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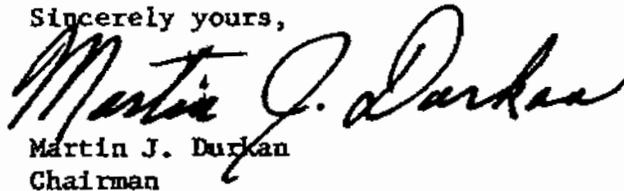
State of Washington
MUNICIPAL CODE COMMITTEE
LEGISLATIVE BUILDING
OLYMPIA

June 13, 1966

Enclosed is a memorandum concerning the work of the Municipal Code Committee in formulating legislation which will be submitted to the 1967 Legislature. The Committee has worked long and hard to create a set of laws which will permit city government to operate more efficiently.

Within the near future we will have completed the draft of our proposed legislation. The draft will be submitted to a Citizens Advisory Committee composed of various public officials in city government along with representatives of the general public. After receiving their comments and making such revisions as the Committee deems necessary, the code, in its final form, will be sent to you.

Sincerely yours,


Martin J. Durkan
Chairman

MJD:vsm

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State of Washington
MUNICIPAL CODE COMMITTEE
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OLYMPIA

June 13, 1966

A REVIEW OF THE OBJECTIVES OF THE MUNICIPAL CODE
COMMITTEE; A SUMMARY OF THE CHAPTERS OF THE OPTIONAL
MUNICIPAL CODE AS PREPARED TO DATE; AND A SURVEY OF THE
AREAS TO BE COMPLETED

Pursuant to the provisions of Chapter 115, Laws of 1965, Extraordinary Session, a Municipal Code Committee was appointed comprised of the following:

State Senator Martin J. Durkan, Chairman
Mr. Marshall McCormick, Tacoma City Attorney, Vice-Chairman
State Representative Daniel G. Marsh
Mayor George H. Salzer of Steilacoom
Mayor Willard T. Sampson of Camas

Chapter 115, Laws of 1965 (Ex. Sess.) permitted either a complete revision of the existing laws relating to municipal corporations or an alternative code of laws for an elective classification of cities with powers and procedures which could be adopted by any existing municipality desiring to avail itself of the benefits of the optional municipal code. The committee determined to follow the latter course of developing and presenting the proposed new municipal code so as to avoid the resistance which could be expected to result from an attempt to adopt a new code designed to have mandatory application to all municipalities of the state.

The purpose of the proposed optional code is to provide a modern simplified form of municipal government which eventually will replace the outmoded code of laws adopted in 1890 and will eliminate the existing four classes of cities with their confusing variation in powers and will replace them with two classes of code cities which will have uniform powers and procedures and will afford citizens and officials the greatest possible opportunity, short of constitutional home rule, to improve the structure, authority and responsiveness of their local government.

The basic objectives to be achieved in the optional municipal code are:

(1) Flexibility in organization through local determination of governmental structure to meet demands placed on city government by today's complex urban problems;

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(2) The elimination of conflicting or divided authority among offices and boards to create greater responsibility and responsiveness of elected and appointed officials by reduction or elimination of state-mandated offices, boards and overlapping agencies;

(3) Simplicity of procedures to permit efficiency and economy of operation by replacing the present diversity of authority with uniform authority and procedures;

(4) The broad grant of home rule authority to municipalities without a specified enumeration of powers, thus avoiding continuously burdening the state legislature with a multiplicity of municipal housekeeping bills at each session; and

(5) Modernization of budget, accounting and administration methods to encourage better management of public funds, while retaining controls and safeguards for the accounting thereof and uniformity of classification for the meaningful reporting and analysis of need and uses thereof.

To date, the committee has prepared, considered and tentatively approved thirteen chapters, including Chapters 35A.01 through 35A.12 and 35A.33 which will be briefly described below. Additionally, the committee has prepared and held preliminary discussions on chapters relating to the mayor-council and council-manager plans of government including the Chief Administrative Officer variation, emphasizing and delineating a clear separation of powers. The committee has completed a preliminary survey of the problems relating to granting municipalities greater powers of taxation or revenue production.

Summaries of the sections of the first twelve chapters are attached hereto and are self-explanatory of the subject matter of the chapters, but a further comment with reference to the purpose and content of the several chapters may be helpful in illustrating the manner in which the chapters carry out the objectives of the committee.

Chapter 35A.01 contains general provisions interpreting the purpose and policy of the optional code; to confer upon the two optional classes of cities created thereunder the broadest powers of local self-government consistent with provisions of the constitution of the State of Washington.

Section 35A.01.020 provides for a code city without a charter without regard to the population thereof, and specifies that it may have one of several optional forms of government.

