessments will be paid in annual payments for the
36 duration of the lake or beach management district, or whether the full

1 special assessments will be payable at one time, with the possibility
2 of periodic installments being paid and lake or beach management bonds
3 being issued, or both.

4 If the special assessments are to be payable at one time, the
5 notice additionally shall indicate that all or any portion of the
6 special assessments may be paid within thirty days from the date of
7 publication of the first notice without penalty or interest. This
8 notice shall be published in a newspaper of general circulation in the
9 lake or beach management district.

10 Within ten days of the first newspaper publication, the county
11 treasurer shall notify each owner or reputed owner of property whose
12 name appears on the special assessment roll, at the address shown on
13 the special assessment roll, for each item of property described on the
14 list: (1) Whether one special assessment payable at one time or
15 special assessments payable annually have been imposed; (2) the amount
16 of the property subject to the special assessment or annual special
17 assessments; and (3) the total amount of the special assessment due at
18 one time, or annual amount of special assessments due. If the special
19 assessment is due at one time, the notice shall also describe the
20 thirty-day period during which the special assessment may be paid
21 without penalty, interest, or cost.

22 Publications required by this section may be in the form of a
23 summary that complies with RCW 36.72.071.

24 **Sec. 37.** RCW 36.68.440 and 1981 c 210 s 4 are each amended to read
25 as follows:

26 Upon accepting a petition to form a park and recreation service
27 area, or upon passage of a resolution to establish such a service area,
28 the county legislative authority shall order a full investigation for
29 the purpose or purposes of the proposed service area to determine the
30 feasibility of forming the same and to determine the estimated initial
31 costs involved in obtaining the objectives set forth in the petition or
32 resolution. The reports on the feasibility and the cost of the
33 proposed service area shall be made available to the county legislative
34 authority, and copies of such reports shall be filed with the clerk of
35 the county legislative authority not more than eighty days after the
36 county legislative authority first directs that the studies and reports
37 be undertaken. The county legislative authority shall also provide by

1 resolution that within twenty days after receiving the reports a public
2 hearing shall be held at the county seat or at some convenient location
3 within the proposed service area. At least five days before the
4 hearing, the county legislative authority shall give notice of the
5 hearing not less than twice in a legal newspaper of general circulation
6 in the county. The notice shall describe the boundaries of the
7 proposed service area, the purpose or purposes of the proposed service
8 area, the estimated initial costs, indicate that the reports and other
9 materials prepared at the order of the county legislative authority are
10 available in the office of the clerk of the county legislative
11 authority for the study and review of any interested party, and set the
12 time, date and place of the hearing.

13 Publications required by this section may be in the form of a
14 summary that complies with RCW 36.72.071.

15 **Sec. 38.** RCW 36.68.470 and 1981 c 210 s 6 are each amended to read
16 as follows:

17 (1) Upon making findings under the provisions of RCW 36.68.460, the
18 county legislative authority shall, by resolution, order an election of
19 the voters of the proposed park and recreation service area to
20 determine if the service area shall be formed. The county legislative
21 authority shall in their resolution direct the county auditor to set
22 the election to be held at the next general election or at a special
23 election held for such purpose; describe the purposes of the proposed
24 service area; set forth the estimated cost of any initial improvements
25 or services to be financed by the service area should it be formed;
26 describe the method of financing the initial improvements or services
27 described in the resolution or petition; and order that notice of
28 election be published in a newspaper of general circulation in the
29 county at least twice prior to the election date.

30 (2) A proposition to form a park and recreation service area shall
31 be submitted to the voters of the proposed service area. Upon approval
32 by a majority of the voters voting on the proposition, a park and
33 recreation service area shall be established. The proposition
34 submitted to the voters by the county auditor on the ballot shall be in
35 substantially the following form:

36 FORMATION OF PARK AND

1 RECREATION SERVICE AREA

2 Shall a park and recreation service area be established
3 for the area described in a resolution of the legislative
4 authority of county, adopted on the day of
5 19..., to provide financing for neighborhood park
6 facilities, improvements, and services?
7 Yes..... No.....

8 (3) Publications required by this section may be in the form of a
9 summary that complies with RCW 36.72.071.

10 **Sec. 39.** RCW 36.69.040 and 1963 c 4 s 36.69.040 are each amended
11 to read as follows:

12 The board of county commissioners shall set a time for a hearing on
13 the petition for the formation of a park and recreation district to be
14 held not more than sixty days following the receipt of such petition.
15 Notice of hearing shall be given by publication three times, at
16 intervals of not less than one week, in a newspaper of general
17 circulation within the county. Such notice shall state the time and
18 place of hearing and describe particularly the area proposed to be
19 included within the district.

