

SSB 5138 - H COMM AMD  
By Committee on Local Government

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 43.41  
4 RCW to read as follows:

5 (1) The initiator of a proposed action regarding (a) annexation,  
6 (b) deannexation, (c) incorporation, (d) disincorporation, (e)  
7 consolidation of cities, or (f) boundary line adjustment under Titles  
8 35 and 35A RCW must file notice of intention with the office of  
9 financial management for its review within three days of initial  
10 acceptance or approval of the proposed action by the appropriate  
11 entity, except if the initiator is the legislative body of a  
12 government unit, the notice of intention must be filed immediately  
13 following the legislative body's initial acceptance or approval of  
14 the action.

15 (2) The notice of intention must be submitted with the following:

16 (a) A legal description of the proposed annexation, deannexation,  
17 incorporation, disincorporation, consolidation, or boundary line  
18 adjustment, which must be reviewed by the office of financial  
19 management before subsequent notices regarding the proposed action  
20 are filed;

21 (b) A map showing the specific territory boundaries of the  
22 proposed annexation, deannexation, incorporation, disincorporation,  
23 consolidation, or boundary line adjustment;

24 (c) The proposed action or resolution, if applicable;

25 (d) Parcel numbers of affected properties, if applicable; and

26 (e) Street addresses of affected properties, if applicable, but  
27 excluding the names of owners and residents.

28 (3) Within thirty days of receipt of notice of intention, the  
29 office of financial management must review the documents submitted  
30 under the notice and provide comments to the initiator of the  
31 proposed action if any of the following occur:

32 (a) Except for city consolidations and boundary line adjustments,  
33 the ordinance or resolution includes any territory that is part of  
34 another city or that is already part of the city boundaries;

1 (b) The territory to be annexed, deannexed, or incorporated, or  
2 subject to consolidation is not contiguous to existing city  
3 boundaries;

4 (c) The proposed action or resolution does not include or  
5 excludes the full right-of-way when roads are being used as part of  
6 the city boundary;

7 (d) Except for municipal purpose annexations, the proposed action  
8 or resolution includes any territory that is outside of an urban  
9 growth area in counties that are required or choose to plan under RCW  
10 36.70A.040; or

11 (e) The map of the territory to be annexed, deannexed,  
12 incorporated, disincorporated, consolidated, or subject to boundary  
13 line adjustment is not an accurate representation of the legal  
14 description.

15 (4) The office of financial management must post required  
16 documents as described in subsection (2) of this section on its web  
17 site and notify the department of transportation. The office of  
18 financial management must produce an annexation, deannexation,  
19 incorporation, disincorporation, city consolidation, and boundary  
20 line adjustment report thirty days prior to the commencement of each  
21 quarterly period, post the report on its web site, and notify state  
22 entities pursuant to RCW 35.13.260 and 35A.14.700.

23 (5) The requirements for the office of financial management to  
24 review initiated actions under this section does not affect the  
25 authority of boundary review boards to review and approve,  
26 disapprove, or modify actions subject to their review under chapter  
27 36.93 RCW.

28 (6) For purposes of this section, "contiguous" means that  
29 territory proposed to be annexed, deannexed, incorporated, or  
30 consolidated touches or is in physical contact with a city boundary,  
31 though the contact must be more than a single point. Territory  
32 connected to a city only by a public right-of-way, where the edge of  
33 the right-of-way does not constitute part of the city boundary, is  
34 not considered contiguous for purposes of this section.

35 **PART I - INCORPORATION**

36 **Sec. 101.** RCW 35.02.030 and 1994 c 216 s 3 are each amended to  
37 read as follows:

1 The petition for incorporation shall: (1) Indicate whether the  
2 proposed city or town shall be a noncharter code city operating under  
3 Title 35A RCW, or a city or town operating under Title 35 RCW; (2)  
4 indicate the form or plan of government the city or town is to have;  
5 (3) set forth and particularly describe the proposed boundaries of  
6 the proposed city or town; (4) state the name of the proposed city or  
7 town; (5) state the number of inhabitants therein, as ((nearly as may  
8 be)) determined by the office of financial management through use of  
9 its small area estimate program; and (6) pray that the city or town  
10 be incorporated. The petition shall conform to the requirements for  
11 form prescribed in RCW 35A.01.040. The petition shall include the  
12 identification number provided under RCW 35.02.017 and state the last  
13 date by which the petition may be filed, as determined under RCW  
14 35.02.020.

15 If the proposed city or town is located in more than one county,  
16 the petition shall be prepared in such a manner as to indicate the  
17 different counties within which the signators reside.

18 A city or town operating under Title 35 RCW may have a mayor/  
19 council, council/manager, or commission form of government. A city  
20 operating under Title 35A RCW may have a mayor/council or council/  
21 manager plan of government.

22 If the petition fails to specify the matters described in  
23 subsection (1) of this section, the proposal shall be to incorporate  
24 as a noncharter code city. If the petition fails to specify the  
25 matter described in subsection (2) of this section, the proposal  
26 shall be to incorporate with a mayor/council form or plan of  
27 government.

28 **Sec. 102.** RCW 35.02.037 and 1986 c 234 s 6 are each amended to  
29 read as follows:

30 The county auditor who certifies the sufficiency of the petition  
31 shall notify the person or persons who submitted the petition of its  
32 sufficiency within five days of when the determination of sufficiency  
33 is made. Notice shall be by certified mail and may additionally be  
34 made by telephone. The petitioners must file notice of the proposed  
35 action with the office of financial management for its review  
36 pursuant to section 1 of this act. If a boundary review board or  
37 boards exists in the county or counties in which the proposed city or  
38 town is located, the petitioners ((shall)) must also file notice of  
39 the proposed incorporation with the boundary review board or boards.

1       **Sec. 103.** RCW 35.02.070 and 1994 c 216 s 17 are each amended to  
2 read as follows:

3       (1) If a county legislative authority holds a public hearing on a  
4 proposed incorporation, it shall establish and define the boundaries  
5 of the proposed city or town, being authorized to decrease or  
6 increase the area proposed in the petition under the same  
7 restrictions that a boundary review board may modify the proposed  
8 boundaries. The ~~((county legislative authority, or the boundary  
9 review board if it takes jurisdiction, shall))~~ office of financial  
10 management must determine the number of inhabitants within the  
11 proposed boundaries ((it has established)) through use of its small  
12 area estimate program. If the boundary review board modifies the  
13 proposed boundaries, the county legislative authority must notify the  
14 office of financial management of the modifications.

15       (2) A county legislative authority shall disapprove the proposed  
16 incorporation if, without decreasing the area proposed in the  
17 petition, it does not conform with RCW 35.02.010. A county  
18 legislative authority may not otherwise disapprove a proposed  
19 incorporation.

20       (3) A county legislative authority or boundary review board has  
21 jurisdiction only over that portion of a proposed city or town  
22 located within the boundaries of the county.

23       **Sec. 104.** RCW 35.02.100 and 1986 c 234 s 13 are each amended to  
24 read as follows:

25       The notice of election on the question of the incorporation shall  
26 be given as provided by RCW ~~((29.27.080))~~ 29A.52.355 but shall  
27 further describe the boundaries of the proposed city or town, its  
28 name, and the number of inhabitants ~~((ascertained by the county  
29 legislative authority or the boundary review board to reside in it))~~  
30 as determined by the office of financial management through use of  
31 its small area estimate program.

32       **Sec. 105.** RCW 35.02.130 and 2011 c 60 s 15 are each amended to  
33 read as follows:

34       Subject to review of the proposed action by the office of  
35 financial management pursuant to section 1 of this act, the city or  
36 town officially shall become incorporated at a date from one hundred  
37 eighty days to three hundred sixty days after the date of the  
38 election on the question of incorporation. An interim period shall

1 exist between the time the newly elected officials have been elected  
2 and qualified and this official date of incorporation. During this  
3 interim period, the newly elected officials are authorized to adopt  
4 ordinances and resolutions which shall become effective on or after  
5 the official date of incorporation, and to enter into contracts and  
6 agreements to facilitate the transition to becoming a city or town  
7 and to ensure a continuation of governmental services after the  
8 official date of incorporation. Periods of time that would be  
9 required to elapse between the enactment and effective date of such  
10 ordinances, including but not limited to times for publication or for  
11 filing referendums, shall commence upon the date of such enactment as  
12 though the city or town were officially incorporated.

13 During this interim period, the city or town governing body may  
14 adopt rules establishing policies and procedures under the state  
15 environmental policy act, chapter 43.21C RCW, and may use these rules  
16 and procedures in making determinations under the state environmental  
17 policy act, chapter 43.21C RCW.

18 During this interim period, the newly formed city or town and its  
19 governing body shall be subject to the following as though the city  
20 or town were officially incorporated: RCW 4.24.470 relating to  
21 immunity; chapter 42.17A RCW relating to open government; chapter  
22 42.56 RCW relating to public records; chapter 40.14 RCW relating to  
23 the preservation and disposition of public records; chapters 42.20  
24 and 42.23 RCW relating to ethics and conflicts of interest; chapters  
25 42.30 and 42.32 RCW relating to open public meetings and minutes; RCW  
26 35.22.288, 35.23.221, 35.27.300, 35A.12.160, as appropriate, and  
27 chapter 35A.65 RCW relating to the publication of notices and  
28 ordinances; RCW 35.21.875 and 35A.21.230 relating to the designation  
29 of an official newspaper; RCW 36.16.138 relating to liability  
30 insurance; RCW 35.22.620, 35.23.352, and 35A.40.210, as appropriate,  
31 and statutes referenced therein relating to public contracts and  
32 bidding; and chapter 39.34 RCW relating to interlocal cooperation.  
33 Tax anticipation or revenue anticipation notes or warrants and other  
34 short-term obligations may be issued and funds may be borrowed on the  
35 security of these instruments during this interim period, as provided  
36 in chapter 39.50 RCW. Funds also may be borrowed from federal, state,  
37 and other governmental agencies in the same manner as if the city or  
38 town were officially incorporated.

39 RCW 84.52.020 and 84.52.070 shall apply to the extent that they  
40 may be applicable, and the governing body of such city or town may

1 take appropriate action by ordinance during the interim period to  
2 adopt the property tax levy for its first full calendar year  
3 following the interim period.

4 The governing body of the new city or town may acquire needed  
5 facilities, supplies, equipment, insurance, and staff during this  
6 interim period as if the city or town were in existence. An interim  
7 city manager or administrator, who shall have such administrative  
8 powers and duties as are delegated by the governing body, may be  
9 appointed to serve only until the official date of incorporation.  
10 After the official date of incorporation the governing body of such a  
11 new city organized under the council manager form of government may  
12 extend the appointment of such an interim manager or administrator  
13 with such limited powers as the governing body determines, for up to  
14 ninety days. This governing body may submit ballot propositions to  
15 the voters of the city or town to authorize taxes to be collected on  
16 or after the official date of incorporation, or authorize an  
17 annexation of the city or town by a fire protection district or  
18 library district to be effective immediately upon the effective date  
19 of the incorporation as a city or town.

20 The boundaries of a newly incorporated city or town shall be  
21 deemed to be established for purposes of RCW 84.09.030 on the date  
22 that the results of the initial election on the question of  
23 incorporation are certified or the first day of January following the  
24 date of this election if the newly incorporated city or town does not  
25 impose property taxes in the same year that the voters approve the  
26 incorporation.

