
SENATE BILL 5275

State of Washington

54th Legislature

1995 Regular Session

By Senators Haugen, McCaslin and Winsley

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

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

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

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

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

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

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

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

25 If it appears from such statement of canvass that a majority of the
26 votes cast in each of the cities were in favor of consolidation, the
27 consolidation shall be authorized and shall be effective when the newly
28 elected legislative body members assume office, as provided in RCW
29 35.10.480.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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