20 Publications required by this section may be in the form of a
21 summary that complies with RCW 36.72.071.

22 **Sec. 40.** RCW 36.69.230 and 2009 c 549 s 4104 are each amended to
23 read as follows:

24 If such local improvement district is initiated by petition, such
25 petition shall set forth the nature and territorial extent of the
26 proposed improvement requested to be ordered and the fact that the
27 signers thereof are the owners (according to the records of the county
28 auditor) of at least fifty-one percent of the area of land within the
29 limits of the local improvement district to be created. Upon the
30 filing of such petition the board of park and recreation commissioners
31 shall determine whether it is sufficient, and the board's determination
32 thereof shall be conclusive upon all persons. No person shall withdraw
33 his or her name from the petition after it has been filed with the
34 board. If the board shall find the petition to be sufficient, it shall

1 proceed to adopt a resolution declaring its intention to order the
2 improvement petitioned for, setting forth the nature and territorial
3 extent of said improvement, designating the number of the proposed
4 local district and describing the boundaries thereof, stating the
5 estimated cost and expense of the improvement and the proportionate
6 amount thereof which will be borne by the property within the proposed
7 local district, and fixing a date, time and place for a public hearing
8 on the formation of the proposed local district.

9 The resolution of intention, whether adopted on the initiative of
10 the board or pursuant to a petition of the property owners, shall be
11 published in at least two consecutive issues of a newspaper of general
12 circulation in the proposed local district, the date of the first
13 publication to be at least fifteen days prior to the date fixed by such
14 resolution for hearing before the board.

15 Publications required by this section may be in the form of a
16 summary that complies with RCW 36.72.071.

17 **Sec. 41.** RCW 36.69.280 and 1963 c 4 s 36.69.280 are each amended
18 to read as follows:

19 Before approval of the roll a notice shall be published once a week
20 for two consecutive weeks in a newspaper of general circulation in the
21 local district, stating that the roll is on file and open to inspection
22 in the office of the secretary, and fixing the time, not less than
23 fifteen or more than thirty days from the date of the first publication
24 of the notice within which protests must be filed with the secretary
25 against any assessments shown thereon, and fixing a time when a hearing
26 will be held by the board of park and recreation commissioners on the
27 protests. Notice shall also be given by mailing, at least fifteen days
28 before the hearing, a similar notice to the owners or reputed owners of
29 the land in the local district as they appear on the books of the
30 treasurer of the county in which the park and recreation district is
31 located. At the hearing, or any adjournment thereof, the commissioners
32 may correct, change or modify the roll, or any part thereof, or set
33 aside the roll and order a new assessment, and may then by resolution
34 approve it. If an assessment is raised a new notice similar to the
35 first shall be given, after which final approval of the roll may be
36 made. When property has been entered originally upon the roll and the
37 assessment thereon is not raised, no objection thereto shall be

1 considered by the commissioners or by any court on appeal unless the
2 objection is made in writing at, or prior, to the date fixed for the
3 original hearing upon the roll.

4 Publications required by this section may be in the form of a
5 summary that complies with RCW 36.72.071.

6 **Sec. 42.** RCW 36.70.390 and 1963 c 4 s 36.70.390 are each amended
7 to read as follows:

8 Notice of the time, place and purpose of any public hearing shall
9 be given by one publication in a newspaper of general circulation in
10 the county and in the official gazette, if any, of the county, at least
11 ten days before the hearing.

12 Publications required by this section may be in the form of a
13 summary that complies with RCW 36.72.071.

14 **Sec. 43.** RCW 36.70.430 and 1963 c 4 s 36.70.430 are each amended
15 to read as follows:

16 When it deems it to be for the public interest, or when it
17 considers a change in the recommendations of the planning agency to be
18 necessary, the board may initiate consideration of a comprehensive
19 plan, or any element or part thereof, or any change in or addition to
20 such plan or recommendation. The board shall first refer the proposed
21 plan, change or addition to the planning agency for a report and
22 recommendation. Before making a report and recommendation, the
23 commission shall hold at least one public hearing on the proposed plan,
24 change or addition. Notice of the time and place and purpose of the
25 hearing shall be given by one publication in a newspaper of general
26 circulation in the county and in the official gazette, if any, of the
27 county, at least ten days before the hearing.

28 Publications required by this section may be in the form of a
29 summary that complies with RCW 36.72.071.

30 **Sec. 44.** RCW 36.70.440 and 1963 c 4 s 36.70.440 are each amended
31 to read as follows:

32 After the receipt of the report and recommendations of the planning
33 agency on the matters referred to in RCW 36.70.430, or after the lapse
34 of the prescribed time for the rendering of such report and
35 recommendation by the commission, the board may approve by motion and

1 certify such plan, change or addition without further reference to the
2 commission: PROVIDED, That the plan, change or addition conforms
3 either to the proposal as initiated by the county or the recommendation
4 thereon by the commission: PROVIDED FURTHER, That if the planning
5 agency has failed to report within a ninety day period, the board shall
6 hold at least one public hearing on the proposed plan, change or
7 addition. Notice of the time, place and purpose of the hearing shall
8 be given by one publication in a newspaper of general circulation in
9 the county and in the official gazette, if any, of the county, at least
10 ten days before the hearing. Thereafter, the board may proceed to
11 approve by motion and certify the proposed comprehensive plan or any
12 part, amendment or addition thereto.

13 Publications required by this section may be in the form of a
14 summary that complies with RCW 36.72.071.

15 **Sec. 45.** RCW 36.70.590 and 1963 c 4 s 36.70.590 are each amended
16 to read as follows:

17 Notice of the time, place and purpose of the hearing shall be given
18 by one publication in a newspaper of general circulation in the county
19 and in the official gazette, if any, of the county at least ten days
20 before the hearing. The board may prescribe additional methods for
21 providing notice.