27 The newly elected officials shall take office immediately upon  
28 their election and qualification with limited powers during this  
29 interim period as provided in this section. They shall acquire their  
30 full powers as of the official date of incorporation and shall  
31 continue in office until their successors are elected and qualified  
32 at the next general municipal election after the official date of  
33 incorporation: PROVIDED, That if the date of the next general  
34 municipal election is less than twelve months after the date of the  
35 first election of councilmembers, those initially elected  
36 councilmembers shall serve until their successors are elected and  
37 qualified at the next following general municipal election as  
38 provided in RCW (~~29A.20.040~~) 29A.60.280. For purposes of this  
39 section, the general municipal election shall be the date on which

1 city and town general elections are held throughout the state of  
2 Washington, pursuant to RCW 29A.04.330.

3 In any newly incorporated city that has adopted the council-  
4 manager form of government, the term of office of the mayor, during  
5 the interim period only, shall be set by the council, and thereafter  
6 shall be as provided by law.

7 The official date of incorporation shall be on a date from one  
8 hundred eighty to three hundred sixty days after the date of the  
9 election on the question of incorporation, as specified in a  
10 resolution adopted by the governing body during this interim period.  
11 A copy of the resolution shall be filed with the county legislative  
12 authority of the county in which all or the major portion of the  
13 newly incorporated city or town is located. If the governing body  
14 fails to adopt such a resolution, the official date of incorporation  
15 shall be three hundred sixty days after the date of the election on  
16 the question of incorporation. The county legislative authority of  
17 the county in which all or the major portion of the newly  
18 incorporated city or town is located shall file a notice with the  
19 county assessor that the city or town has been authorized to be  
20 incorporated immediately after the favorable results of the election  
21 on the question of incorporation have been certified. The county  
22 legislative authority shall file a notice with the secretary of state  
23 and the office of financial management that the city or town is  
24 incorporated as of the official date of incorporation.

## 25 PART II - DISINCORPORATION

26 **Sec. 201.** RCW 35.07.020 and 1965 c 7 s 35.07.020 are each  
27 amended to read as follows:

28 The petition for disincorporation must be signed by a majority of  
29 the registered voters thereof and filed with the city or town  
30 council. The petitioners must also file notice of the proposed action  
31 with the office of financial management for its review pursuant to  
32 section 1 of this act.

33 **Sec. 202.** RCW 35.07.040 and 1997 c 361 s 4 are each amended to  
34 read as follows:

35 The council shall cause an election to be called upon the  
36 proposition of disincorporation. The council must also file notice of  
37 the proposed action with the office of financial management for its

1 review pursuant to section 1 of this act. If the city or town has any  
2 indebtedness or outstanding liabilities, it shall order the election  
3 of a receiver at the same time.

4 **Sec. 203.** RCW 35.07.230 and 1995 c 301 s 34 are each amended to  
5 read as follows:

6 If any town fails for two successive years to hold its regular  
7 municipal election, or if the officers elected at the regular  
8 election of any town fail for two successive years to qualify and the  
9 government of the town ceases to function by reason thereof, the  
10 state auditor may petition the superior court of the county for an  
11 order((τ)) dissolving the town. The state auditor must also file  
12 notice of the proposed action with the office of financial management  
13 for its review pursuant to section 1 of this act. In addition to  
14 stating the facts which would justify the entry of such an order, the  
15 petition shall set forth a detailed statement of the assets and  
16 liabilities of the town insofar as they can be ascertained.

17 **Sec. 204.** RCW 35A.15.010 and 1990 c 259 s 11 are each amended to  
18 read as follows:

19 Any noncharter code city may be disincorporated. Proceedings may  
20 be initiated by the filing with the county auditor of a petition for  
21 disincorporation signed by a majority of the registered voters  
22 resident in such city, or the legislative body of the city may  
23 provide by resolution for an election on the proposition of  
24 disincorporation. The legislative body of the city must file notice  
25 of the proposed action with the office of financial management for  
26 its review pursuant to section 1 of this act.

27 **Sec. 205.** RCW 35A.15.040 and 1994 c 223 s 39 are each amended to  
28 read as follows:

29 Ballot titles shall be prepared by the city as provided in RCW  
30 35A.29.120 and shall contain the words "For Dissolution" and "Against  
31 Dissolution", and shall contain on separate lines, alphabetically,  
32 the names of candidates for receiver. If a majority of the votes cast  
33 on the proposition are for dissolution, the municipal corporation  
34 shall be dissolved upon certification of the election results to the  
35 office of the secretary of state. The legislative body of the city  
36 must file notice of the disincorporation with the office of financial  
37 management for its review.



PART III - CONSOLIDATION

**Sec. 301.** RCW 35.10.265 and 1985 c 281 s 17 are each amended to read as follows:

Immediately after the filing of the statement of an annexation election and subject to review of the proposed action by the office of financial management pursuant to section 1 of this act, the legislative body of the annexing city may, if it deems it wise or expedient, adopt an ordinance providing for the annexation. Upon the date fixed in the ordinance of annexation, the area annexed shall become a part of the annexing city. The clerk of the annexing city shall transmit a certified copy of this ordinance to the secretary of state and the office of financial management.

**Sec. 302.** RCW 35.10.400 and 1985 c 281 s 3 are each amended to read as follows:

Two or more contiguous, as defined in section 1(6) of this act, cities located in the same or different counties may consolidate into one city by proceedings in conformity with the provisions of this chapter. When cities are separated by water and/or tide or shore lands they shall be deemed contiguous, as defined in section 1(6) of this act, for all the purposes of this chapter and, upon a consolidation of such cities under the provisions of this chapter, any such intervening water and/or tide or shore lands shall become a part of the consolidated city. The consolidated city shall become a noncharter code city operating under Title 35A RCW.

**Sec. 303.** RCW 35.10.410 and 1985 c 281 s 4 are each amended to read as follows:

The submission of a ballot proposal to the voters of two or more contiguous cities for the consolidation of these contiguous, as defined in section 1(6) of this act, cities may be caused by the adoption of a joint resolution, by a majority vote of each city legislative body, seeking consolidation of such contiguous cities. Each city's legislative body must file notice of the proposed action with the office of financial management for its review pursuant to section 1 of this act. The joint resolution shall provide for submission of the question to the voters at the next general municipal election, if one is to be held more than ninety days but not more than one hundred eighty days after the passage of the joint

1 resolution, or shall call for a special election to be held for that  
2 purpose at the next special election date, as specified in RCW  
3 ((29.13.020)) 29A.04.330, that occurs ninety or more days after the  
4 passage of the joint resolution. The legislative bodies of the cities  
5 also shall notify the county legislative authority of each county in  
6 which the cities are located of the proposed consolidation.

7 **Sec. 304.** RCW 35.10.420 and 1995 c 196 s 7 are each amended to  
8 read as follows:

9 The submission of a ballot proposal to the voters of two or more  
10 contiguous cities for the consolidation of these contiguous, as  
11 defined in section 1(6) of this act, cities may also be caused by the  
12 filing of a petition with the legislative body of each such city,  
13 signed by the voters of each city in number equal to not less than  
14 ten percent of voters who voted in the city at the last general  
15 municipal election therein, seeking consolidation of such contiguous  
16 cities. A copy of the petition shall be forwarded immediately by each  
17 city to the auditor of the county or counties within which that city  
18 is located.

19 The county auditor or auditors shall determine the sufficiency of  
20 the signatures in each petition within ten days of receipt of the  
21 copies and immediately notify the cities proposed to be consolidated  
22 of the sufficiency. Upon receipt of notice from the county auditor or  
23 auditors, the cities must file notice of the proposed action with the  
24 office of financial management for its review pursuant to section 1  
25 of this act. If each of the petitions is found to have sufficient  
26 valid signatures, the auditor or auditors shall call a special  
27 election at which the question of whether such cities shall  
28 consolidate shall be submitted to the voters of each of such cities.  
29 If a general election is to be held more than ninety days but not  
30 more than one hundred eighty days after the filing of the last  
31 petition, the question shall be submitted at that election. Otherwise  
32 the question shall be submitted at a special election to be called  
33 for that purpose at the next special election date, as specified in  
34 RCW ((29.13.020)) 29A.04.330, that occurs ninety or more days after  
35 the date when the last petition was filed.

36 If each of the petitions is found to have sufficient valid  
37 signatures, the auditor or auditors also shall notify the county  
38 legislative authority of each county in which the cities are located  
39 of the proposed consolidation.

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

5 **PART IV - ANNEXATION, BOUNDARY LINE ADJUSTMENT, AND CITY LIMIT**  
6 **REDUCTION**

7 **Sec. 401.** RCW 35.13.010 and 2009 c 402 s 2 are each amended to  
8 read as follows:

9 Any portion of a county not incorporated as part of a city or  
10 town but lying contiguous, as defined in section 1(6) of this act,  
11 thereto may become a part of the city or town by annexation. An area  
12 proposed to be annexed to a city or town shall be deemed contiguous,  
13 as defined in section 1(6) of this act, thereto even though separated  
14 by water or tide or shore lands on which no bona fide residence is  
15 maintained by any person.

16 **Sec. 402.** RCW 35.13.020 and 1981 c 332 s 3 are each amended to  
17 read as follows:

18 A petition for an election to vote upon the annexation of a  
19 portion of a county to a contiguous, as defined in section 1(6) of  
20 this act, city or town signed by qualified voters resident in the  
21 area equal in number to twenty percent of the votes cast at the last  
22 election (~~may~~) must be filed in the office of the board of county  
23 commissioners: PROVIDED, That any such petition shall first be  
24 submitted to the prosecuting attorney who shall, within twenty-one  
25 days after submission, certify or refuse to certify the petition as  
26 set forth in RCW 35.13.025. If the prosecuting attorney certifies the  
27 petition, it shall be filed with the legislative body of the city or  
28 town to which the annexation is proposed, and such legislative body  
29 shall, by resolution entered within sixty days from the date of  
30 presentation, notify the petitioners, either by mail or by  
31 publication in the same manner notice of hearing is required by RCW  
32 35.13.040 to be published, of its approval or rejection of the  
33 proposed action. If approved, the legislative body of the city or  
34 town must file notice of the proposed action with the office of  
35 financial management for its review pursuant to section 1 of this  
36 act. The petition may also provide for the simultaneous creation of a  
37 community municipal corporation and election of community

1 councilmembers as provided for in RCW 35.14.010 through 35.14.060. In  
2 approving the proposed action, the legislative body may require that  
3 there also be submitted to the electorate of the territory to be  
4 annexed, a proposition that all property within the area to be  
5 annexed shall, upon annexation be assessed and taxed at the same rate  
6 and on the same basis as the property of such annexing city or town  
7 is assessed and taxed to pay for all or any portion of the then  
8 outstanding indebtedness of the city or town to which said area is  
9 annexed, approved by the voters, contracted, or incurred prior to, or  
10 existing at, the date of annexation. Only after the legislative body  
11 has completed preparation and filing of a comprehensive plan for the  
12 area to be annexed as provided for in RCW 35.13.177 and 35.13.178,  
13 the legislative body in approving the proposed action, may require  
14 that the comprehensive plan be simultaneously adopted upon approval  
15 of annexation by the electorate of the area to be annexed. The  
16 approval of the legislative body shall be a condition precedent to  
17 the filing of such petition with the board of county commissioners  
18 (~~as hereinafter provided~~) pursuant to RCW 35.13.030. The costs of  
19 conducting such election shall be a charge against the city or town  
20 concerned. The proposition or questions provided for in this section  
21 may be submitted to the voters either separately or as a single  
22 proposition.

