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HOUSE BILL 2610

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State of Washington                      62nd Legislature                      2012 Regular Session

By Representatives Springer, Eddy, Goodman, Stanford, Moscoso, and Kagi

Read first time 01/18/12. Referred to Committee on Local Government.

1            AN ACT Relating to repealing provisions governing community  
2 municipal corporations; amending RCW 35.13.015, 35.13.020, 35.13.030,  
3 35.13.080, 35.13.090, 35.13.100, 35.13.110, and 54.04.035; repealing  
4 RCW 35.10.540, 35.14.010, 35A.14.025, 35.14.020, 35.14.030, 35.14.040,  
5 35.14.050, and 35.14.060; and providing an effective date.

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

7            NEW SECTION.    **Sec. 1.** The following acts or parts of acts are each  
8 repealed:

9            (1) RCW 35.10.540 (Consolidation--Creation of community municipal  
10 corporation) and 1993 c 75 s 2;

11            (2) RCW 35.14.010 (When community municipal corporation may be  
12 organized--Service areas--Territory) and 1993 c 75 s 1, 1985 c 281 s  
13 24, & 1967 c 73 s 1; and

14            (3) RCW 35A.14.025 (Election method--Creation of community  
15 municipal corporation) and 1993 c 75 s 3.

16            NEW SECTION.    **Sec. 2.** The following acts or parts of acts are each  
17 repealed:

1 (1) RCW 35.14.020 (Community council--Membership--Election--Terms)  
2 and 1985 c 281 s 25 & 1967 c 73 s 2;

3 (2) RCW 35.14.030 (Community council--Employees--Office--Officers--  
4 Quorum--Meetings--Compensation and expenses) and 2009 c 549 s 2012 &  
5 1967 c 73 s 3;

6 (3) RCW 35.14.040 (Ordinances or resolutions of city applying to  
7 land, buildings or structures within corporation, effectiveness--Zoning  
8 ordinances, resolutions or land use controls to remain in effect upon  
9 annexation or consolidation--Comprehensive plan) and 1967 c 73 s 4;

10 (4) RCW 35.14.050 (Powers and duties of community municipal  
11 corporation) and 1967 c 73 s 5; and

12 (5) RCW 35.14.060 (Original term of existence of community  
13 municipal corporation--Continuation of existence--Procedure) and 2009  
14 c 549 s 2013 & 1967 c 73 s 6.

15 **Sec. 3.** RCW 35.13.015 and 1975 1st ex.s. c 220 s 6 are each  
16 amended to read as follows:

17 In addition to the method prescribed by RCW 35.13.020 for the  
18 commencement of annexation proceedings, the legislative body of any  
19 city or town may, whenever it shall determine by resolution that the  
20 best interests and general welfare of such city or town would be served  
21 by the annexation of unincorporated territory contiguous to such city  
22 or town, file a certified copy of the resolution with the board of  
23 county commissioners of the county in which said territory is located.  
24 The resolution of the city or town initiating such election shall,  
25 subject to RCW 35.02.170, describe the boundaries of the area to be  
26 annexed, as nearly as may be state the number of voters residing  
27 therein, pray for the calling of an election to be held among the  
28 qualified voters therein upon the question of annexation, and provide  
29 that said city or town will pay the cost of the annexation election.  
30 The resolution may require that there also be submitted to the  
31 electorate of the territory sought to be annexed a proposition that all  
32 property within the area annexed shall, upon annexation, be assessed  
33 and taxed at the same rate and on the same basis as the property of  
34 such annexing city or town is assessed and taxed to pay for all or any  
35 portion of the then outstanding indebtedness of the city or town to  
36 which said area is annexed, approved by the voters, contracted, or  
37 incurred prior to, or existing at, the date of annexation. Whenever a

1 city or town has prepared and filed a comprehensive plan for the area  
2 to be annexed as provided for in RCW 35.13.177 and 35.13.178, the  
3 resolution initiating the election may also provide for the  
4 simultaneous adoption of the comprehensive plan upon approval of  
5 annexation by the electorate of the area to be annexed. ((The  
6 resolution initiating the election may also provide for the  
7 simultaneous creation of a community municipal corporation and election  
8 of community councilmembers as provided for in RCW 35.14.010 through  
9 35.14.060 upon approval of annexation by the electorate of the area to  
10 be annexed. In cities under the optional municipal code the resolution  
11 initiating the election may also provide for the simultaneous inclusion  
12 of the annexed area into a named existing community municipal  
13 corporation. The proposition for the creation of a community municipal  
14 corporation may be submitted as part of the annexation proposition or  
15 may be submitted as a separate proposition. The proposition for  
16 inclusion within a named existing community municipal corporation shall  
17 be submitted as part of the annexation proposition.))