22 Publications required by this section may be in the form of a
23 summary that complies with RCW 36.72.071.

24 **Sec. 46.** RCW 36.70A.035 and 1999 c 315 s 708 are each amended to
25 read as follows:

26 (1) The public participation requirements of this chapter shall
27 include notice procedures that are reasonably calculated to provide
28 notice to property owners and other affected and interested
29 individuals, tribes, government agencies, businesses, school districts,
30 and organizations of proposed amendments to comprehensive plans and
31 development regulation. Examples of reasonable notice provisions
32 include:

33 (a) Posting the property for site-specific proposals;

34 (b) Publishing notice in a newspaper of general circulation in the
35 county, city, or general area where the proposal is located or that
36 will be affected by the proposal;

1 (c) Notifying public or private groups with known interest in a
2 certain proposal or in the type of proposal being considered;

3 (d) Placing notices in appropriate regional, neighborhood, ethnic,
4 or trade journals; and

5 (e) Publishing notice in agency newsletters or sending notice to
6 agency mailing lists, including general lists or lists for specific
7 proposals or subject areas.

8 (2)(a) Except as otherwise provided in (b) of this subsection, if
9 the legislative body for a county or city chooses to consider a change
10 to an amendment to a comprehensive plan or development regulation, and
11 the change is proposed after the opportunity for review and comment has
12 passed under the county's or city's procedures, an opportunity for
13 review and comment on the proposed change shall be provided before the
14 local legislative body votes on the proposed change.

15 (b) An additional opportunity for public review and comment is not
16 required under (a) of this subsection if:

17 (i) An environmental impact statement has been prepared under
18 chapter 43.21C RCW for the pending resolution or ordinance and the
19 proposed change is within the range of alternatives considered in the
20 environmental impact statement;

21 (ii) The proposed change is within the scope of the alternatives
22 available for public comment;

23 (iii) The proposed change only corrects typographical errors,
24 corrects cross-references, makes address or name changes, or clarifies
25 language of a proposed ordinance or resolution without changing its
26 effect;

27 (iv) The proposed change is to a resolution or ordinance making a
28 capital budget decision as provided in RCW 36.70A.120; or

29 (v) The proposed change is to a resolution or ordinance enacting a
30 moratorium or interim control adopted under RCW 36.70A.390.

31 (3) This section is prospective in effect and does not apply to a
32 comprehensive plan, development regulation, or amendment adopted before
33 July 27, 1997.

34 (4) Publications required by this section may be in the form of a
35 summary that complies with RCW 36.72.071.

36 **Sec. 47.** RCW 36.70A.367 and 2007 c 433 s 1 are each amended to
37 read as follows:

1 (1) In addition to the major industrial development allowed under
2 RCW 36.70A.365, a county planning under RCW 36.70A.040 that meets the
3 criteria in subsection (5) of this section may establish, in
4 consultation with cities consistent with provisions of RCW 36.70A.210,
5 a process for designating a bank of no more than two master planned
6 locations for major industrial activity outside urban growth areas.

7 (2) A master planned location for major industrial developments may
8 be approved through a two-step process: Designation of an industrial
9 land bank area in the comprehensive plan; and subsequent approval of
10 specific major industrial developments through a local master plan
11 process described under subsection (3) of this section.

12 (a) The comprehensive plan must identify locations suited to major
13 industrial development due to proximity to transportation or resource
14 assets. The plan must identify the maximum size of the industrial land
15 bank area and any limitations on major industrial developments based on
16 local limiting factors, but does not need to specify a particular
17 parcel or parcels of property or identify any specific use or user
18 except as limited by this section. In selecting locations for the
19 industrial land bank area, priority must be given to locations that are
20 adjacent to, or in close proximity to, an urban growth area.

21 (b) The environmental review for amendment of the comprehensive
22 plan must be at the programmatic level and, in addition to a threshold
23 determination, must include:

24 (i) An inventory of developable land as provided in RCW 36.70A.365;
25 and

26 (ii) An analysis of the availability of alternative sites within
27 urban growth areas and the long-term annexation feasibility of sites
28 outside of urban growth areas.

29 (c) Final approval of an industrial land bank area under this
30 section must be by amendment to the comprehensive plan adopted under
31 RCW 36.70A.070, and the amendment is exempt from the limitation of RCW
32 36.70A.130(2) and may be considered at any time. Approval of a
33 specific major industrial development within the industrial land bank
34 area requires no further amendment of the comprehensive plan.