23 **Sec. 403.** RCW 35.13.100 and 1996 c 286 s 2 are each amended to  
24 read as follows:

25 If (1) a proposition relating to annexation or annexation and  
26 adoption of the comprehensive plan or creation of a community  
27 municipal corporation, or both, as the case may be was submitted to  
28 the voters and such proposition was approved and (2) the proposed  
29 action has been subject to review by the office of financial  
30 management pursuant to section 1 of this act, the legislative body  
31 shall adopt an ordinance providing for the annexation or adopt  
32 ordinances providing for the annexation and adoption of the  
33 comprehensive plan, or adopt an ordinance providing for the  
34 annexation and creation of a community municipal corporation, as the  
35 case may be. If a proposition for annexation or annexation and  
36 adoption of the comprehensive plan or creation of a community  
37 municipal corporation, as the case may be, and a proposition for  
38 assumption of all or of any portion of indebtedness were both  
39 submitted(~~(7)~~) and (~~were~~) approved, and the proposed action has

1 been subject to review by the office of financial management pursuant  
2 to section 1 of this act, the legislative body shall adopt an  
3 ordinance providing for the annexation or annexation and adoption of  
4 the comprehensive plan or annexation and creation of a community  
5 municipal corporation including the assumption of all or of any  
6 portion of indebtedness. If the propositions were submitted and only  
7 the annexation or annexation and adoption of the comprehensive plan  
8 or annexation and creation of a community municipal corporation  
9 proposition was approved, and the proposed action has been subject to  
10 review by the office of financial management pursuant to section 1 of  
11 this act, the legislative body may, if it deems it wise or expedient,  
12 adopt an ordinance providing for the annexation or adopt ordinances  
13 providing for the annexation and adoption of the comprehensive plan,  
14 or adopt ordinances providing for the annexation and creation of a  
15 community municipal corporation, as the case may be.

16 **Sec. 404.** RCW 35.13.130 and 2009 c 60 s 3 are each amended to  
17 read as follows:

18 A petition for annexation of an area contiguous, as defined in  
19 section 1(6) of this act, to a city or town may be made in writing  
20 addressed to and filed with the legislative body of the municipality  
21 to which annexation is desired. When the petition for annexation is  
22 filed with the legislative body, the legislative body must file  
23 notice of the proposed action with the office of financial management  
24 for its review pursuant to section 1 of this act. Except where all  
25 the property sought to be annexed is property of a school district,  
26 and the school directors thereof file the petition for annexation as  
27 in RCW 28A.335.110 authorized, the petition must be signed by the  
28 owners of not less than sixty percent in value according to the  
29 assessed valuation for general taxation of the property for which  
30 annexation is petitioned: PROVIDED, That in cities and towns with  
31 populations greater than one hundred sixty thousand located east of  
32 the Cascade mountains, the owner of tax exempt property may sign an  
33 annexation petition and have the tax exempt property annexed into the  
34 city or town, but the value of the tax exempt property shall not be  
35 used in calculating the sufficiency of the required property owner  
36 signatures unless only tax exempt property is proposed to be annexed  
37 into the city or town. The petition shall set forth a description of  
38 the property according to government legal subdivisions or legal  
39 plats which is in compliance with RCW 35.02.170, and shall be

1 accompanied by a plat which outlines the boundaries of the property  
2 sought to be annexed. If the legislative body has required the  
3 assumption of all or of any portion of city or town indebtedness by  
4 the area annexed, and/or the adoption of a comprehensive plan for the  
5 area to be annexed, these facts, together with a quotation of the  
6 minute entry of such requirement or requirements shall be set forth  
7 in the petition.

8 **Sec. 405.** RCW 35.13.150 and 1975 1st ex.s. c 220 s 9 are each  
9 amended to read as follows:

10 Following the hearing and review of the proposed action by the  
11 office of financial management pursuant to section 1 of this act, the  
12 council or commission shall determine by ordinance whether annexation  
13 shall be made. Subject to RCW 35.02.170, they may annex all or any  
14 portion of the proposed area but may not include in the annexation  
15 any property not described in the petition. Upon passage of the  
16 ordinance a certified copy shall be filed with the board of county  
17 commissioners of the county in which the annexed property is located.

18 **Sec. 406.** RCW 35.13.180 and 1994 c 81 s 11 are each amended to  
19 read as follows:

20 City and town councils of second-class cities and towns may by a  
21 majority vote annex new unincorporated territory outside the city or  
22 town limits, whether contiguous or noncontiguous for park, cemetery,  
23 or other municipal purposes when such territory is owned by the city  
24 or town or all of the owners of the real property in the territory  
25 give their written consent to the annexation. The city or town  
26 council must file notice of the proposed action with the office of  
27 financial management for its review pursuant to section 1 of this  
28 act.

29 **Sec. 407.** RCW 35.13.182 and 1998 c 286 s 1 are each amended to  
30 read as follows:

31 (1) The legislative body of a city or town planning under chapter  
32 36.70A RCW (~~as of June 30, 1994,~~) may resolve to annex territory to  
33 the city or town if there is, within the city or town, unincorporated  
34 territory containing residential property owners within the same  
35 county and within the same urban growth area designated under RCW  
36 36.70A.110 as the city or town:

1 (a) Containing less than one hundred acres and having at least  
2 eighty percent of the boundaries of such area contiguous to the city  
3 or town; or

4 (b) Of any size and having at least eighty percent of the  
5 boundaries of the area contiguous to the city (~~if the area existed~~  
6 ~~before June 30, 1994~~)).

7 (2) The resolution shall describe the boundaries of the area to  
8 be annexed, state the number of voters residing in the area as nearly  
9 as may be, and set a date for a public hearing on the resolution for  
10 annexation. The legislative body of the city or town must file notice  
11 of the proposed action with the office of financial management for  
12 its review pursuant to section 1 of this act. Notice of the hearing  
13 shall be given by publication of the resolution at least once a week  
14 for two weeks before the date of the hearing in one or more  
15 newspapers of general circulation within the city or town and one or  
16 more newspapers of general circulation within the area to be annexed.

17 (3) For purposes of subsection (1)(b) of this section, territory  
18 bounded by a river, lake, or other body of water is considered  
19 contiguous to a city that is also bounded by the same river, lake, or  
20 other body of water.

21 **Sec. 408.** RCW 35.13.1822 and 1998 c 286 s 3 are each amended to  
22 read as follows:

23 On the date set for hearing as provided in RCW 35.13.182(2),  
24 residents or property owners of the area included in the resolution  
25 for annexation shall be afforded an opportunity to be heard. Subject  
26 to review of the proposed action by the office of financial  
27 management pursuant to section 1 of this act, the legislative body  
28 may provide by ordinance for annexation of the territory described in  
29 the resolution, but the effective date of the ordinance shall be not  
30 less than forty-five days after the passage thereof. The legislative  
31 body shall cause notice of the proposed effective date of the  
32 annexation, together with a description of the property to be  
33 annexed, to be published at least once each week for two weeks  
34 subsequent to passage of the ordinance, in one or more newspapers of  
35 general circulation within the city and in one or more newspapers of  
36 general circulation within the area to be annexed. If the annexation  
37 ordinance provides for assumption of indebtedness or adoption of a  
38 proposed zoning regulation, the notice shall include a statement of  
39 such requirements.

1       **Sec. 409.** RCW 35.13.185 and 1965 c 7 s 35.13.185 are each  
2 amended to read as follows:

3       Any unincorporated area contiguous, as defined in section 1(6) of  
4 this act, to a first-class city may be annexed thereto by an  
5 ordinance accepting a gift, grant, lease, or cession of jurisdiction  
6 from the government of the United States of the right to occupy or  
7 control it. The first-class city must file notice of the proposed  
8 action with the office of financial management for its review  
9 pursuant to section 1 of this act.

10       **Sec. 410.** RCW 35.13.190 and 1994 c 81 s 12 are each amended to  
11 read as follows:

12       Any unincorporated area contiguous, as defined in section 1(6) of  
13 this act, to a second-class city or town may be annexed thereto by an  
14 ordinance accepting a gift, grant, or lease from the government of  
15 the United States of the right to occupy, control, improve it or  
16 sublet it for commercial, manufacturing, or industrial purposes:  
17 PROVIDED, That this shall not apply to any territory more than four  
18 miles from the corporate limits existing before such annexation. The  
19 second-class city or town must file notice of the proposed action  
20 with the office of financial management for its review pursuant to  
21 section 1 of this act.

22       **Sec. 411.** RCW 35.13.238 and 2013 2nd sp.s. c 27 s 3 are each  
23 amended to read as follows:

24       (1)(a) An annexation by a city or town that is proposing to annex  
25 territory served by one or more fire protection districts may be  
26 accomplished by ordinance after entering into an interlocal agreement  
27 as provided in chapter 39.34 RCW with the county and the fire  
28 protection district or districts that have jurisdiction over the  
29 territory proposed for annexation.

30       (b) A city or town proposing to annex territory shall initiate  
31 the interlocal agreement process by sending notice to the fire  
32 protection district representative and county representative stating  
33 the city's or town's interest to enter into an interlocal agreement  
34 negotiation process. The parties have forty-five days to respond in  
35 the affirmative or negative. A negative response must state the  
36 reasons the parties do not wish to participate in an interlocal  
37 agreement negotiation. A failure to respond within the forty-five day  
38 period is deemed an affirmative response and the interlocal agreement



1 negotiation process may proceed. The interlocal agreement process may  
2 not proceed if any negative responses are received within the forty-  
3 five day period.

4 (c) The interlocal agreement must describe the boundaries of the  
5 territory proposed for annexation and must be consistent with the  
6 boundaries identified in an ordinance describing the boundaries of  
7 the territory proposed for annexation and setting a date for a public  
8 hearing on the ordinance. If the boundaries of the territory proposed  
9 for annexation are agreed to by all parties, a notice of intention  
10 must be filed with the boundary review board created under RCW  
11 36.93.030 and the office of financial management. However, the  
12 jurisdiction of the board may not be invoked as described in RCW  
13 36.93.100 for annexations that are the subject of such agreement.

14 (2) An interlocal annexation agreement under this section must  
15 include the following:

16 (a) A statement of the goals of the agreement. Goals must  
17 include, but are not limited to:

18 (i) The transfer of revenues and assets between the fire  
19 protection districts and the city or town;

20 (ii) A consideration and discussion of the impact to the level of  
21 service of annexation on the unincorporated area, and an agreement  
22 that the impact on the ability of fire protection and emergency  
23 medical services within the incorporated area must not be negatively  
24 impacted at least through the budget cycle in which the annexation  
25 occurs;

26 (iii) A discussion with fire protection districts regarding the  
27 division of assets and its impact to citizens inside and outside the  
28 newly annexed area;

29 (iv) Community involvement, including an agreed upon schedule of  
30 public meetings in the area or areas proposed for annexation;

31 (v) Revenue sharing, if any;

32 (vi) Debt distribution;

33 (vii) Capital facilities obligations of the city, county, and  
34 fire protection districts;

35 (viii) An overall schedule or plan on the timing of any  
36 annexations covered under this agreement; and

37 (ix) A description of which of the annexing cities' development  
38 regulations will apply and be enforced in the area.

1 (b) The subject areas and policies and procedures the parties  
2 agree to undertake in annexations. Subject areas may include, but are  
3 not limited to:

- 4 (i) Roads and traffic impact mitigation;
- 5 (ii) Surface and storm water management;
- 6 (iii) Coordination and timing of comprehensive plan and  
7 development regulation updates;
- 8 (iv) Outstanding bonds and special or improvement district  
9 assessments;
- 10 (v) Annexation procedures;
- 11 (vi) Distribution of debt and revenue sharing for annexation  
12 proposals, code enforcement, and inspection services;
- 13 (vii) Financial and administrative services; and
- 14 (viii) Consultation with other service providers, including  
15 water-sewer districts, if applicable.

16 (c) A term of at least five years, which may be extended by  
17 mutual agreement of the city or town, the county, and the fire  
18 protection district.

