
SENATE BILL 6020

State of Washington

53rd Legislature

1994 Regular Session

By Senators Haugen and Winsley

Read first time 01/10/94. Referred to Committee on Government Operations.

1 AN ACT Relating to city and town incorporations; amending RCW
2 35.02.010, 35.02.020, 35.02.090, 35A.12.070, and 35A.13.040; and adding
3 new sections to chapter 35.02 RCW.

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

5 **Sec. 1.** RCW 35.02.010 and 1986 c 234 s 2 are each amended to read
6 as follows:

7 Any contiguous area containing not less than (~~three~~) one thousand
8 five hundred inhabitants lying outside the limits of an incorporated
9 city or town may become incorporated as a city or town operating under
10 Title 35 or 35A RCW as provided in this chapter: PROVIDED, That no
11 area which lies within five air miles of the boundary of any city
12 having a population of fifteen thousand or more shall be incorporated
13 which contains less than three thousand inhabitants.

14 **Sec. 2.** RCW 35.02.020 and 1986 c 234 s 3 are each amended to read
15 as follows:

16 A petition for incorporation must be signed by (~~qualified~~)
17 registered voters resident within the limits of the proposed city or
18 town equal in number to ten percent of the (~~votes cast~~) voters voting

1 at the last state general election and presented to the auditor of the
2 county in which all, or the largest portion of, the proposed city or
3 town is located.

4 **Sec. 3.** RCW 35.02.090 and 1986 c 234 s 12 are each amended to read
5 as follows:

6 The elections on the proposed incorporation and for the nomination
7 and election of the initial elected officials shall be conducted in
8 accordance with the general election laws of the state, except as
9 provided in this chapter. No person is entitled to vote (~~thereat~~)
10 unless he or she is a (~~qualified elector~~) registered voter of the
11 county, or any of the counties in which the proposed city or town is
12 located, and has resided within the limits of the proposed city or town
13 for at least thirty days next preceding the date of election.

14 NEW SECTION. **Sec. 4.** A new section is added to chapter 35.02 RCW
15 to read as follows:

16 At the first municipal general election that occurs one year or
17 more after the official date of incorporating a new city or town, an
18 election shall be held to elect city or town elected officials.
19 Candidates for council or commission positions shall run for specific
20 positions.

21 The staggering of terms of office for councilmembers shall occur at
22 this election, where a simple majority of the persons who are elected
23 receiving the greatest numbers of votes shall be elected to four-year
24 terms of office and the remaining persons who are elected shall be
25 elected to two-year terms of office. Their successors shall be elected
26 to four-year terms of office.

27 All city or town elected officials shall serve until their
28 successors are elected and qualified and assume office in accordance
29 with RCW 29.04.170.

30 NEW SECTION. **Sec. 5.** A new section is added to chapter 35.02 RCW
31 to read as follows:

32 City or town councilmembers in a newly incorporated town or city
33 incorporated under this title shall receive compensation based upon the
34 population of the newly incorporated city or town, as provided in RCW
35 35A.12.070 and 35A.13.040 for the councilmembers of newly incorporated
36 code cities.

1 Whenever a commission form of government has been selected for a
2 newly incorporated noncode city with a population of from two thousand
3 to less than thirty thousand, each commissioner shall receive
4 compensation at the same rate that a councilmember would receive
5 compensation under RCW 35A.12.070 based upon the population of the
6 newly incorporated city, but the commissioner who is designated the
7 mayor shall not receive the compensation under RCW 35A.12.070 that is
8 provided for the mayor.

9 NEW SECTION. **Sec. 6.** A new section is added to chapter 35.02 RCW
10 to read as follows:

11 No city or town in a county in which urban growth areas have been
12 designated under RCW 36.70A.110 may incorporate if the proposed
13 incorporation includes territory located beyond an urban growth area.

14 **Sec. 7.** RCW 35A.12.070 and 1971 ex.s. c 251 s 5 are each amended
15 to read as follows:

16 ~~((The salaries of))~~ Compensation for the mayor and the
17 ~~((councilmen))~~ councilmembers shall be fixed by ordinance and may be
18 revised from time to time by ordinance ~~((, but any increase in the~~
19 ~~compensation attaching to an office shall not be applicable to the term~~
20 ~~then being served by the incumbent if such incumbent is a member of the~~
21 ~~city legislative body fixing his own compensation or as mayor in a~~
22 ~~mayor-council code city casts a tie-breaking vote relating to such~~
23 ~~ordinance:— PROVIDED, That)).~~ Compensation for the mayor may be
24 increased during the mayor's current term of office if the mayor of
25 such a city does not cast ~~((such))~~ a tie-breaking vote ~~((, his salary~~
26 ~~may be increased during his term of office))~~ to adopt the ordinance
27 revising the compensation for the mayor.