35 (3) In concert with the designation of an industrial land bank
36 area, a county shall also adopt development regulations for review and
37 approval of specific major industrial developments through a master

1 plan process. The regulations governing the master plan process shall
2 ensure, at a minimum, that:

3 (a) Urban growth will not occur in adjacent nonurban areas;

4 (b) Development is consistent with the county's development
5 regulations adopted for protection of critical areas;

6 (c) Required infrastructure is identified and provided concurrent
7 with development. Such infrastructure, however, may be phased in with
8 development;

9 (d) Transit-oriented site planning and demand management programs
10 are specifically addressed as part of the master plan approval;

11 (e) Provision is made for addressing environmental protection,
12 including air and water quality, as part of the master plan approval;

13 (f) The master plan approval includes a requirement that interlocal
14 agreements between the county and service providers, including cities
15 and special purpose districts providing facilities or services to the
16 approved master plan, be in place at the time of master plan approval;

17 (g) A major industrial development is used primarily by industrial
18 and manufacturing businesses, and that the gross floor area of all
19 commercial and service buildings or facilities locating within the
20 major industrial development does not exceed ten percent of the total
21 gross floor area of buildings or facilities in the development. The
22 intent of this provision for commercial or service use is to meet the
23 needs of employees, clients, customers, vendors, and others having
24 business at the industrial site, to attract and retain a quality
25 workforce, and to further other public objectives, such as trip
26 reduction. These uses may not be promoted to attract additional
27 clientele from the surrounding area. Commercial and service businesses
28 must be established concurrently with or subsequent to the industrial
29 or manufacturing businesses;

30 (h) New infrastructure is provided for and/or applicable impact
31 fees are paid to assure that adequate facilities are provided
32 concurrently with the development. Infrastructure may be achieved in
33 phases as development proceeds;

34 (i) Buffers are provided between the major industrial development
35 and adjacent rural areas;

36 (j) Provision is made to mitigate adverse impacts on designated
37 agricultural lands, forest lands, and mineral resource lands; and

1 (k) An open record public hearing is held before either the
2 planning commission or hearing examiner with notice published at least
3 thirty days before the hearing date and mailed to all property owners
4 within one mile of the site.

5 (4) For the purposes of this section:

6 (a) "Major industrial development" means a master planned location
7 suitable for manufacturing or industrial businesses that: (i) Requires
8 a parcel of land so large that no suitable parcels are available within
9 an urban growth area; (ii) is a natural resource-based industry
10 requiring a location near agricultural land, forest land, or mineral
11 resource land upon which it is dependent; or (iii) requires a location
12 with characteristics such as proximity to transportation facilities or
13 related industries such that there is no suitable location in an urban
14 growth area. The major industrial development may not be for the
15 purpose of retail commercial development or multitenant office parks.

16 (b) "Industrial land bank" means up to two master planned
17 locations, each consisting of a parcel or parcels of contiguous land,
18 sufficiently large so as not to be readily available within the urban
19 growth area of a city, or otherwise meeting the criteria contained in
20 (a) of this subsection, suitable for manufacturing, industrial, or
21 commercial businesses and designated by the county through the
22 comprehensive planning process specifically for major industrial use.

23 (5) This section and the termination provisions specified in
24 subsection (6) of this section apply to a county that at the time the
25 process is established under subsection (1) of this section:

26 (a) Has a population greater than two hundred fifty thousand and is
27 part of a metropolitan area that includes a city in another state with
28 a population greater than two hundred fifty thousand;

29 (b) Has a population greater than one hundred forty thousand and is
30 adjacent to another country;

31 (c) Has a population greater than forty thousand but less than
32 seventy-five thousand and has an average level of unemployment for the
33 preceding three years that exceeds the average state unemployment for
34 those years by twenty percent; and

35 (i) Is bordered by the Pacific Ocean;

36 (ii) Is located in the Interstate 5 or Interstate 90 corridor; or

37 (iii) Is bordered by Hood Canal;

38 (d) Is east of the Cascade divide; and

1 (i) Borders another state to the south; or
2 (ii) Is located wholly south of Interstate 90 and borders the
3 Columbia river to the east;
4 (e) Has an average population density of less than one hundred
5 persons per square mile as determined by the office of financial
6 management, and is bordered by the Pacific Ocean and by Hood Canal; or
7 (f) Meets all of the following criteria:
8 (i) Has a population greater than forty thousand but fewer than
9 eighty thousand;
10 (ii) Has an average level of unemployment for the preceding three
11 years that exceeds the average state unemployment for those years by
12 twenty percent; and
13 (iii) Is located in the Interstate 5 or Interstate 90 corridor.
14 (6) In order to identify and approve locations for industrial land
15 banks, the county shall take action to designate one or more industrial
16 land banks and adopt conforming regulations as provided by ((RCW
17 ~~36.70A.367(2)~~) subsection (2) of this section on or before the last
18 date to complete that county's next periodic review under RCW
19 36.70A.130(4) that occurs prior to December 31, 2014. The authority to
20 take action to designate a land bank area in the comprehensive plan
21 expires if not acted upon by the county within the time frame provided
22 in this section. Once a land bank area has been identified in the
23 county's comprehensive plan, the authority of the county to process a
24 master plan or site projects within an approved master plan does not
25 expire.
26 (7) Any county seeking to designate an industrial land bank under
27 this section must:
28 (a) Provide countywide notice, in conformity with RCW 36.70A.035,
29 of the intent to designate an industrial land bank. Notice must be
30 published in a newspaper or newspapers of general circulation
31 reasonably likely to reach subscribers in all geographic areas of the
32 county. Notice must be provided not less than thirty days prior to
33 commencement of consideration by the county legislative body; and
34 (b) Make a written determination of the criteria and rationale used
35 by the legislative body as the basis for siting an industrial land bank
36 under this chapter.
37 (8) Any location included in an industrial land bank pursuant to
38 section 2, chapter 289, Laws of 1998, section 1, chapter 402, Laws of

1 1997, and section 2, chapter 167, Laws of 1996 shall remain available
2 for major industrial development according to this section as long as
3 the requirements of this section continue to be satisfied.