Section 35A.01.030 provides that a code city having a population of at least 10,000 inhabitants may adopt a charter and be governed under any form of government established therein.

Subsequent sections of Chapter 35A.01 contain general provisions with reference to the sufficiency of petitions employed for a variety of purposes under the optional code and provide certainty as to form and procedure of such petitions.

Chapter 35A.02 contains procedure for an existing municipality to become a non-charter code city and for selecting a plan of government thereunder, and

further provides for separate methods and procedures whereby an existing city or town may elect to become a non-charter code city and makes specific provision for use of the procedures there enumerated. The code cities are granted a broad option with respect to forms of government, so that the cities electing to come under the new code may accept the modernized forms of government provided or elect to retain the form previously employed by such city.

Chapter 35A.03 provides procedure for incorporation as a non-charter code city and specifies the content of a petition for incorporation, contains provisions for an expeditious hearing on the petition and provides standards governing the board of county commissioners' consideration of boundaries. The chapter also provides an election method for incorporation with time schedules for the procedure, and provision for the collection of road district taxes theretofore levied but uncollected and for the continuation of service of fire protection and library districts at the option of the newly incorporated non-charter code city.

Chapter 35A.04 contains provisions for the incorporation of an inter-county area as a non-charter code city. With the development of urban areas spreading across county boundaries in metropolitan areas, such incorporation of an inter-county area is becoming increasingly important. This chapter provides procedure to solve the complicated problems involved and provides for consolidation and annexation of inter-county areas under similar circumstances. Following incorporation, annexation or consolidation, the inter-county municipality's powers will be similar to those of a municipality wholly within one county.

Chapter 35A.05 provides for the consolidation of two or more contiguous municipal corporations as a non-charter code city and eliminates the technical qualifications and conditions that have made the present laws relating to consolidation of municipalities of little practical value.

Chapter 35A.06 provides for the abandonment or change of a plan of government by a non-charter code city, while retaining the latter classification, and also provides for the abandonment of a non-charter code city classification allowing return to that city's former classification and form of government. The greatest possible options are afforded to the cities under this chapter so as to permit reorganization in the event of a future desire to abandon a code city classification. The provisions for such options were not the result of any belief that code cities would thereafter desire to take advantage of such privileges, but rather were provided to allay any fear or concern of officials of an existing non-code city which might otherwise hinder a proposed change of classification to adopt the benefits of the optional code city classification.

Chapter 35A.07 specifies the procedure for any non-code city having a charter to become a charter code city by: (a) a direct petition signed by electors equal to 50 percent of the vote in the last municipal election authorizing the city's legislative body to pass a resolution expressing the electorate's intention to become a charter code city, and providing for a referendum to the voters if desired; (b) or providing, as an alternative, that the council might adopt a resolution, without a petition, subject also to referendum to the

voters; or (c) providing that a lesser number of resident electors might sign a petition calling for an election on the proposition of changing the classification to a code city.

Chapter 35A.08 provides procedure for adoption of a charter as a charter code city by a municipality not previously having a charter, which may be initiated by a petition signed by 20 percent of the electorate, or by a resolution of the legislative body; and specifies, in detail, the procedure for determination of population, selection of freeholders for the charter commission and other procedural steps.

Chapter 35A.09 makes provision for amendment or revision of code city's charters, which action may be initiated by a resolution of the legislative body of the city or by a petition signed by 20 percent of the voters voting at the last general municipal election and details the procedure to be followed.

Chapter 35A.10 contains provisions applicable to the adoption or abandonment of charter code city classification but requires that the code city classification be tried for six years before abandonment is permitted.

Chapter 35A.11 contains a broad statement of rights, powers and privileges of the code cities which are classified as charter code cities and non-charter code cities. The chapter expresses the state legislature's intent to confer the greatest power of local self-government, consistent with provisions of the State Constitution, upon the cities and directs that the laws be liberally construed in favor of the city as a clear mandate to abandon the so-called "Dillon's Rule" of construction. In addition to the general grant of broad powers, the chapter makes clear that existing laws relating to eminent domain, borrowing, taxation and a variety of other powers, where not inconsistent with the provisions of the optional municipal code, shall be available to the code cities, and grants to the code cities the broadest power of inter-governmental cooperation and action. It will be noted that there is no specific enumeration of powers nor a different classification of powers between the charter and non-charter code cities excepting for the authority to create a charter.