18 **Sec. 4.** RCW 35.13.020 and 1981 c 332 s 3 are each amended to read  
19 as follows:

20 A petition for an election to vote upon the annexation of a portion  
21 of a county to a contiguous city or town signed by qualified voters  
22 resident in the area equal in number to twenty percent of the votes  
23 cast at the last election may be filed in the office of the board of  
24 county commissioners: PROVIDED, That any such petition shall first be  
25 submitted to the prosecuting attorney who shall, within twenty-one days  
26 after submission, certify or refuse to certify the petition as set  
27 forth in RCW 35.13.025. If the prosecuting attorney certifies the  
28 petition, it shall be filed with the legislative body of the city or  
29 town to which the annexation is proposed, and such legislative body  
30 shall, by resolution entered within sixty days from the date of  
31 presentation, notify the petitioners, either by mail or by publication  
32 in the same manner notice of hearing is required by RCW 35.13.040 to be  
33 published, of its approval or rejection of the proposed action. ((The  
34 petition may also provide for the simultaneous creation of a community  
35 municipal corporation and election of community councilmembers as  
36 provided for in RCW 35.14.010 through 35.14.060.)) In approving the  
37 proposed action, the legislative body may require that there also be

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

20 **Sec. 5.** RCW 35.13.030 and 1975 1st ex.s. c 220 s 7 are each  
21 amended to read as follows:

22 A petition filed with the county commissioners to call an  
23 annexation election shall, subject to RCW 35.02.170, particularly  
24 describe the boundaries of the area proposed to be annexed, state the  
25 number of voters residing therein as nearly as may be, state the  
26 provisions, if any there be, relating to assumption of debt by the  
27 owners of property of the area proposed to be annexed, and/or the  
28 simultaneous adoption of a comprehensive plan for the area proposed to  
29 be annexed, and shall pray for the calling of an election to be held  
30 among the qualified voters therein upon the question of annexation.  
31 ~~((If the petition also provides for the creation of a community  
32 municipal corporation and election of community councilmembers, the  
33 petition shall also describe the boundaries of the proposed service  
34 area, state the number of voters residing therein as nearly as may be,  
35 and pray for the election of community councilmembers by the qualified  
36 voters residing in the service area.))~~

1       **Sec. 6.** RCW 35.13.080 and 1973 1st ex.s. c 164 s 7 are each  
2 amended to read as follows:

3       Notice of an annexation election shall particularly describe the  
4 boundaries of the area proposed to be annexed, (~~describe the~~  
5 ~~boundaries of the proposed service area if the simultaneous creation of~~  
6 ~~a community municipal corporation is provided for,)) state the objects  
7 of the election as prayed in the petition or as stated in the  
8 resolution and require the voters to cast ballots which shall contain  
9 the words "For annexation" and "Against annexation" or words equivalent  
10 thereto, or contain the words "For annexation and adoption of  
11 comprehensive plan" and "Against annexation and adoption of  
12 comprehensive plan" or words equivalent thereto in case the  
13 simultaneous adoption of a comprehensive plan is proposed, (~~and, if~~  
14 ~~appropriate, the words "For creation of community municipal~~  
15 ~~corporation" and "Against creation of community municipal corporation"~~  
16 ~~or words equivalent thereto, or contain the words "For annexation and~~  
17 ~~creation of community municipal corporation" and "Against annexation~~  
18 ~~and creation of community municipal corporation" or words equivalent~~  
19 ~~thereto in case the simultaneous creation of a community municipal~~  
20 ~~corporation is proposed,)) and which in case the assumption of  
21 indebtedness is proposed, shall contain as a separate proposition, the  
22 words "For assumption of indebtedness" and "Against assumption of  
23 indebtedness" or words equivalent thereto and if only a portion of the  
24 indebtedness of the annexing city or town is to be assumed, an  
25 appropriate separate proposition for and against the assumption of such  
26 portion of the indebtedness shall be submitted to the voters. (~~If the~~  
27 ~~creation of a community municipal corporation and election of community~~  
28 ~~councilmembers is provided for, the notice shall also require the~~  
29 ~~voters within the service area to cast ballots for candidates for~~  
30 ~~positions on such council.)) The notice shall be posted for at least  
31 two weeks prior to the date of election in four public places within  
32 the area proposed to be annexed and published in accordance with the  
33 notice required by RCW 29.27.080 prior to the date of election in a  
34 newspaper of general circulation in the area proposed to be annexed.~~~~~~