4 (9) Publications required by this section may be in the form of a
5 summary that complies with RCW 36.72.071.

6 **Sec. 48.** RCW 36.70B.110 and 1997 c 429 s 48 and 1997 c 396 s 1 are
7 each reenacted and amended to read as follows:

8 (1) Not later than April 1, 1996, a local government planning under
9 RCW 36.70A.040 shall provide a notice of application to the public and
10 the departments and agencies with jurisdiction as provided in this
11 section. If a local government has made a threshold determination
12 under chapter 43.21C RCW concurrently with the notice of application,
13 the notice of application may be combined with the threshold
14 determination and the scoping notice for a determination of
15 significance. Nothing in this section prevents a determination of
16 significance and scoping notice from being issued prior to the notice
17 of application. Nothing in this section or this chapter prevents a
18 lead agency, when it is a project proponent or is funding a project,
19 from conducting its review under chapter 43.21C RCW or from allowing
20 appeals of procedural determinations prior to submitting a project
21 permit application.

22 (2) The notice of application shall be provided within fourteen
23 days after the determination of completeness as provided in RCW
24 36.70B.070 and, except as limited by the provisions of subsection
25 (4)(b) of this section, shall include the following in whatever
26 sequence or format the local government deems appropriate:

27 (a) The date of application, the date of the notice of completion
28 for the application, and the date of the notice of application;

29 (b) A description of the proposed project action and a list of the
30 project permits included in the application and, if applicable, a list
31 of any studies requested under RCW 36.70B.070 (~~or 36.70B.090~~);

32 (c) The identification of other permits not included in the
33 application to the extent known by the local government;

34 (d) The identification of existing environmental documents that
35 evaluate the proposed project, and, if not otherwise stated on the
36 document providing the notice of application, such as a city land use

1 bulletin, the location where the application and any studies can be
2 reviewed;

3 (e) A statement of the public comment period, which shall be not
4 less than fourteen nor more than thirty days following the date of
5 notice of application, and statements of the right of any person to
6 comment on the application, receive notice of and participate in any
7 hearings, request a copy of the decision once made, and any appeal
8 rights. A local government may accept public comments at any time
9 prior to the closing of the record of an open record predecision
10 hearing, if any, or, if no open record predecision hearing is provided,
11 prior to the decision on the project permit;

12 (f) The date, time, place, and type of hearing, if applicable and
13 scheduled at the date of notice of the application;

14 (g) A statement of the preliminary determination, if one has been
15 made at the time of notice, of those development regulations that will
16 be used for project mitigation and of consistency as provided in RCW
17 36.70B.030(2); and

18 (h) Any other information determined appropriate by the local
19 government.

20 (3) If an open record predecision hearing is required for the
21 requested project permits, the notice of application shall be provided
22 at least fifteen days prior to the open record hearing.

23 (4) A local government shall use reasonable methods to give the
24 notice of application to the public and agencies with jurisdiction and
25 may use its existing notice procedures. A local government may use
26 different types of notice for different categories of project permits
27 or types of project actions. If a local government by resolution or
28 ordinance does not specify its method of public notice, the local
29 government shall use the methods provided for in (a) and (b) of this
30 subsection. Examples of reasonable methods to inform the public are:

31 (a) Posting the property for site-specific proposals;

32 (b) Publishing notice, including at least the project location,
33 description, type of permit(s) required, comment period dates, and
34 location where the notice of application required by subsection (2) of
35 this section and the complete application may be reviewed, in the
36 newspaper of general circulation in the general area where the proposal
37 is located or in a local land use newsletter published by the local
38 government;

1 (c) Notifying public or private groups with known interest in a
2 certain proposal or in the type of proposal being considered;

3 (d) Notifying the news media;

4 (e) Placing notices in appropriate regional or neighborhood
5 newspapers or trade journals;

6 (f) Publishing notice in agency newsletters or sending notice to
7 agency mailing lists, either general lists or lists for specific
8 proposals or subject areas; and

9 (g) Mailing to neighboring property owners.

10 (5) A notice of application shall not be required for project
11 permits that are categorically exempt under chapter 43.21C RCW, unless
12 an open record predecision hearing is required or an open record appeal
13 hearing is allowed on the project permit decision.

14 (6) A local government shall integrate the permit procedures in
15 this section with its environmental review under chapter 43.21C RCW as
16 follows:

17 (a) Except for a threshold determination and except as otherwise
18 expressly allowed in this section, the local government may not issue
19 a decision or a recommendation on a project permit until the expiration
20 of the public comment period on the notice of application.

21 (b) If an open record predecision hearing is required, the local
22 government shall issue its threshold determination at least fifteen
23 days prior to the open record predecision hearing.

24 (c) Comments shall be as specific as possible.

25 (d) A local government is not required to provide for
26 administrative appeals of its threshold determination. If provided, an
27 administrative appeal shall be filed within fourteen days after notice
28 that the determination has been made and is appealable. Except as
29 otherwise expressly provided in this section, the appeal hearing on a
30 determination of nonsignificance shall be consolidated with any open
31 record hearing on the project permit.