19 (3) If the fire protection district, annexing city or town, and  
20 county reach an agreement on the enumerated goals, or if only the  
21 annexing city or town and county reach an agreement on the enumerated  
22 goals, the city or town may adopt an annexation ordinance, but the  
23 annexation ordinance provided for in this section is subject to  
24 review by the office of financial management pursuant to section 1 of  
25 this act and referendum for forty-five days after its passage,  
26 provided that no referendum shall be allowed for an annexation under  
27 this section if the fire protection district, annexing city or town,  
28 and the county reach agreement on an annexation for which a city or  
29 town has initiated the interlocal agreement process by sending notice  
30 to the fire protection district representative and county  
31 representative prior to July 28, 2013. Upon the filing of a timely  
32 and sufficient referendum petition with the legislative body of the  
33 city or town, signed by qualified electors in a number not less than  
34 ten percent of the votes cast in the last general state election in  
35 the area to be annexed, the question of annexation must be submitted  
36 to the voters of the area in a general election if one is to be held  
37 within ninety days or at a special election called for that purpose  
38 according to RCW 29A.04.330. Notice of the election must be given as  
39 provided in RCW 35.13.080, and the election must be conducted as  
40 provided in the general election laws under Title 29A RCW. The

1 annexation must be deemed approved by the voters unless a majority of  
2 the votes cast on the proposition are in opposition to the  
3 annexation.

4 After the expiration of the forty-fifth day from, but excluding,  
5 the date of passage of the annexation ordinance, if a timely and  
6 sufficient referendum petition has not been filed, the area annexed  
7 becomes a part of the city or town upon the date fixed in the  
8 ordinance of annexation.

9 (4) If any portion of a fire protection district is proposed for  
10 annexation to or incorporation into a city or town, both the fire  
11 protection district and the city or town shall jointly inform the  
12 employees of the fire protection district about hires, separations,  
13 terminations, and any other changes in employment that are a direct  
14 consequence of annexation or incorporation at the earliest reasonable  
15 opportunity.

16 (5) The needed employees shall be taken in order of seniority and  
17 the remaining employees who transfer as provided in this section and  
18 RCW 35.10.360 and 35.10.370 shall head the list for employment in the  
19 civil service system in order of their seniority, to the end that  
20 they shall be the first to be reemployed in the city or town fire  
21 department when appropriate positions become available. Employees who  
22 are not immediately hired by the city or town shall be placed on a  
23 reemployment list for a period not to exceed thirty-six months unless  
24 a longer period is authorized by an agreement reached between the  
25 collective bargaining representatives of the employees of the  
26 annexing and annexed fire agencies and the annexing and annexed fire  
27 agencies.

28 (6)(a) Upon transfer, an employee is entitled to the employee  
29 rights, benefits, and privileges to which he or she would have been  
30 entitled as an employee of the fire protection district, including  
31 rights to:

32 (i) Compensation at least equal to the level of compensation at  
33 the time of transfer, unless the employee's rank and duties have been  
34 reduced as a result of the transfer. If the transferring employee is  
35 placed in a position with reduced rank and duties, the employee's  
36 compensation may be adjusted, but the adjustment may not result in a  
37 decrease of greater than fifty percent of the difference between the  
38 employee's compensation before the transfer and the compensation  
39 level for the position that the employee is transferred to;

1 (ii) Retirement, vacation, sick leave, and any other accrued  
2 benefit;

3 (iii) Promotion and service time accrual; and

4 (iv) The length or terms of probationary periods, including no  
5 requirement for an additional probationary period if one had been  
6 completed before the transfer date.

7 (b) (a) of this subsection does not apply if upon transfer an  
8 agreement for different terms of transfer is reached between the  
9 collective bargaining representatives of the transferring employees  
10 and the participating fire protection jurisdictions.

11 (7) If upon transfer, the transferring employee receives the  
12 rights, benefits, and privileges established under subsection  
13 (6)(a)(i) through (iv) of this section, those rights, benefits, and  
14 privileges are subject to collective bargaining at the end of the  
15 current bargaining period for the jurisdiction to which the employee  
16 has transferred.

17 (8) Such bargaining must take into account the years of service  
18 the transferring employee accumulated before the transfer and must be  
19 treated as if those years of service occurred in the jurisdiction to  
20 which the employee has transferred.

21 **Sec. 412.** RCW 35.13.260 and 2011 c 342 s 1 are each amended to  
22 read as follows:

23 (1) Whenever any territory is annexed to or deannexed from a city  
24 or town, any territory is subject to boundary line adjustment, or  
25 cities are consolidated pursuant to chapter 35.10 RCW:

26 (a) A copy of the complete ordinance containing a legal  
27 description and a map showing specifically the boundaries of the  
28 territory or consolidated area must be submitted immediately after  
29 the city or town's adoption. Within two days of receipt of the  
30 ordinance, the office of financial management must post a digital  
31 copy on the internet or transmit digital copies via email to the  
32 departments of transportation and revenue. The requirement to notify  
33 the department of revenue of a tax rate change under RCW 82.14.055(1)  
34 is met when the office of financial management receives the documents  
35 required under this subsection (1)(a); and

36 (b) A certificate as hereinafter provided (~~shall~~) must be  
37 submitted (~~in triplicate~~) to the office of financial management(~~(,~~  
38 ~~hereinafter in this section referred to as "the office",)~~) within  
39 thirty days of the effective date of (~~annexation~~) the action

1 specified in the relevant ordinance. After approval of the  
2 certificate, the office ~~((shall))~~ of financial management must retain  
3 the original copy in its files~~((r))~~ and transmit ~~((the second))~~ a  
4 digital copy to ~~((the department of transportation and return the~~  
5 ~~third copy to))~~ the city or town via email. ~~((Such))~~ The  
6 certificate~~((s shall))~~ must be in ~~((such))~~ a form and contain  
7 ~~((such))~~ information as ~~((shall be))~~ prescribed by the office of  
8 financial management. ~~((A copy of the complete ordinance containing a~~  
9 ~~legal description and a map showing specifically the boundaries of~~  
10 ~~the annexed territory shall be attached to each of the three copies~~  
11 ~~of the certificate.))~~ The certificate ~~((shall))~~ must be signed by the  
12 mayor and attested by the city clerk. Upon request, the office  
13 ~~((shall))~~ of financial management must furnish certification forms to  
14 any city or town.

15 (2)(a) The resident population of the ~~((annexed))~~ territory  
16 ~~((shall))~~ or consolidated area must be determined by, or under the  
17 direction of, the mayor of the city or town.

18 (b) If the ~~((annexing))~~ city or town has a population of ten  
19 thousand or less, the ~~((annexed))~~ territory or consolidated area  
20 consists entirely of one or more partial federal census blocks, or  
21 2010 federal decennial census data has not been released within  
22 twelve months immediately prior to the date of ~~((annexation))~~ the  
23 action, the population determination ~~((shall))~~ must consist of an  
24 actual enumeration of the population.

25 (c) In any circumstance, the city or town may choose to have the  
26 population determination of the entire ~~((annexed))~~ territory or  
27 consolidated area consist of an actual enumeration. However, if the  
28 city or town does not use actual enumeration for determining  
29 population, the ~~((annexed))~~ territory or consolidated area includes  
30 or consists of one or more complete federal census blocks, and 2010  
31 federal decennial census data has been released within twelve months  
32 immediately prior to the date of ~~((annexation))~~ the action, the  
33 population determination ~~((shall))~~ must consist of:

34 (i) Relevant 2010 federal decennial census data pertaining to the  
35 complete block or blocks, as such data has been updated by the most  
36 recent official population estimate released by the office of  
37 financial management pursuant to RCW 43.62.030;

38 (ii) An actual enumeration of any population located within the  
39 ~~((annexed))~~ territory or consolidated area but outside the complete  
40 federal census block or blocks; and

1 (iii) If the office of financial management, at least two weeks  
2 prior to the date of (~~annexation~~) the action, confirms the  
3 existence of a known census error within a complete federal census  
4 block and identifies a structure or complex listed in (c)(iii)(A)  
5 through (E) of this subsection (2) as a likely source of the error,  
6 an actual enumeration of one or more of the block's identified:

7 (A) Group quarters;

8 (B) Mobile home parks;

9 (C) Apartment buildings that are composed of at least fifty units  
10 and are certified for occupancy between January 1, 2010, and April 1,  
11 2011;

12 (D) Missing subdivisions; and

13 (E) Closures of any of the categories in (c)(iii)(A) through (D)  
14 of this subsection.

15 (d) Whenever an actual enumeration is used, it shall be made in  
16 accordance with the practices and policies of, and subject to the  
17 approval of, the office of financial management.

18 (e) The city or town (~~shall be~~) is responsible for the full  
19 cost of the population determination.

20 (3) The population (~~shall~~) must be determined as of the  
21 effective date of (~~annexation~~) the action as specified in the  
22 relevant ordinance.

23 Until (~~an annexation~~) a certificate is filed and approved (~~as~~  
24 ~~provided herein, such annexed~~), the territory (~~shall~~) or  
25 consolidated area must not be considered by the office of financial  
26 management in determining the population of such city or town.

27 Upon approval of the (~~annexation~~) certificate, the office  
28 (~~shall~~) of financial management must forward to each state official  
29 or department responsible for making allocations or payments to  
30 cities or towns, a revised certificate reflecting the increase in  
31 population due to (~~such annexation~~) the action. Upon and after the  
32 date of the commencement of the next quarterly period, the population  
33 determination indicated in (~~such~~) the revised certificate (~~shall~~)  
34 must be used as the basis for the allocation and payment of state  
35 funds to such city or town.

36 For the purposes of this section, each quarterly period (~~shall~~)  
37 commences on the first day of the months of January, April, July, and  
38 October. Whenever a revised certificate is forwarded by the office of  
39 financial management thirty days or less prior to the commencement of  
40 the next quarterly period, the population of the (~~annexed~~)

1 territory (~~shall~~) or consolidated area must not be considered until  
2 the commencement of the following quarterly period.

3 **Sec. 413.** RCW 35.13.300 and 1989 c 84 s 12 are each amended to  
4 read as follows:

5 The purpose of this section and RCW (~~35.13.300~~) 35.13.310  
6 through (~~35.13.330~~) 35.13.340 is to establish a process for the  
7 adjustment of existing or proposed city boundary lines to avoid a  
8 situation where a common boundary line is or would be located within  
9 a right-of-way of a public street, road, or highway, or a situation  
10 where two cities are separated or would be separated by only the  
11 right-of-way of a public street, road, or highway, other than  
12 situations where a boundary line runs from one edge of the  
13 right-of-way to the other edge of the right-of-way. Boundary line  
14 adjustments under RCW 35.13.310 through 35.13.340 are subject to  
15 review by the office of financial management pursuant to section 1 of  
16 this act.

17 As used in this section and RCW (~~35.13.300~~) 35.13.310 through  
18 35.13.330, "city" includes every city or town in the state, including  
19 a code city operating under Title 35A RCW.

20 **Sec. 414.** RCW 35.13.420 and 2003 c 331 s 3 are each amended to  
21 read as follows:

22 (1) A petition for annexation of an area contiguous, as defined  
23 in section 1(6) of this act, to a city or town may be made in writing  
24 addressed to and filed with the legislative body of the municipality  
25 to which annexation is desired. Except where all the property sought  
26 to be annexed is property of a school district, and the school  
27 directors thereof file the petition for annexation as in RCW  
28 28A.335.110, the petition must be signed by the owners of a majority  
29 of the acreage for which annexation is petitioned and a majority of  
30 the registered voters residing in the area for which annexation is  
31 petitioned.

32 (2) If no residents exist within the area proposed for  
33 annexation, the petition must be signed by the owners of a majority  
34 of the acreage for which annexation is petitioned.