35       **Sec. 7.** RCW 35.13.090 and 1996 c 286 s 1 are each amended to read  
36 as follows:

37       (1) The proposition for or against annexation or for or against

1 annexation and adoption of the comprehensive plan(~~(, or for or against~~  
2 ~~creation of a community municipal corporation, or any combination~~  
3 ~~thereof, as the case may be,)) shall be deemed approved if a majority  
4 of the votes cast on that proposition are cast in favor of annexation  
5 or in favor of annexation and adoption of the comprehensive plan(~~(, or~~  
6 ~~for creation of the community municipal corporation, or any combination~~  
7 ~~thereof, as the case may be))).~~~~

8 (2) If a proposition for or against assumption of all or any  
9 portion of indebtedness was submitted to the registered voters, it  
10 shall be deemed approved if a majority of at least three-fifths of the  
11 registered voters of the territory proposed to be annexed voting on  
12 such proposition vote in favor thereof, and the number of registered  
13 voters voting on such proposition constitutes not less than forty  
14 percent of the total number of votes cast in such territory at the last  
15 preceding general election.

16 (3) If either or both propositions were approved by the registered  
17 voters, the county auditor shall on completion of the canvassing of the  
18 returns transmit to the county legislative authority and to the clerk  
19 of the city or town to which annexation is proposed a certificate of  
20 the election results, together with a certified abstract of the vote  
21 showing the whole number who voted at the election, the number of votes  
22 cast for annexation and the number cast against annexation or for  
23 annexation and adoption of the comprehensive plan and the number cast  
24 against annexation and adoption of the comprehensive plan (~~(or for~~  
25 ~~creation of a community municipal corporation and the number cast~~  
26 ~~against creation of a community municipal corporation, or any~~  
27 ~~combination thereof, as the case may be))).~~

28 (4) If a proposition for assumption of all or of any portion of  
29 indebtedness was submitted to the registered voters, the abstract shall  
30 include the number of votes cast for assumption of indebtedness and the  
31 number of votes cast against assumption of indebtedness, together with  
32 a statement of the total number of votes cast in such territory at the  
33 last preceding general election.

34 (~~(5) If the proposition for creation of a community municipal~~  
35 ~~corporation was submitted and approved, the abstract shall include the~~  
36 ~~number of votes cast for the candidates for community council positions~~  
37 ~~and certificates of election shall be issued pursuant to RCW 29.27.100~~

1 to the successful candidates who shall assume office as soon as  
2 qualified.))

3 **Sec. 8.** RCW 35.13.100 and 1996 c 286 s 2 are each amended to read  
4 as follows:

5 If a proposition relating to annexation or annexation and adoption  
6 of the comprehensive plan (~~((or creation of a community municipal  
7 corporation, or both, as the case may be))~~) was submitted to the voters  
8 and such proposition was approved, the legislative body shall adopt an  
9 ordinance providing for the annexation or adopt ordinances providing  
10 for the annexation and adoption of the comprehensive plan(~~(, or adopt  
11 an ordinance providing for the annexation and creation of a community  
12 municipal corporation, as the case may be))~~). If a proposition for  
13 annexation or annexation and adoption of the comprehensive plan (~~(or  
14 creation of a community municipal corporation, as the case may be,))~~)  
15 and a proposition for assumption of all or of any portion of  
16 indebtedness were both submitted, and were approved, the legislative  
17 body shall adopt an ordinance providing for the annexation or  
18 annexation and adoption of the comprehensive plan (~~((or annexation and  
19 creation of a community municipal corporation))~~) including the  
20 assumption of all or of any portion of indebtedness. If the  
21 propositions were submitted and only the annexation (~~((or annexation and  
22 adoption of the comprehensive plan or annexation and creation of a  
23 community municipal corporation proposition))~~) was approved, the  
24 legislative body may, if it deems it wise or expedient, adopt an  
25 ordinance providing for the annexation or adopt ordinances providing  
26 for the annexation and adoption of the comprehensive plan(~~(, or adopt  
27 ordinances providing for the annexation and creation of a community  
28 municipal corporation, as the case may be))~~).