32 (7) At the request of the applicant, a local government may combine
33 any hearing on a project permit with any hearing that may be held by
34 another local, state, regional, federal, or other agency, if:

35 (a) The hearing is held within the geographic boundary of the local
36 government; and

37 (b) The joint hearing can be held within the time periods specified
38 in RCW (~~(36.70B.090)~~) 36.70B.070 or the applicant agrees to the

1 schedule in the event that additional time is needed in order to
2 combine the hearings. All agencies of the state of Washington,
3 including municipal corporations and counties participating in a
4 combined hearing, are hereby authorized to issue joint hearing notices
5 and develop a joint format, select a mutually acceptable hearing body
6 or officer, and take such other actions as may be necessary to hold
7 joint hearings consistent with each of their respective statutory
8 obligations.

9 (8) All state and local agencies shall cooperate to the fullest
10 extent possible with the local government in holding a joint hearing if
11 requested to do so, as long as:

12 (a) The agency is not expressly prohibited by statute from doing
13 so;

14 (b) Sufficient notice of the hearing is given to meet each of the
15 agencies' adopted notice requirements as set forth in statute,
16 ordinance, or rule; and

17 (c) The agency has received the necessary information about the
18 proposed project from the applicant to hold its hearing at the same
19 time as the local government hearing.

20 (9) A local government is not required to provide for
21 administrative appeals. If provided, an administrative appeal of the
22 project decision and of any environmental determination issued at the
23 same time as the project decision, shall be filed within fourteen days
24 after the notice of the decision or after other notice that the
25 decision has been made and is appealable. The local government shall
26 extend the appeal period for an additional seven days, if state or
27 local rules adopted pursuant to chapter 43.21C RCW allow public comment
28 on a determination of nonsignificance issued as part of the appealable
29 project permit decision.

30 (10) The applicant for a project permit is deemed to be a
31 participant in any comment period, open record hearing, or closed
32 record appeal.

33 (11) Each local government planning under RCW 36.70A.040 shall
34 adopt procedures for administrative interpretation of its development
35 regulations.

36 (12) Publications required by this section may be in the form of a
37 summary that complies with RCW 36.72.071.

1 **Sec. 49.** RCW 36.73.050 and 2007 c 329 s 3 are each amended to read
2 as follows:

3 (1) The legislative authorities proposing to establish a district,
4 or to modify the boundaries of an existing district, or to dissolve an
5 existing district shall conduct a hearing at the time and place
6 specified in a notice published at least once, not less than ten days
7 before the hearing, in a newspaper of general circulation within the
8 proposed district. Subject to the provisions of RCW 36.73.170, the
9 legislative authorities shall make provision for a district to be
10 automatically dissolved when all indebtedness of the district has been
11 retired and anticipated responsibilities have been satisfied. This
12 notice shall be in addition to any other notice required by law to be
13 published. The notice shall, where applicable, specify the functions
14 or activities proposed to be provided or funded, or the additional
15 functions or activities proposed to be provided or funded, by the
16 district. Additional notice of the hearing may be given by mail, by
17 posting within the proposed district, or in any manner the legislative
18 authorities deem necessary to notify affected persons. All hearings
19 shall be public and the legislative authorities shall hear objections
20 from any person affected by the formation, modification of the
21 boundaries, or dissolution of the district.

22 (2)(a) Following the hearing held pursuant to subsection (1) of
23 this section, the legislative authorities may establish a district,
24 modify the boundaries or functions of an existing district, or dissolve
25 an existing district, if the legislative authorities find the action to
26 be in the public interest and adopt an ordinance providing for the
27 action.

28 (b) The ordinance establishing a district shall specify the
29 functions and transportation improvements described under RCW 36.73.015
30 to be exercised or funded and establish the boundaries of the district.
31 Subject to the provisions of RCW 36.73.160, functions or transportation
32 improvements proposed to be provided or funded by the district may not
33 be expanded beyond those specified in the notice of hearing, unless
34 additional notices are made, further hearings on the expansion are
35 held, and further determinations are made that it is in the public
36 interest to so expand the functions or transportation improvements
37 proposed to be provided or funded.

1 (3) Publications required by this section may be in the form of a
2 summary that complies with RCW 36.72.071.

3 **Sec. 50.** RCW 36.75.270 and 1963 c 4 s 36.75.270 are each amended
4 to read as follows:

5 The board of county commissioners of each county may by resolution
6 limit or prohibit classes or types of vehicles on any county road or
7 bridge and may limit the weight of vehicles which may travel thereon.
8 Any such resolution shall be effective for a definite period of time
9 which shall be stated in the resolution. If such resolution is
10 published at least once in a newspaper of general circulation in the
11 county and if signs indicating such closure or limitation of traffic
12 have been posted on such road or bridge, any person violating such
13 resolution shall be guilty of a misdemeanor.

14 Publications required by this section may be in the form of a
15 summary that complies with RCW 36.72.071.

16 **Sec. 51.** RCW 36.77.070 and 2009 c 549 s 4126 and 2009 c 29 s 2 are
17 each reenacted and amended to read as follows:

18 If the board determines that any construction should be performed
19 by county forces, and the estimated cost of the work exceeds ten
20 thousand dollars, it shall cause to be published in one issue of a
21 newspaper of general circulation in the county, a brief description of
22 the work to be done and the county road engineer's estimate of the cost
23 thereof. At the completion of such construction, the board shall cause
24 to be published in one issue of such a newspaper a similar brief
25 description of the work together with an accurate statement of the true
26 and complete cost of performing such construction by county forces.

