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HOUSE BILL 2456

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State of Washington                      61st Legislature                      2010 Regular Session

By Representatives Schmick, Springer, Short, and Fagan

Prefiled 12/11/09. Read first time 01/11/10. Referred to Committee on Local Government & Housing.

1            AN ACT Relating to population thresholds that determine the number  
2 of local councilmembers and receipt of local funds; amending RCW  
3 35A.12.010 and 47.26.345; and creating a new section.

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

5            **Sec. 1.** RCW 35A.12.010 and 2009 c 549 s 3005 are each amended to  
6 read as follows:

7            The government of any noncharter code city or charter code city  
8 electing to adopt the mayor-council plan of government authorized by  
9 this chapter shall be vested in an elected mayor and an elected  
10 council. The council of a noncharter code city having less than  
11 twenty-five hundred inhabitants shall consist of five members; when  
12 there are twenty-five hundred or more inhabitants, the council shall  
13 consist of seven members. A city with a population of less than  
14 twenty-five hundred at the time of reclassification as an optional  
15 municipal code city may choose to maintain a seven-member council. The  
16 decision concerning the number of councilmembers shall be made by the  
17 council and be incorporated as a section of the ordinance adopting for  
18 the city the classification of noncharter code city. If the population  
19 of a city after having become a code city decreases from twenty-five

1 hundred or more to less than twenty-five hundred, it shall continue to  
2 have a seven member council. If, after a city has become a mayor-  
3 council code city, its population increases to twenty-five hundred or  
4 more inhabitants, the number of council offices in such city may  
5 increase from five to seven members upon the affirmative vote of a  
6 majority of the existing council to increase the number of council  
7 offices in the city. When the population of a mayor-council code city  
8 having five council offices increases to five thousand or more  
9 inhabitants, the number of council offices in the city shall increase  
10 from five to seven members. In the event of an increase in the number  
11 of council offices, the city council shall, by majority vote, pursuant  
12 to RCW 35A.12.050, appoint two persons to serve in these offices until  
13 the next municipal general election, at which election one person shall  
14 be elected for a two-year term and one person shall be elected for a  
15 four-year term. The number of inhabitants shall be determined by the  
16 most recent official state or federal census or determination by the  
17 state office of financial management. A charter adopted under the  
18 provisions of this title, incorporating the mayor-council plan of  
19 government set forth in this chapter, may provide for an uneven number  
20 of councilmembers not exceeding eleven. For the purposes of  
21 determining population under this section, cities and towns may include  
22 the population of any state correctional facility located within the  
23 city or town.

24 A noncharter code city of less than five thousand inhabitants which  
25 has elected the mayor-council plan of government and which has seven  
26 council offices may establish a five-member council in accordance with  
27 the following procedure. At least six months prior to a municipal  
28 general election, the city council shall adopt an ordinance providing  
29 for reduction in the number of council offices to five. The ordinance  
30 shall specify which two council offices, the terms of which expire at  
31 the next general election, are to be terminated. The ordinance shall  
32 provide for the renumbering of council positions and shall also provide  
33 for a two-year extension of the term of office of a retained council  
34 office, if necessary, in order to comply with RCW 35A.12.040.

35 However, a noncharter code city that has retained its old mayor-  
36 council plan of government, as provided in RCW 35A.02.130, is subject  
37 to the laws applicable to that old plan of government.

1       **Sec. 2.** RCW 47.26.345 and 2005 c 83 s 3 are each amended to read  
2 as follows:

3       All cities and towns with a population of less than five thousand  
4 are eligible to receive money from the small city pavement and sidewalk  
5 account created under RCW 47.26.340 for maintenance, repair, and  
6 resurfacing of city and town streets. For the purposes of determining  
7 population under this section, cities and towns may include the  
8 population of any state correctional facility located within the city  
9 or town. The board shall determine the allocation of money based on:

10       (1) The amount of available funds within the small city pavement  
11 and sidewalk account;

12       (2) Whether the city or town meets one or more of the following  
13 criteria:

14       (a) The city or town has identified a street in a six-year  
15 transportation improvement plan, as defined by RCW 35.77.010, or a  
16 project identified through the use of a pavement management system;

17       (b) The city or town has provided pavement rating information on  
18 the proposed street improvement or street network improvement;

19       (c) The city or town has provided sidewalk information on the  
20 proposed sidewalk system improvement;

21       (d) The city or town has provided information, where available, on  
22 traffic conditions for truck routes, bus routes, and traffic volumes;

23       (e) The city or town has the ability to provide a local match as  
24 demonstrated by one or more of the following:

25       (i) A funding match based upon a city's assessed valuation;

26       (ii) Community involvement and support, including volunteer  
27 participation, such as landscaping and maintaining landscaping along  
28 the street or sidewalk system; or

29       (iii) Partnership efforts with federal or other state programs,  
30 including the department of (~~community, trade, and economic~~  
31 ~~development~~)) commerce mainstreet program.

32       NEW SECTION.   **Sec. 3.** This act applies to municipal general  
33 elections held on or after the effective date of this act.

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