35 (3) The petition shall set forth a legal description of the  
36 property proposed to be annexed that complies with RCW 35.02.170, and  
37 shall be accompanied by a drawing that outlines the boundaries of the  
38 property sought to be annexed. If the petition for annexation is

1 approved by the legislative body, the legislative body must file  
2 notice of the proposed action with the office of financial management  
3 for its review pursuant to section 1 of this act. If the legislative  
4 body has required the assumption of all or any portion of city or  
5 town indebtedness by the area annexed, and/or the adoption of a  
6 comprehensive plan for the area to be annexed, these facts, together  
7 with a quotation of the minute entry of such requirement or  
8 requirements, shall be set forth in the petition.

9 **Sec. 415.** RCW 35.13.440 and 2003 c 331 s 5 are each amended to  
10 read as follows:

11 Following the hearing and review of the proposed action by the  
12 office of financial management pursuant to section 1 of this act, the  
13 council or commission shall determine by ordinance whether annexation  
14 shall be made. Subject to the provisions of RCW 35.13.410, 35.13.460,  
15 and 35.21.005, (~~they~~) the council or commission may annex all or  
16 any portion of the proposed area but may not include in the  
17 annexation any property not described in the petition. Upon passage  
18 of the ordinance, a certified copy (~~shall~~) must be filed with the  
19 board of county commissioners of the county in which the annexed  
20 property is located and a copy must be filed with the office of  
21 financial management.

22 **Sec. 416.** RCW 35.13.480 and 2006 c 344 s 23 are each amended to  
23 read as follows:

24 (1) The legislative body of any county planning under chapter  
25 36.70A RCW and subject to the requirements of RCW 36.70A.215 may  
26 initiate an annexation process with the legislative body of any other  
27 cities or towns that are contiguous, as defined in section 1(6) of  
28 this act, to the territory proposed for annexation in RCW 35.13.470  
29 if:

30 (a) The county legislative body initiated an annexation process  
31 as provided in RCW 35.13.470; and

32 (b) The affected city or town legislative body adopted a  
33 responsive resolution rejecting the proposed annexation or declined  
34 to create the requested interlocal agreement with the county; or

35 (c) More than one hundred eighty days have passed since adoption  
36 of a county resolution as provided for in RCW 35.13.470 and the  
37 parties have not adopted or executed an interlocal agreement  
38 providing for the annexation of unincorporated territory. The



1 legislative body for either the county or an affected city or town  
2 may, however, pass a resolution extending the negotiation period for  
3 one or more six-month periods if a public hearing is held and  
4 findings of fact are made prior to each extension.

5 (2) Any county initiating the process provided for in subsection  
6 (1) of this section must do so by adopting a resolution commencing  
7 negotiations for an interlocal agreement as provided in chapter 39.34  
8 RCW between the county and any city or town within the county. The  
9 annexation area must be within an urban growth area designated under  
10 RCW 36.70A.110 and at least sixty percent of the boundaries of the  
11 territory to be annexed must be contiguous, as defined in section  
12 1(6) of this act, to one or more cities or towns.

13 (3) The agreement shall describe the boundaries of the territory  
14 to be annexed and be submitted to the office of financial management  
15 for its review pursuant to section 1 of this act. A public hearing  
16 shall be held by each legislative body, separately or jointly, before  
17 the agreement is executed. Each legislative body holding a public  
18 hearing shall, separately or jointly, publish the agreement at least  
19 once a week for two weeks before the date of the hearing in one or  
20 more newspapers of general circulation within the territory proposed  
21 for annexation.

22 (4) Following adoption and execution of the agreement by both  
23 legislative bodies and its review by the office of financial  
24 management pursuant to section 1 of this act, the city or town  
25 legislative body shall adopt an ordinance providing for the  
26 annexation. The legislative body shall cause notice of the proposed  
27 effective date of the annexation, together with a description of the  
28 property to be annexed, to be published at least once each week for  
29 two weeks subsequent to passage of the ordinance, in one or more  
30 newspapers of general circulation within the city and in one or more  
31 newspapers of general circulation within the territory to be annexed.  
32 If the annexation ordinance provides for assumption of indebtedness  
33 or adoption of a proposed zoning regulation, the notice shall include  
34 a statement of the requirements. Any area to be annexed through an  
35 ordinance adopted under this section is annexed and becomes a part of  
36 the city or town upon the date fixed in the ordinance of annexation,  
37 which date may not be less than forty-five days after adoption of the  
38 ordinance.

39 (5) The annexation ordinances provided for in RCW 35.13.470(4)  
40 and subsection (4) of this section are subject to referendum for

1 forty-five days after passage. Upon the filing of a timely and  
2 sufficient referendum petition with the legislative body, signed by  
3 registered voters in number equal to not less than fifteen percent of  
4 the votes cast in the last general state election in the area to be  
5 annexed, the question of annexation shall be submitted to the voters  
6 of the area in a general election if one is to be held within ninety  
7 days or at a special election called for that purpose according to  
8 RCW 29A.04.330. Notice of the election shall be given as provided in  
9 RCW 35.13.080 and the election shall be conducted as provided in the  
10 general election law. The annexation shall be deemed approved by the  
11 voters unless a majority of the votes cast on the proposition are in  
12 opposition thereto.

13 After the expiration of the forty-fifth day from but excluding  
14 the date of passage of the annexation ordinance, if no timely and  
15 sufficient referendum petition has been filed, the area annexed shall  
16 become a part of the city or town upon the date fixed in the  
17 ordinance of annexation.

18 (6) If more than one city or town adopts interlocal agreements  
19 providing for annexation of the same unincorporated territory as  
20 provided by this section, an election shall be held in the area to be  
21 annexed pursuant to RCW 35.13.070 and 35.13.080. In addition to the  
22 provisions of RCW 35.13.070 and 35.13.080, the ballot shall also  
23 contain a separate proposition allowing voters to cast votes in favor  
24 of annexation to any one city or town participating in an interlocal  
25 agreement as provided by this section. If a majority of voters voting  
26 on the proposition vote against annexation, the proposition is  
27 defeated. If, however, a majority of voters voting in the election  
28 approve annexation, the area shall be annexed to the city or town  
29 receiving the highest number of votes among those cast in favor of  
30 annexation.

31 (7) Costs for an election required under subsection (6) of this  
32 section shall be borne by the county.

33 **Sec. 417.** RCW 35.13.490 and 2009 c 402 s 3 are each amended to  
34 read as follows:

35 (1) Territory owned by a county and used for an agricultural fair  
36 as provided in chapter 15.76 ((RCW)) or ((chapter)) 36.37 RCW may  
37 only be annexed to a city or town through the method prescribed in  
38 this section.

1 (a) The legislative body of the city or town proposing the  
2 annexation must submit a request for annexation and a legal  
3 description of the subject territory to the legislative authority of  
4 the county within which the territory is located.

5 (b) Upon receipt of the request and description, the county  
6 legislative authority has thirty days to review the proposal and  
7 determine if the annexation proceedings will continue. As a condition  
8 of approval, the county legislative authority may modify the  
9 proposal, but it may not add territory that was not included in the  
10 request and description. Approval of the county legislative authority  
11 is a condition precedent to further proceedings upon the request and  
12 there is no appeal of the county legislative authority's decision.

13 (c) If the county legislative authority determines that the  
14 proceedings may continue, it must, within thirty days of the  
15 determination, fix a date for a public hearing on the proposal, and  
16 cause notice of the hearing to be published at least once a week for  
17 two weeks prior to the hearing in one or more newspapers of general  
18 circulation in the territory proposed for annexation. The notice must  
19 also be posted in three public places within the subject territory,  
20 specify the time and place of the hearing, and invite interested  
21 persons to appear and voice approval or disapproval of the  
22 annexation. If the annexation proposal provides for assumption of  
23 indebtedness or adoption of a proposed zoning regulation, the notice  
24 must include a statement of these requirements.

25 (d) If, following the conclusion of the hearing, a majority of  
26 the county legislative authority deems the annexation proposal to be  
27 in the best interest of the county, it may adopt a resolution  
28 approving of the annexation. The county legislative authority must  
29 file notice of the proposed action with the office of financial  
30 management for its review pursuant to section 1 of this act.

31 (e) If, following the county legislative authority's adoption of  
32 the annexation approval resolution and review of the proposed action  
33 by the office of financial management pursuant to section 1 of this  
34 act, the legislative body of the city or town proposing annexation  
35 determines to effect the annexation, it must do so by ordinance. The  
36 ordinance: (i) May only include territory approved for annexation in  
37 the resolution adopted under (d) of this subsection; and (ii) must  
38 not exclude territory approved for annexation in the resolution  
39 adopted under (d) of this subsection. Upon passage of the annexation

1 ordinance, a certified copy must be filed with the applicable county  
2 legislative authority.

3 (2) Any territory annexed through an ordinance adopted under this  
4 section is annexed and becomes a part of the city or town upon the  
5 date fixed in the ordinance.

6 **Sec. 418.** RCW 35.16.010 and 1994 c 273 s 1 are each amended to  
7 read as follows:

8 Upon the filing of a petition which is sufficient as determined  
9 by RCW 35A.01.040 requesting the exclusion from the boundaries of a  
10 city or town of an area described by metes and bounds or by reference  
11 to a recorded plat or government survey, signed by qualified voters  
12 of the city or town equal in number to not less than ten percent of  
13 the number of voters voting at the last general municipal election,  
14 the city or town legislative body shall submit the question to the  
15 voters. As an alternate method, the legislative body of the city or  
16 town may by resolution submit a proposal to the voters for excluding  
17 such a described area from the boundaries of the city or town. The  
18 question shall be submitted at the next general municipal election if  
19 one is to be held within one hundred eighty days or at a special  
20 election called for that purpose not less than ninety days nor more  
21 than one hundred eighty days after the certification of sufficiency  
22 of the petition or the passage of the resolution. The petition or  
23 resolution shall set out and describe the territory to be excluded  
24 from the city or town, together with the boundaries of the city or  
25 town as it will exist after such change is made. The legislative body  
26 of the city or town must file notice of the proposed action with the  
27 office of financial management for its review pursuant to section 1  
28 of this act.

29 **Sec. 419.** RCW 35.16.040 and 1994 c 273 s 4 are each amended to  
30 read as follows:

31 Promptly after the filing of the abstract of votes with the  
32 office of the secretary of state and subject to review of the  
33 proposed action by the office of financial management pursuant to  
34 section 1 of this act, the legislative body of the city or town shall  
35 adopt an ordinance defining and fixing the corporate limits after  
36 excluding the area as determined by the election. The ordinance shall  
37 also describe the excluded territory by metes and bounds or by

1 reference to a recorded plat or government survey and declare it no  
2 longer a part of the city or town.

3 **Sec. 420.** RCW 35A.14.010 and 2009 c 402 s 4 are each amended to  
4 read as follows:

5 Any portion of a county not incorporated as part of a city or  
6 town but lying contiguous, as defined in section 1(6) of this act, to  
7 a code city may become a part of the charter code city or noncharter  
8 code city by annexation. An area proposed to be annexed to a charter  
9 code city or noncharter code city shall be deemed contiguous, as  
10 defined in section 1(6) of this act, thereto even though separated by  
11 water or tide or shore lands and, upon annexation of such area, any  
12 such intervening water and/or tide or shore lands shall become a part  
13 of such annexing city.