29 **Sec. 9.** RCW 35.13.110 and 1973 1st ex.s. c 164 s 10 are each  
30 amended to read as follows:

31 Upon the date fixed in the ordinance of annexation, the area  
32 annexed shall become a part of the city or town. Upon the date fixed  
33 in the ordinances of annexation and adoption of the comprehensive plan,  
34 the area annexed shall become a part of the city or town and property  
35 in the annexed area shall be subject to and a part of the comprehensive  
36 plan, as prepared and filed as provided for in RCW 35.13.177 and

1 35.13.178. (~~Upon the date fixed in the ordinances of annexation and~~  
2 ~~creation of a community municipal corporation, the area annexed shall~~  
3 ~~become a part of the city or town, the community municipal corporation~~  
4 ~~shall be deemed organized, and property in the service area shall be~~  
5 ~~deemed subject to the powers granted to such corporation as provided~~  
6 ~~for in this 1967 amendatory act.)) All property within the territory~~

7 hereafter annexed shall, if the proposition approved by the people so  
8 provides after June 12, 1957, be assessed and taxed at the same rate  
9 and on the same basis as the property of such annexing city is assessed  
10 and taxed to pay for all or any portion of the then outstanding  
11 indebtedness of the city or town to which said area is annexed,  
12 approved by the voters, contracted, or incurred prior to, or existing  
13 at, the date of annexation.

14 **Sec. 10.** RCW 54.04.035 and 1987 c 292 s 2 are each amended to read  
15 as follows:

16 In addition to other powers authorized in Title 54 RCW, public  
17 utility districts may annex territory as provided in this section.

18 The boundaries of a public utility district may be enlarged and new  
19 contiguous territory added pursuant to the procedures for annexation by  
20 cities and towns provided in RCW 35.13.015 through 35.13.110. The  
21 provisions of these sections concerning (~~community municipal~~  
22 ~~corporations,~~) review boards(~~(7)~~) and comprehensive plans, however, do  
23 not apply to public utility district annexations. For purposes of  
24 conforming with such procedures, the public utility district is deemed  
25 to be the city or town and the board of commissioners is deemed to be  
26 the city or town legislative body.

27 Annexation procedures provided in this section may only be used to  
28 annex territory that is both: (1) Contiguous to the annexing public  
29 utility district; and (2) located within the service area of the  
30 annexing public utility district. As used in this section, a public  
31 utility district's "service area" means those areas whether located  
32 within or outside of the annexing public utility district's boundaries  
33 that were generally served with electrical energy by the annexing  
34 public utility district on January 1, 1987. Such service area may, or  
35 may not, have been recognized in an agreement made under chapter 54.48  
36 RCW, but no area may be included within such service area that was  
37 generally served with electrical energy on January 1, 1987, by another

1 public utility as defined in RCW 54.48.010. An area proposed to be  
2 annexed may be located in the same or a different county as the  
3 annexing public utility district.

4 If an area proposed to be annexed is located within the boundaries  
5 of another public utility district, annexation may be initiated only  
6 upon petition of registered voters residing in the area in accordance  
7 with RCW 35.13.020 and adoption by the boards of commissioners of both  
8 districts of identical resolutions stating (a) the boundaries of the  
9 area to be annexed, (b) a determination that annexation is in the  
10 public interest of the residents of the area to be annexed as well as  
11 the public interest of their respective districts, (c) approval of  
12 annexation by the board, (d) the boundaries of the districts after  
13 annexation, (e) the disposition of any assets of the districts in the  
14 area to be annexed, (f) the obligations to be assumed by the annexing  
15 district, (g) apportionment of election costs, and (h) that voters in  
16 the area to be annexed will be advised of lawsuits that may impose  
17 liability on the annexed territory and the possible impact of  
18 annexation on taxes and utility rates.

19 If annexation is approved, the area annexed shall cease to be a  
20 part of the one public utility district at the same time that it  
21 becomes a part of the other district. The annexing public utility  
22 district shall assume responsibility for providing the area annexed  
23 with the services provided by the other public utility district in the  
24 area annexed.

25 NEW SECTION. **Sec. 11.** Sections 2 and 10 of this act take effect  
26 January 6, 2014.

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