27 Failure to make the required publication shall subject each county
28 commissioner to a fine of one hundred dollars for which he or she shall
29 be liable individually and upon his or her official bond and the
30 prosecuting attorney shall prosecute for violation of the provisions of
31 this section and RCW 36.77.065.

32 Publications required by this section may be in the form of a
33 summary that complies with RCW 36.72.071.

34 **Sec. 52.** RCW 36.81.070 and 1963 c 4 s 36.81.070 are each amended
35 to read as follows:

1 The board shall fix a time and place for hearing the report of the
2 engineer and cause notice thereof to be published once a week for two
3 successive weeks in the county official newspaper and to be posted for
4 at least twenty days at each termini of the proposed road.

5 The notice shall set forth the termini of the road as set out in
6 the resolution of the board, or the freeholders' petition, as the case
7 may be, and shall state that all persons interested may appear and be
8 heard at such hearing upon the report and recommendation of the
9 engineer either to proceed or not to proceed with establishing the
10 road.

11 Publications required by this section may be in the form of a
12 summary that complies with RCW 36.72.071.

13 **Sec. 53.** RCW 36.82.190 and 1985 c 469 s 50 are each amended to
14 read as follows:

15 The county legislative authority shall then publish a notice
16 setting day of hearing for the adoption of the final supplemental
17 budget covering the excess funds, designating the time and place of
18 hearing and that anyone may appear thereat and be heard for or against
19 any part of the preliminary supplemental budget. The notice shall be
20 published once a week for two consecutive weeks immediately following
21 the adoption of the preliminary supplemental budget in the official
22 newspaper of the county. The county legislative authority shall
23 provide a sufficient number of copies of the preliminary supplemental
24 budget to meet reasonable public demands and they shall be available
25 not later than two weeks immediately preceding the hearing.

26 Publications required by this section may be in the form of a
27 summary that complies with RCW 36.72.071.

28 **Sec. 54.** RCW 36.83.020 and 1996 c 292 s 2 are each amended to read
29 as follows:

30 (1) A county legislative authority proposing to establish a service
31 district shall conduct a hearing at the time and place specified in a
32 notice published at least once, not less than ten days prior to the
33 hearing, in a newspaper of general circulation within the proposed
34 service district. This notice shall be in addition to any other notice
35 required by law to be published. The notice shall specify the
36 functions or activities proposed to be provided or funded by the

1 service district. Additional notice of the hearing may be given by
2 mail, posting within the proposed service district, or in any manner
3 the county legislative authority deems necessary to notify affected
4 persons. All hearings shall be public and the county legislative
5 authority shall hear objections from any person affected by the
6 formation, modification of the boundaries, or dissolution of the
7 service district.

8 (2) Following the hearing held pursuant to subsection (1) of this
9 section, the county legislative authority may establish a service
10 district if the county legislative authority finds the action to be in
11 the public interest and adopts an ordinance or resolution providing for
12 the establishment of the service district. The legislation
13 establishing a service district shall specify the functions or
14 activities to be exercised or funded and establish the boundaries of
15 the service district. Functions or activities proposed to be provided
16 or funded by the service district may not be expanded beyond those
17 specified in the notice of hearing, except as provided in subsection
18 (4) of this section.

19 (3) At any time prior to the county legislative authority
20 establishing a service district pursuant to this section, all further
21 proceedings shall be terminated upon the filing of a verified
22 declaration of termination signed by a majority of the registered
23 voters of the proposed service district.

24 (4) With the approval of the county legislative authority, the
25 governing body of a service district may modify the boundaries of,
26 expand or otherwise modify the functions of, or dissolve the service
27 district after providing notice and conducting a public hearing or
28 hearings in the manner provided in subsection (1) of this section. The
29 governing body must make a determination that the proposed action is in
30 the public interest and adopt a resolution providing for the action.

31 (5) Publications required by this section may be in the form of a
32 summary that complies with RCW 36.72.071.

33 **Sec. 55.** RCW 36.87.050 and 1963 c 4 s 36.87.050 are each amended
34 to read as follows:

35 Notice of hearing upon the report for vacation and abandonment of
36 a county road shall be published at least once a week for two
37 consecutive weeks preceding the date fixed for the hearing, in the

1 county official newspaper and a copy of the notice shall be posted for
2 at least twenty days preceding the date fixed for hearing at each
3 termini of the county road or portion thereof proposed to be vacated or
4 abandoned.