14 **Sec. 421.** RCW 35A.14.020 and 1989 c 351 s 4 are each amended to  
15 read as follows:

16 (1) When a petition is sufficient under the rules set forth in  
17 RCW 35A.01.040, calling for an election to vote upon the annexation  
18 of unincorporated territory contiguous, as defined in section 1(6) of  
19 this act, to a code city, describing the boundaries of the area  
20 proposed to be annexed, stating the number of voters therein as  
21 nearly as may be, and signed by qualified electors resident in such  
22 territory equal in number to ten percent of the votes cast at the  
23 last state general election therein, it shall be filed with the  
24 auditor of the county in which all, or the greatest portion, of the  
25 territory is located, and a copy of the petition shall be filed with  
26 the legislative body of the code city. If the territory is located in  
27 more than a single county, the auditor of the county with whom the  
28 petition is filed shall act as the lead auditor and transmit a copy  
29 of the petition to the auditor of each other county within which a  
30 portion of the territory is located. The auditor or auditors shall  
31 examine the petition, and the auditor or lead auditor shall certify  
32 the sufficiency of the petition to the legislative authority of the  
33 code city.

34 (2) If the signatures on the petition are certified as containing  
35 sufficient valid signatures, the city legislative authority shall, by  
36 resolution entered within sixty days thereafter, notify the  
37 petitioners, either by mail or by publication in the same manner  
38 notice of hearing is required by RCW 35A.14.040 to be published, of

1 its approval or rejection of the proposed action. If approved, the  
2 legislative body must file notice of the proposed action with the  
3 office of financial management for its review pursuant to section 1  
4 of this act. In approving the proposed action, the legislative body  
5 may require that there also be submitted to the electorate of the  
6 territory to be annexed, a proposition that all property within the  
7 area to be annexed shall, upon annexation, be assessed and taxed at  
8 the same rate and on the same basis as the property of such annexing  
9 city is assessed and taxed to pay for all or any portion of the then-  
10 outstanding indebtedness of the city to which said area is annexed,  
11 which indebtedness has been approved by the voters, contracted for,  
12 or incurred prior to, or existing at, the date of annexation. Only  
13 after the legislative body has completed preparation and filing of a  
14 proposed zoning regulation for the area to be annexed as provided for  
15 in RCW 35A.14.330 and 35A.14.340, the legislative body in approving  
16 the proposed action, may require that the proposed zoning regulation  
17 be simultaneously adopted upon the approval of annexation by the  
18 electorate of the area to be annexed. The approval of the legislative  
19 body shall be a condition precedent to further proceedings upon the  
20 petition. The costs of conducting the election called for in the  
21 petition shall be a charge against the city concerned. The  
22 proposition or questions provided for in this section may be  
23 submitted to the voter either separately or as a single proposition.

24 **Sec. 422.** RCW 35A.14.090 and 1979 ex.s. c 124 s 6 are each  
25 amended to read as follows:

26 Upon filing of the certified copy of the finding of the county  
27 legislative authority, the clerk shall transmit it to the legislative  
28 body of the city at the next regular meeting or as soon thereafter as  
29 practicable. If only a proposition relating to annexation or to  
30 annexation and adoption of a proposed zoning regulation was submitted  
31 to the voters and ~~((such proposition was))~~ approved, and the proposed  
32 action has been subject to review by the office of financial  
33 management pursuant to section 1 of this act, the legislative body  
34 shall adopt an ordinance providing for the annexation or adopt  
35 ordinances providing for the annexation and adoption of a proposed  
36 zoning regulation, as the case may be. If a proposition for  
37 annexation or for annexation and adoption of a proposed zoning  
38 regulation~~((τ))~~ and a proposition for assumption of all or any  
39 portion of indebtedness were both submitted~~((τ))~~ and ~~((both were))~~

1 approved, and the proposed action has been subject to review by the  
2 office of financial management pursuant to section 1 of this act, the  
3 legislative body shall adopt an ordinance providing for the  
4 annexation or for annexation and adoption of the proposed zoning  
5 regulation, including the assumption of the portion of indebtedness  
6 that was approved by the voters. If both propositions were submitted  
7 and only the annexation or the annexation and adoption of the  
8 proposed zoning regulation was approved, and the proposed action has  
9 been subject to review by the office of financial management pursuant  
10 to section 1 of this act, the legislative body may adopt an ordinance  
11 providing for the annexation or adopt ordinances providing for the  
12 annexation and adoption of the proposed zoning regulation, as the  
13 case may be, or the legislative body may refuse to annex when a  
14 proposal for assumption of the portion of indebtedness has been  
15 disapproved by the voters.

16 **Sec. 423.** RCW 35A.14.130 and 1967 ex.s. c 119 s 35A.14.130 are  
17 each amended to read as follows:

18 Whenever such a petition for annexation is filed with the  
19 legislative body of a code city, which petition meets the  
20 requirements herein specified and is sufficient according to the  
21 rules set forth in RCW 35A.01.040, the legislative body may entertain  
22 the same, fix a date for a public hearing thereon, and cause notice  
23 of the hearing to be published in one or more issues of a newspaper  
24 of general circulation in the city. The legislative body must also  
25 file notice of the proposed action with the office of financial  
26 management for its review pursuant to section 1 of this act. The  
27 notice (~~shall~~) of the hearing must also be posted in three public  
28 places within the territory proposed for annexation, (~~and shall~~)  
29 specify the time and place of hearing, and invite interested persons  
30 to appear and voice approval or disapproval of the annexation.

31 **Sec. 424.** RCW 35A.14.140 and 1986 c 234 s 31 are each amended to  
32 read as follows:

33 Following the hearing and review of the proposed action by the  
34 office of financial management pursuant to section 1 of this act, if  
35 the legislative body determines to effect the annexation, they shall  
36 do so by ordinance. Subject to RCW 35.02.170, the ordinance may annex  
37 all or any portion of the proposed area but may not include in the  
38 annexation any property not described in the petition. Upon passage

1 of the annexation ordinance a certified copy shall be filed with the  
2 board of county commissioners of the county in which the annexed  
3 property is located.

4 **Sec. 425.** RCW 35A.14.295 and 2013 2nd sp.s. c 27 s 1 are each  
5 amended to read as follows:

6 (1) The legislative body of a code city may resolve to annex  
7 territory to the city if there is within the city, unincorporated  
8 territory:

9 (a) Containing less than one hundred seventy-five acres and  
10 having all of the boundaries of such area contiguous to the code  
11 city; or

12 (b) Of any size containing residential property owners and having  
13 at least eighty percent of the boundaries of such area contiguous to  
14 the city. Territory annexed under this subsection (1)(b) must be  
15 within the same county and within the same urban growth area  
16 designated under RCW 36.70A.110, and the city must plan under chapter  
17 36.70A RCW.

18 (2) The resolution (~~shall~~) must describe the boundaries of the  
19 area to be annexed, state the number of voters residing therein as  
20 nearly as may be, and set a date for a public hearing on such  
21 resolution for annexation. The legislative body of the code city must  
22 file notice of the proposed action with the office of financial  
23 management for its review pursuant to section 1 of this act. Notice  
24 of the hearing (~~shall~~) must be given by publication of the  
25 resolution at least once a week for two weeks prior to the date of  
26 the hearing, in one or more newspapers of general circulation within  
27 the code city and one or more newspapers of general circulation  
28 within the area to be annexed.

29 (3) For purposes of subsection (1)(b) of this section, territory  
30 bounded by a river, lake, or other body of water is considered  
31 contiguous to a city that is also bounded by the same river, lake, or  
32 other body of water.

33 **Sec. 426.** RCW 35A.14.297 and 1967 ex.s. c 119 s 35A.14.297 are  
34 each amended to read as follows:

35 On the date set for hearing as provided in RCW 35A.14.295,  
36 residents or property owners of the area included in the resolution  
37 for annexation shall be afforded an opportunity to be heard. Subject  
38 to review of the proposed action by the office of financial



1 management pursuant to section 1 of this act, the legislative body  
2 may provide by ordinance for annexation of the territory described in  
3 the resolution, but the effective date of the ordinance shall be not  
4 less than forty-five days after the passage thereof. The legislative  
5 body shall cause notice of the proposed effective date of the  
6 annexation, together with a description of the property to be  
7 annexed, to be published at least once each week for two weeks  
8 subsequent to passage of the ordinance, in one or more newspapers of  
9 general circulation within the city and in one or more newspapers of  
10 general circulation within the area to be annexed. If the annexation  
11 ordinance provides for assumption of indebtedness or adoption of a  
12 proposed zoning regulation, the notice shall include a statement of  
13 such requirements. Such annexation ordinance shall be subject to  
14 referendum for forty-five days after the passage thereof. Upon the  
15 filing of a timely and sufficient referendum petition as provided in  
16 RCW 35A.14.299 below, a referendum election shall be held as provided  
17 in RCW 35A.14.299, and the annexation shall be deemed approved by the  
18 voters unless a majority of the votes cast on the proposition are in  
19 opposition thereto. After the expiration of the forty-fifth day from,  
20 but excluding the date of passage of the annexation ordinance, if no  
21 timely and sufficient referendum petition has been filed, as provided  
22 by RCW 35A.14.299 below, the area annexed shall become a part of the  
23 code city upon the date fixed in the ordinance of annexation.

24 **Sec. 427.** RCW 35A.14.300 and 1981 c 332 s 7 are each amended to  
25 read as follows:

26 Legislative bodies of code cities may by a majority vote annex  
27 territory outside the limits of such city whether contiguous or  
28 noncontiguous for any municipal purpose when such territory is owned  
29 by the city. The legislative body of a code city must file notice of  
30 the proposed action with the office of financial management for its  
31 review pursuant to section 1 of this act.

32 **Sec. 428.** RCW 35A.14.310 and 1985 c 105 s 1 are each amended to  
33 read as follows:

34 A code city may annex an unincorporated area contiguous, as  
35 defined in section 1(6) of this act, to the city that is owned by the  
36 federal government by adopting an ordinance providing for the  
37 annexation and which ordinance either acknowledges an agreement of  
38 the annexation by the government of the United States, or accepts a

1 gift, grant, or lease from the government of the United States of the  
2 right to occupy, control, improve it or sublet it for commercial,  
3 manufacturing, or industrial purposes: PROVIDED, That this right of  
4 annexation shall not apply to any territory more than four miles from  
5 the corporate limits existing before such annexation. Whenever a code  
6 city proposes to annex territory under this section, the city  
7 (~~shall~~) must file notice of the proposed action with the office of  
8 financial management for its review pursuant to section 1 of this act  
9 and provide written notice of the proposed (~~annexation~~) action to  
10 the legislative authority of the county within which such territory  
11 is located. The notice (~~shall~~) to the legislative authority of the  
12 county must be provided at least thirty days before the city proposes  
13 to adopt the annexation ordinance. The city shall not adopt the  
14 annexation ordinance, and the annexation shall not occur under this  
15 section, if within twenty-five days of receipt of the notice, the  
16 county legislative authority adopts a resolution opposing the  
17 annexation, which resolution makes a finding that the proposed  
18 annexation will have an adverse fiscal impact on the county or road  
19 district.

20 **Sec. 429.** RCW 35A.14.430 and 2003 c 331 s 11 are each amended to  
21 read as follows:

22 When a petition for annexation is filed with the legislative body  
23 of a code city, that meets the requirements of RCW 35A.01.040 and  
24 35A.14.420, the legislative body may entertain the same, fix a date  
25 for a public hearing thereon and cause notice of the hearing to be  
26 published in one or more issues of a newspaper of general circulation  
27 in the city. The legislative body must also file notice of the  
28 proposed action with the office of financial management for its  
29 review pursuant to section 1 of this act. The notice (~~shall~~) of the  
30 hearing must also be posted in three public places within the  
31 territory proposed for annexation, (~~and shall~~) specify the time and  
32 place of hearing, and invite interested persons to appear and voice  
33 approval or disapproval of the annexation.