28 Until the first elective officers of a newly organized code city
29 under this mayor-council plan of government may lawfully be paid the
30 compensation provided by ~~((such salary))~~ an ordinance establishing
31 different levels of compensation, such officers shall be entitled to be
32 compensated in the same manner and in the same amount as the
33 compensation paid to officers of such city performing comparable
34 services immediately prior to adoption of this mayor-council plan.

35 Until ~~((a salary ordinance can be passed and become effective as~~
36 ~~to))~~ elective officers of a newly incorporated code city may lawfully
37 be paid the compensation provided by an ordinance establishing

1 different levels of compensation, such first elective officers shall be
2 entitled to compensation as follows: (1) In cities having less than
3 five thousand inhabitants, the mayor shall be entitled to a salary of
4 one hundred ~~((and))~~ fifty dollars per calendar month and a
5 ~~((councilman))~~ councilmember shall be entitled to twenty dollars per
6 meeting for not more than two meetings per month; (2) in cities having
7 more than five thousand but less than fifteen thousand inhabitants, the
8 mayor shall be entitled to a salary of three hundred ~~((and))~~ fifty
9 dollars per calendar month and a ~~((councilman))~~ councilmember shall be
10 entitled to one hundred ~~((and))~~ fifty dollars per calendar month; and
11 (3) in cities having more than fifteen thousand inhabitants, the mayor
12 shall be entitled to a salary of twelve hundred ~~((and))~~ fifty dollars
13 per calendar month and a ~~((councilman))~~ councilmember shall be entitled
14 to four hundred dollars per calendar month(~~(:— PROVIDED, That such~~
15 ~~interim compensation shall remain in effect only until a salary~~
16 ~~ordinance is passed and becomes effective as to such officers, and the~~
17 ~~amounts herein provided shall not be construed as fixing the usual~~
18 ~~salary of such officers))~~).

19 The mayor and ~~((councilmen))~~ councilmembers shall receive
20 reimbursement for their actual and necessary expenses incurred in the
21 performance of the duties of their office, or the council by ordinance
22 may provide for a per diem allowance. Procedure for approval of claims
23 for expenses shall be as provided by ordinance.

24 **Sec. 8.** RCW 35A.13.040 and 1979 ex.s. c 18 s 25 are each amended
25 to read as follows:

26 ~~((The salaries of the councilmen))~~ Compensation for councilmembers,
27 including the mayor, shall be fixed by ordinance and may be revised
28 from time to time by ordinance(~~(, but any increase or reduction in the~~
29 ~~compensation attaching to an office shall not become effective until~~
30 ~~the expiration of the term then being served by the incumbent:~~
31 ~~PROVIDED, That compensation of councilmen may not be increased or~~
32 ~~diminished after their election nor may the compensation of the mayor~~
33 ~~be increased or diminished after the mayor has been chosen by the~~
34 ~~council))~~).

35 Until ~~((councilmen))~~ councilmembers of a newly~~((-))~~organized
36 council-manager code city may lawfully be paid as provided by
37 ~~((salary))~~ an ordinance establishing different levels of compensation,
38 such ~~((councilmen))~~ councilmembers shall be entitled to compensation in

1 the same manner and in the same amount as ((~~councilmen~~)) councilmembers
2 of such city prior to the adoption of this council-manager plan.

3 Until ~~((a salary ordinance can be passed and become effective as~~
4 ~~to))~~ elective officers of a newly incorporated code city may lawfully
5 be paid the compensation provided by an ordinance establishing
6 different levels of compensation, the first ((~~councilmen~~))
7 councilmembers shall be entitled to compensation as follows: (1) In
8 cities having less than five thousand inhabitants((~~—~~)) the
9 councilmembers shall be entitled to compensation at a rate of twenty
10 dollars per meeting for not more than two meetings per month; (2) in
11 cities having more than five thousand but less than fifteen thousand
12 inhabitants((~~—~~)) the councilmembers shall be entitled to compensation
13 at a salary of one hundred ((and)) fifty dollars per calendar month;
14 and (3) in cities having more than fifteen thousand inhabitants((~~—~~))
15 the councilmembers shall be entitled to compensation at a salary of
16 four hundred dollars per calendar month. ((A ~~councilman~~)) The
17 councilmember who is occupying the position of mayor, in addition to
18 ((~~his~~)) per day compensation or salary as a ((~~councilman~~))
19 councilmember, shall be entitled, while serving as mayor, to an
20 additional amount per meeting or per calendar month, or portion
21 thereof, equal to twenty-five percent of the per meeting compensation
22 rate or councilmanic salary((~~:— PROVIDED, That such interim~~
23 ~~compensation shall remain in effect only until a salary ordinance is~~
24 ~~passed and becomes effective as to such officers, and the compensation~~
25 ~~provided herein shall not be construed as fixing the usual compensation~~
26 ~~of such officers~~)).

27 ((~~Councilmen~~)) Councilmembers, including the mayor, shall receive
28 reimbursement for their actual and necessary expenses incurred in the
29 performance of the duties of their office, or the council by ordinance
30 may provide for a per diem allowance. Procedure for approval of claims
31 for expenses shall be as provided by ordinance.

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