5 Publications required by this section may be in the form of a
6 summary that complies with RCW 36.72.071.

7 **Sec. 56.** RCW 36.88.030 and 1970 ex.s. c 66 s 2 are each amended to
8 read as follows:

9 In case the board of county commissioners shall desire to initiate
10 the formation of a county road improvement district by resolution, it
11 shall first pass a resolution declaring its intention to order such
12 improvement, setting forth the nature and territorial extent of such
13 proposed improvement, designating the number of the proposed road
14 improvement district and describing the boundaries thereof, stating the
15 estimated cost and expense of the improvement and the proportionate
16 amount thereof which will be borne by the property within the proposed
17 district, notifying the owners of property therein to appear at a
18 meeting of the board at the time specified in such resolution, and
19 directing the county road engineer to submit to the board at or prior
20 to the date fixed for such hearing a diagram or print showing thereon
21 the lots, tracts and parcels of land and other property which will be
22 specially benefited thereby and the estimated amount of the cost and
23 expense of such improvement to be borne by each lot, tract or parcel of
24 land or other property, and also designating thereon all property which
25 is being purchased under contract from the county. The resolution of
26 intention shall be published in at least two consecutive issues of a
27 newspaper of general circulation in such county, the date of the first
28 publication to be at least fifteen days prior to the date fixed by such
29 resolution for hearing before the board of county commissioners.

30 Notice of the adoption of the resolution of intention shall be
31 given each owner or reputed owner of any lot, tract or parcel of land
32 or other property within the proposed improvement district by mailing
33 said notice to the owner or reputed owner of the property as shown on
34 the tax rolls of the county treasurer at the address shown thereon at
35 least fifteen days before the date fixed for the public hearing. The
36 notice shall refer to the resolution of intention and designate the
37 proposed improvement district by number. Said notice shall also set

1 forth the nature of the proposed improvement, the total estimated cost,
2 the proportion of total cost to be borne by assessments, the estimated
3 amount of the cost and expense of such improvement to be borne by the
4 particular lot, tract or parcel, the date and place of the hearing
5 before the board of county commissioners, and shall contain the
6 directions hereinafter provided for voting upon the formation of the
7 proposed improvement district.

8 The clerk of the board shall prepare and mail, together with the
9 notice above referred to, a ballot for each owner or reputed owner of
10 any lot, tract or parcel of land within the proposed improvement
11 district. This ballot shall contain the following proposition:

12 "Shall.....county road improvement
13 district No.....be formed?
14 Yes.....
15 No.....

16 and, in addition, shall contain appropriate spaces for the signatures
17 of the property owners, and a description of their property, and shall
18 have printed thereon the direction that all ballots must be signed to
19 be valid and must be returned to the clerk of the board of county
20 commissioners not later than five o'clock p.m. of a day which shall be
21 one week after the date of the public hearing.

22 The notice of adoption of the resolution of intention shall also
23 contain the above directions, and, in addition thereto, shall state the
24 rules by which the election shall be governed.

25 Publications required by this section may be in the form of a
26 summary that complies with RCW 36.72.071.

27 **Sec. 57.** RCW 36.88.050 and 1963 c 4 s 36.88.050 are each amended
28 to read as follows:

29 In case any such road improvement shall be initiated by petition,
30 such petition shall set forth the nature and territorial extent of such
31 proposed improvement, and the fact that the signers thereof are the
32 owners, according to the records of the county auditor of property to
33 an aggregate amount of a majority of the lineal frontage upon the
34 improvement to be made and of the area within the limits of the
35 assessment district to be created therefor.

1 Upon the filing of such petition the board shall determine whether
2 the same shall be sufficient and whether the property within the
3 proposed district shall be sufficiently developed and if the board
4 shall find the district to be sufficiently developed and the petition
5 to be sufficient, it shall proceed to adopt a resolution setting forth
6 the nature and territorial extent of the improvement petitioned for,
7 designating the number of the proposed improvement district and
8 describing the boundaries thereof, stating the estimated cost and
9 expense of the improvement and the proportionate amount thereof which
10 will be borne by the property within the proposed district, notifying
11 the owners of property therein to appear at a meeting of the board at
12 the time specified in such resolution, and directing the county road
13 engineer to submit to the board at or prior to the date fixed for such
14 hearing a diagram or print showing thereon the lots, tracts and parcels
15 of land and other property which will be specially benefited thereby
16 and the estimated amount of the cost and expense of such improvement to
17 be borne by each lot, tract or parcel of land or other property, and
18 also designating thereon all property which is being purchased under
19 contract from the county. The resolution of intention shall be
20 published in at least two consecutive issues of a newspaper of general
21 circulation in such county, the date of the first publication to be at
22 least fifteen days prior to the date fixed by such resolution for
23 hearing before the board of county commissioners.

24 Notice of the adoption of the resolution of intention shall be
25 given each owner or reputed owner of any lot, tract or parcel of land
26 or other property within the proposed improvement district by mailing
27 said notice to the owner or reputed owner of the property as shown on
28 the tax rolls of the county treasurer at the address shown thereon at
29 least fifteen days before the date fixed for the public hearing. The
30 notice shall refer to the resolution of intention and designate the
31 proposed improvement district by number. Said notice shall also set
32 forth the nature of the proposed improvement, the total estimated cost,
33 the proportion of total cost to be borne by assessments, the estimated
34 amount of the cost and expense of such improvement to be borne by the
35 particular lot, tract or parcel, the date and place of the hearing
36 before the board of county commissioners, and the fact that property
37 owners may withdraw their names from the petition or add their names

1 thereto at any time prior to five o'clock p.m. of the day before the
2 hearing.

3 Publications required by this section may be in the form of a
4 summary that complies with RCW 36.72.071.

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