34 **Sec. 430.** RCW 35A.14.440 and 2003 c 331 s 12 are each amended to  
35 read as follows:

36 Following the hearing and review of the proposed action by the  
37 office of financial management pursuant to section 1 of this act, if  
38 the legislative body determines to effect the annexation, (~~they~~

1 ~~shall~~) it must do so by ordinance. Subject to RCW 35A.14.410, the  
2 ordinance may annex all or any portion of the proposed area but may  
3 not include in the annexation any property not described in the  
4 petition. Upon passage of the annexation ordinance, a certified copy  
5 (~~shall~~) must be filed with the board of county commissioners of the  
6 county in which the annexed property is located and a copy must be  
7 filed with the office of financial management.

8 **Sec. 431.** RCW 35A.14.460 and 2003 c 299 s 3 are each amended to  
9 read as follows:

10 (1) The legislative body of a county or code city planning under  
11 chapter 36.70A RCW and subject to the requirements of RCW 36.70A.215  
12 may initiate an annexation process for unincorporated territory by  
13 adopting a resolution commencing negotiations for an interlocal  
14 agreement as provided in chapter 39.34 RCW between a county and any  
15 code city within the county. The territory proposed for annexation  
16 must meet the following criteria: (a) Be within the code city urban  
17 growth area designated under RCW 36.70A.110, and (b) at least sixty  
18 percent of the boundaries of the territory proposed for annexation  
19 must be contiguous, as defined in section 1(6) of this act, to the  
20 annexing code city or one or more cities or towns.

21 (2) If the territory proposed for annexation has been designated  
22 in an adopted county comprehensive plan as part of an urban growth  
23 area, urban service area, or potential annexation area for a specific  
24 city, or if the urban growth area territory proposed for annexation  
25 has been designated in a written agreement between a city and a  
26 county for annexation to a specific city or town, the designation or  
27 designations shall receive full consideration before a city or county  
28 may initiate the annexation process provided for in RCW 35A.14.470.

29 (3) The agreement shall describe the boundaries of the territory  
30 to be annexed and be submitted to the office of financial management  
31 for its review pursuant to section 1 of this act. A public hearing  
32 shall be held by each legislative body, separately or jointly, before  
33 the agreement is executed. Each legislative body holding a public  
34 hearing shall, separately or jointly, publish the agreement at least  
35 once a week for two weeks before the date of the hearing in one or  
36 more newspapers of general circulation within the territory proposed  
37 for annexation.

38 (4) Following adoption and execution of the agreement by both  
39 legislative bodies and its review by the office of financial

1 management pursuant to section 1 of this act, the city legislative  
2 body shall adopt an ordinance providing for the annexation of the  
3 territory described in the agreement. The legislative body shall  
4 cause notice of the proposed effective date of the annexation,  
5 together with a description of the property to be annexed, to be  
6 published at least once each week for two weeks subsequent to passage  
7 of the ordinance, in one or more newspapers of general circulation  
8 within the city and in one or more newspapers of general circulation  
9 within the territory to be annexed. If the annexation ordinance  
10 provides for assumption of indebtedness or adoption of a proposed  
11 zoning regulation, the notice shall include a statement of the  
12 requirements. Any territory to be annexed through an ordinance  
13 adopted under this section is annexed and becomes a part of the city  
14 upon the date fixed in the ordinance of annexation, which date may  
15 not be fewer than forty-five days after adoption of the ordinance.

16 **Sec. 432.** RCW 35A.14.470 and 2006 c 344 s 26 are each amended to  
17 read as follows:

18 (1) The legislative body of any county planning under chapter  
19 36.70A RCW and subject to the requirements of RCW 36.70A.215 may  
20 initiate an annexation process with the legislative body of any other  
21 cities or towns that are contiguous, as defined in section 1(6) of  
22 this act, to the territory proposed for annexation in RCW 35A.14.460  
23 if:

24 (a) The county legislative body initiated an annexation process  
25 as provided in RCW 35A.14.460; and

26 (b) The affected city legislative body adopted a responsive  
27 resolution rejecting the proposed annexation or declined to create  
28 the requested interlocal agreement with the county; or

29 (c) More than one hundred eighty days have passed since adoption  
30 of a county resolution as provided for in RCW 35A.14.460 and the  
31 parties have not adopted or executed an interlocal agreement  
32 providing for the annexation of unincorporated territory. The  
33 legislative body for either the county or an affected city may,  
34 however, pass a resolution extending the negotiation period for one  
35 or more six-month periods if a public hearing is held and findings of  
36 fact are made prior to each extension.

37 (2) Any county initiating the process provided for in subsection  
38 (1) of this section must do so by adopting a resolution commencing  
39 negotiations for an interlocal agreement as provided in chapter 39.34

1 RCW between the county and any city or town within the county. The  
2 annexation area must be within an urban growth area designated under  
3 RCW 36.70A.110 and at least sixty percent of the boundaries of the  
4 territory to be annexed must be contiguous, as defined in section  
5 1(6) of this act, to one or more cities or towns.

6 (3) The agreement shall describe the boundaries of the territory  
7 to be annexed and be submitted to the office of financial management  
8 for its review pursuant to section 1 of this act. A public hearing  
9 shall be held by each legislative body, separately or jointly, before  
10 the agreement is executed. Each legislative body holding a public  
11 hearing shall, separately or jointly, publish the agreement at least  
12 once a week for two weeks before the date of the hearing in one or  
13 more newspapers of general circulation within the territory proposed  
14 for annexation.

15 (4) Following adoption and execution of the agreement by both  
16 legislative bodies and its review by the office of financial  
17 management pursuant to section 1 of this act, the city or town  
18 legislative body shall adopt an ordinance providing for the  
19 annexation. The legislative body shall cause notice of the proposed  
20 effective date of the annexation, together with a description of the  
21 property to be annexed, to be published at least once each week for  
22 two weeks subsequent to passage of the ordinance, in one or more  
23 newspapers of general circulation within the city and in one or more  
24 newspapers of general circulation within the territory to be annexed.  
25 If the annexation ordinance provides for assumption of indebtedness  
26 or adoption of a proposed zoning regulation, the notice shall include  
27 a statement of the requirements. Any area to be annexed through an  
28 ordinance adopted under this section is annexed and becomes a part of  
29 the city or town upon the date fixed in the ordinance of annexation,  
30 which date may not be less than forty-five days after adoption of the  
31 ordinance.

32 (5) The annexation ordinances provided for in RCW 35A.14.460(4)  
33 and subsection (4) of this section are subject to referendum for  
34 forty-five days after passage. Upon the filing of a timely and  
35 sufficient referendum petition with the legislative body, signed by  
36 registered voters in number equal to not less than fifteen percent of  
37 the votes cast in the last general state election in the area to be  
38 annexed, the question of annexation shall be submitted to the voters  
39 of the area in a general election if one is to be held within ninety  
40 days or at a special election called for that purpose according to

1 RCW 29A.04.330. Notice of the election shall be given as provided in  
2 RCW 35A.14.070 and the election shall be conducted as provided in the  
3 general election law. The annexation shall be deemed approved by the  
4 voters unless a majority of the votes cast on the proposition are in  
5 opposition thereto.

6 After the expiration of the forty-fifth day from but excluding  
7 the date of passage of the annexation ordinance, if no timely and  
8 sufficient referendum petition has been filed, the area annexed shall  
9 become a part of the city or town upon the date fixed in the  
10 ordinance of annexation.

11 (6) If more than one city or town adopts interlocal agreements  
12 providing for annexation of the same unincorporated territory as  
13 provided by this section, an election shall be held in the area to be  
14 annexed pursuant to RCW 35A.14.070. In addition to the provisions of  
15 RCW 35A.14.070, the ballot shall also contain a separate proposition  
16 allowing voters to cast votes in favor of annexation to any one city  
17 or town participating in an interlocal agreement as provided by this  
18 section. If a majority of voters voting on the proposition vote  
19 against annexation, the proposition is defeated. If, however, a  
20 majority of voters voting in the election approve annexation, the  
21 area shall be annexed to the city or town receiving the highest  
22 number of votes among those cast in favor of annexation.

23 (7) Costs for an election required under subsection (6) of this  
24 section shall be borne by the county.

25 **Sec. 433.** RCW 35A.14.480 and 2013 2nd sp.s. c 27 s 2 are each  
26 amended to read as follows:

27 (1)(a) An annexation by a code city proposing to annex territory  
28 served by one or more fire protection districts may be accomplished  
29 by ordinance after entering into an interlocal agreement as provided  
30 in chapter 39.34 RCW with the county and the fire protection district  
31 or districts that have jurisdiction over the territory proposed for  
32 annexation.

33 (b) A code city proposing to annex territory shall initiate the  
34 interlocal agreement process by sending notice to the fire protection  
35 district representative and county representative stating the code  
36 city's interest to enter into an interlocal agreement negotiation  
37 process. The parties have forty-five days to respond in the  
38 affirmative or negative. A negative response must state the reasons  
39 the parties do not wish to participate in an interlocal agreement

1 negotiation. A failure to respond within the forty-five day period is  
2 deemed an affirmative response and the interlocal agreement  
3 negotiation process may proceed. The interlocal agreement process may  
4 not proceed if any negative responses are received within the forty-  
5 five day period.

6 (c) The interlocal agreement must describe the boundaries of the  
7 territory proposed for annexation and must be consistent with the  
8 boundaries identified in an ordinance describing the boundaries of  
9 the territory proposed for annexation and setting a date for a public  
10 hearing on the ordinance. If the boundaries of the territory proposed  
11 for annexation are agreed to by all parties, a notice of intention  
12 must be filed with the boundary review board created under RCW  
13 36.93.030 and the office of financial management. However, the  
14 jurisdiction of the board may not be invoked as described in RCW  
15 36.93.100 for annexations that are the subject of such agreement.

16 (2) An interlocal annexation agreement under this section must  
17 include the following:

18 (a) A statement of the goals of the agreement. Goals must  
19 include, but are not limited to:

20 (i) The transfer of revenues and assets between the fire  
21 protection district and the code city;

22 (ii) A consideration and discussion of the impact to the level of  
23 service of annexation on the unincorporated area, and an agreement  
24 that the impact on the ability of fire protection and emergency  
25 medical services within the incorporated area must not be negatively  
26 impacted at least through the budget cycle in which the annexation  
27 occurs;

28 (iii) A discussion with fire protection districts regarding the  
29 division of assets and its impact to citizens inside and outside the  
30 newly annexed area;

31 (iv) Community involvement, including an agreed upon schedule of  
32 public meetings in the area or areas proposed for annexation;

33 (v) Revenue sharing, if any;

34 (vi) Debt distribution;

35 (vii) Capital facilities obligations of the code city, county,  
36 and fire protection districts;

37 (viii) An overall schedule or plan on the timing of any  
38 annexations covered under this agreement; and

39 (ix) A description of which of the annexing code cities'  
40 development regulations will apply and be enforced in the area.

1 (b) The subject areas and policies and procedures the parties  
2 agree to undertake in annexations. Subject areas may include, but are  
3 not limited to:

4 (i) Roads and traffic impact mitigation;

5 (ii) Surface and storm water management;

6 (iii) Coordination and timing of comprehensive plan and  
7 development regulation updates;

8 (iv) Outstanding bonds and special or improvement district  
9 assessments;

10 (v) Annexation procedures;

11 (vi) Distribution of debt and revenue sharing for annexation  
12 proposals, code enforcement, and inspection services;

13 (vii) Financial and administrative services; and

14 (viii) Consultation with other service providers, including  
15 water-sewer districts, if applicable.

16 (c) A term of at least five years, which may be extended by  
17 mutual agreement of the code city, the county, and the fire  
18 protection district.

19 (3) If the fire protection district, annexing code city, and  
20 county reach an agreement on the enumerated goals, or ((if)) only the  
21 annexing code city and county reach an agreement on the enumerated  
22 goals, the code city may adopt an annexation ordinance, but the  
23 annexation ordinance provided for in this section is subject to  
24 review by the office of financial management pursuant to section 1 of  
25 this act and referendum for forty-five days after its passage,  
26 provided that no referendum shall be allowed for an annexation under  
27 this section if the fire protection district, annexing code city, and  
28 the county reach agreement on an annexation for which a code city has  
29 initiated the interlocal agreement process by sending notice to the  
30 fire protection district representative and county representative  
31 prior to July 28, 2013. Upon the filing of a timely and sufficient  
32 referendum petition with the legislative body of the code city,  
33 signed by qualified electors in a number not less than ten percent of  
34 the votes cast in the last general state election in the area to be  
35 annexed, the question of annexation must be submitted to the voters  
36 of the area in a general election if one is to be held within ninety  
37 days or at a special election called for that purpose according to  
38 RCW 29A.04.330. Notice of the election must be given as provided in  
39 RCW 35A.14.070, and the election must be conducted as provided in the  
40 general election laws under Title 29A RCW. The annexation must be



1 deemed approved by the voters unless a majority of the votes cast on  
2 the proposition are in opposition to the annexation.

3 After the expiration of the forty-fifth day from, but excluding,  
4 the date of passage of the annexation ordinance, if a timely and  
5 sufficient referendum petition has not been filed, the area annexed  
6 becomes a part of the code city upon the date fixed in the ordinance  
7 of annexation.

8 **Sec. 434.** RCW 35A.14.490 and 2009 c 402 s 5 are each amended to  
9 read as follows:

10 (1) Territory owned by a county and used for an agricultural fair  
11 as provided in chapter 15.76 ((RCW)) or ((chapter)) 36.37 RCW may  
12 only be annexed to a code city through the method prescribed in this  
13 section.

14 (a) The legislative body of the city proposing the annexation  
15 must submit a request for annexation and a legal description of the  
16 subject territory to the legislative authority of the county within  
17 which the territory is located.

18 (b) Upon receipt of the request and description, the county  
19 legislative authority has thirty days to review the proposal and  
20 determine if the annexation proceedings will continue. As a condition  
21 of approval, the county legislative authority may modify the  
22 proposal, but it may not add territory that was not included in the  
23 request and description. Approval of the county legislative authority  
24 is a condition precedent to further proceedings upon the request and  
25 there is no appeal of the county legislative authority's decision.

26 (c) If the county legislative authority determines that the  
27 proceedings may continue, it must, within thirty days of the  
28 determination, fix a date for a public hearing on the proposal, and  
29 cause notice of the hearing to be published at least once a week for  
30 two weeks prior to the hearing in one or more newspapers of general  
31 circulation in the territory proposed for annexation. The notice must  
32 also be posted in three public places within the subject territory,  
33 specify the time and place of the hearing, and invite interested  
34 persons to appear and voice approval or disapproval of the  
35 annexation. If the annexation proposal provides for assumption of  
36 indebtedness or adoption of a proposed zoning regulation, the notice  
37 must include a statement of these requirements.

38 (d) If, following the conclusion of the hearing, a majority of  
39 the county legislative authority deems the annexation proposal to be

1 in the best interest of the county, it may adopt a resolution  
2 approving of the annexation. The county legislative authority must  
3 file notice of the proposed action with the office of financial  
4 management for its review pursuant to section 1 of this act.

5 (e) If, following the county legislative authority's adoption of  
6 the annexation approval resolution and review of the proposed action  
7 by the office of financial management pursuant to section 1 of this  
8 act, the legislative body of the city proposing annexation determines  
9 to effect the annexation, it must do so by ordinance. The ordinance:

10 (i) May only include territory approved for annexation in the  
11 resolution adopted under (d) of this subsection; and (ii) must not  
12 exclude territory approved for annexation in the resolution adopted  
13 under (d) of this subsection. Upon passage of the annexation  
14 ordinance, a certified copy must be filed with the applicable county  
15 legislative authority.

16 (2) Any territory annexed through an ordinance adopted under this  
17 section is annexed and becomes a part of the code city upon the date  
18 fixed in the ordinance.

19 **Sec. 435.** RCW 35A.14.700 and 2011 c 342 s 2 are each amended to  
20 read as follows:

21 (1) Whenever any territory is annexed to or deannexed from a code  
22 city, any territory is subject to boundary line adjustment, or cities  
23 are consolidated pursuant to chapter 35.10 RCW:

24 (a) A copy of the complete ordinance containing a legal  
25 description and a map showing specifically the boundaries of the  
26 territory or consolidated area must be submitted immediately after  
27 the city or town's adoption. Within two days of receipt of the  
28 ordinance, the office of financial management must post a digital  
29 copy on the internet or transmit digital copies via email to the  
30 departments of transportation and revenue. The requirement to notify  
31 the department of revenue of a tax rate change under RCW 82.14.055(1)  
32 is met when the office of financial management receives the documents  
33 required under this subsection (1)(a); and

34 (b) A certificate as hereinafter provided (~~shall~~) must be  
35 submitted (~~in triplicate~~) to the office of financial management  
36 within thirty days of the effective date of (~~annexation~~) the action  
37 specified in the relevant ordinance. After approval of the  
38 certificate, the office of financial management (~~shall~~) must retain  
39 the original copy in its files(~~7~~) and transmit (~~the second~~) a

1 digital copy to ~~((the department of transportation and return the~~  
2 ~~third copy to))~~ the code city via email. ~~((Such))~~ The certificate ~~((s~~  
3 ~~shall))~~ must be in ~~((such))~~ a form and contain ~~((such))~~ information  
4 as ~~((shall be))~~ prescribed by the office of financial management. ~~((A~~  
5 ~~copy of the complete ordinance containing a legal description and a~~  
6 ~~map showing specifically the boundaries of the annexed territory~~  
7 ~~shall be attached to each of the three copies of the certificate.))~~  
8 The certificate ~~((shall))~~ must be signed by the mayor and attested by  
9 the city clerk. Upon request, the office of financial management  
10 ~~((shall))~~ must furnish certification forms to any code city.

11 (2)(a) The resident population of the ~~((annexed))~~ territory  
12 ~~((shall))~~ or consolidated area must be determined by, or under the  
13 direction of, the mayor of the code city.

14 (b) If the ~~((annexing))~~ code city has a population of ten  
15 thousand or less, the ~~((annexed))~~ territory or consolidated area  
16 consists entirely of one or more partial federal census blocks, or  
17 2010 federal decennial census data has not been released within  
18 twelve months immediately prior to the date of ~~((annexation))~~ the  
19 action, the population determination ~~((shall))~~ must consist of an  
20 actual enumeration of the population.

21 (c) In any circumstance, the code city may choose to have the  
22 population determination of the entire ~~((annexed))~~ territory or  
23 consolidated area consist of an actual enumeration. However, if the  
24 code city does not use actual enumeration for determining population,  
25 the ~~((annexed))~~ territory or consolidated area includes or consists  
26 of one or more complete federal census blocks, and 2010 federal  
27 decennial census data has been released within twelve months  
28 immediately prior to the date of ~~((annexation))~~ the action, the  
29 population determination ~~((shall))~~ must consist of:

30 (i) Relevant 2010 federal decennial census data pertaining to the  
31 complete block or blocks, as such data has been updated by the most  
32 recent official population estimate released by the office of  
33 financial management pursuant to RCW 43.62.030;

34 (ii) An actual enumeration of any population located within the  
35 ~~((annexed))~~ territory or consolidated area but outside the complete  
36 federal census block or blocks; and

37 (iii) If the office of financial management, at least two weeks  
38 prior to the date of ~~((annexation))~~ the action, confirms the  
39 existence of a known census error within a complete federal census  
40 block and identifies a structure or complex listed in (c)(iii)(A)

1 through (E) of this subsection (2) as a likely source of the error,  
2 an actual enumeration of one or more of the block's identified:

3 (A) Group quarters;

4 (B) Mobile home parks;

5 (C) Apartment buildings that are composed of at least fifty units  
6 and are certified for occupancy between January 1, 2010, and April 1,  
7 2011;

8 (D) Missing subdivisions; and

9 (E) Closures of any of the categories in (c)(iii)(A) through (D)  
10 of this subsection.

11 (d) Whenever an actual enumeration is used, it shall be made in  
12 accordance with the practices and policies of, and subject to the  
13 approval of, the office of financial management.

14 (e) The code city (~~shall be~~) is responsible for the full cost  
15 of the population determination.

16 (3) Upon approval of the (~~annexation~~) certificate, the office  
17 of financial management (~~shall~~) must forward to each state official  
18 or department responsible for making allocations or payments to  
19 cities or towns, a revised certificate reflecting the increase in  
20 population due to (~~such annexation~~) the action. Upon and after the  
21 date of the commencement of the next quarterly period, the population  
22 determination indicated in (~~such~~) the revised certificate (~~shall~~)  
23 must be used as the basis for the allocation and payment of state  
24 funds to such city or town.

25 For the purposes of this section, each quarterly period (~~shall~~)  
26 commences on the first day of the months of January, April, July, and  
27 October. Whenever a revised certificate is forwarded by the office of  
28 financial management thirty days or less prior to the commencement of  
29 the next quarterly period, the population of the (~~annexed~~)  
30 territory (~~shall~~) or consolidated area must not be considered until  
31 the commencement of the following quarterly period.

32 (4) Until (~~an annexation~~) a certificate is filed and approved  
33 (~~as provided herein, such annexed~~), the territory (~~shall~~) or  
34 consolidated area must not be considered by the office of financial  
35 management in determining the population of such code city.

36 **Sec. 436.** RCW 35A.16.010 and 1967 ex.s. c 119 s 35A.16.010 are  
37 each amended to read as follows:

38 Upon the filing of a petition which is sufficient as determined  
39 by RCW 35A.01.040 praying for the exclusion from the boundaries of a

1 code city of an area described by metes and bounds or by reference to  
2 a recorded plat or government survey, signed by qualified voters of  
3 the city in number equal to not less than ten percent of the number  
4 of votes cast at the last general municipal election, the legislative  
5 body of the code city shall cause the question to be submitted to the  
6 voters. As an alternate method, such a proposal for exclusion from  
7 the code city of a described area may be submitted to the voters by  
8 resolution of the legislative body. The question shall be submitted  
9 at the next general municipal election if one is to be held within  
10 one hundred and eighty days or at a special election called for that  
11 purpose not less than ninety days nor more than one hundred and  
12 eighty days after the certification of sufficiency of the petition or  
13 the passage of the resolution. The petition or resolution shall set  
14 out and describe the territory to be excluded from the code city,  
15 together with the boundaries of the code city as it will exist after  
16 such change is made. The legislative body of the code city must file  
17 notice of the proposed action with the office of financial management  
18 for its review pursuant to section 1 of this act.

19 **Sec. 437.** RCW 35A.16.040 and 1967 ex.s. c 119 s 35A.16.040 are  
20 each amended to read as follows:

21 Promptly after the filing of the abstract of votes with the  
22 secretary of state and subject to review of the proposed action by  
23 the office of financial management pursuant to section 1 of this act,  
24 the legislative body shall adopt an ordinance defining and fixing the  
25 corporate limits after excluding the area as determined by the  
26 election. The ordinance shall also describe the excluded territory by  
27 metes and bounds or by reference to a recorded plat or government  
28 survey and declare it no longer a part of the code city."

29 Correct the title.

EFFECT: Removes approval authority provided to the Office of  
Financial Management in the underlying bill for incorporation  
proceedings and boundary change proposals for cities and towns.

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