Chapter 35A.12 gives provision for one of the two principal forms of government recommended for the code cities, to wit: the mayor-council plan or form of government. Unless the city's charter provides for elective boards, commissions or offices, the city's only elective officers would be the mayor and legislative body. The number, designation and duties of other appointive officers of the city are to be provided by the charter or ordinances of the city, leaving the city the broadest possible authority to provide for its own plan or form of government and will permit the variant form of Chief Administrative Officer Plan.

Since other general laws govern the appointment of a police or municipal judge, reference is made to the general laws as being applicable to the code cities.

Details are provided with reference to forfeiture of office and filling vacancies and broad authority is given to each city to determine the salary of its mayor and councilmen.

Chapter 35A.13 provides for the second principal form of government, namely the Council-Manager Plan which, aside from the manner of selection of such executive officer, his tenure and his authority, grants similar powers to those granted under the mayor-council plan.

Chapter 35A.14 relating to annexations to code cities retains all of the existing methods of annexation and adds, as an alternative to the present "ad hoc" annexation review board, a standing county boundary review board in an effort to obtain more objective decisions upon questions of desirability of annexation of areas to municipalities and of transfers of assets and functions of special service districts.

Chapter 35A.33 contains substantial modifications from present laws relating to budgeting and accounting for code cities. Although provision is made for a time schedule on budget procedures for the benefit of smaller municipalities, flexibility has been provided for the expenditure of the appropriations, and a change in format contemplates that code cities may operate under a fiscal year instead of the current calendar year. The chapter requires a budget message for medium and larger cities in an effort to emphasize the city's fiscal program rather than the detailed item or object budgeting required by our present law. Greater flexibility is provided for transfers of appropriations within a fund and for the reduction, revocation or recall of unexpended funds, permitting the amendment of the budget and reappropriation of funds so released for other purposes. The present archaic classification of accounts is dropped and provision is made for more meaningful modern classification.

We shall direct our attention now to a survey of the areas to be completed.

TAXATION

Intensive study of the problem of granting municipalities the authority of local taxation for local purposes has been undertaken and material has been furnished to the code committee on sources of revenue available to the municipalities, together with a historical resume' of attempts to change or materially add to the tax structure of the state. The legal and constitutional questions involved have been noted together with a summary of the tax sources presently preempted by the state. This material has been examined and considered by the committee and alternative provisions for authority will be considered by advisory groups as to the areas wherein additional tax authority might be given to the cities and where state pre-emption should be relaxed as an aid thereto.

INITIATIVE AND REFERENDUM

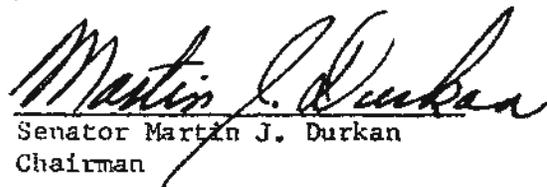
The committee has directed that voters of code cities be given the power and use of the Initiative and the Referendum to the same extent as presently available to non-code cities plus the additional uses provided by the new sections governing transfer from non-code to code city classifications.

MISCELLANEOUS POWERS AND DUTIES

In addition to the provisions in Title 35, the other titles of RCW contain substantive provisions governing the duties, authorities and procedures of

municipalities which the Statute Law Committee has deemed to be more appropriately grouped under other titles. The Code Revisor has recommended that provisions of other titles and chapters be made available to code cities by reference to the desired sections or chapters rather than attempting to transfer or recodify such sections under Title 35 or Title 35A (the optional municipal code), hence the committee has given directions to include within the new optional code those other general provisions of our statutes relating to the election, qualification, conduct and authority of the municipalities and their officers which provisions are presently scattered through 77 other titles in the Revised Code of Washington by reference to the existing chapter and sections without attempting to duplicate or parallel the material in the proposed RCW 35A.

We append hereto a list of the other sections and subject matters relating to this dissemination of information through other titles.


Senator Martin J. Durkan
Chairman

SUMMARY

TITLE 35A

OPTIONAL MUNICIPAL CODE

Chapter 35A.01

Interpretation of Terms

- 35A.01.010 States the purpose and policy of this act, which is to confer broadest possible powers of local self-government on the two classes of cities created by this act.
- 35A.01.020 Defines "non-charter code city": any city, regardless of population, which has elected to be governed by this optional code by becoming a non-charter code city.
- 35A.01.030 Defines "charter code city": any city having at least 10,000 population which has elected to be governed by this optional code and its charter, as a charter code city.
- 35A.01.040 Sufficiency of Petitions - establishes rules by which the sufficiency of petitions is to be determined. Lays down some requirements which are mandatory as to all petitions and others which are directory as to all but initiative and referendum petitions. Includes rules with regard to the validity of signatures, and who must sign when signatures of property owners are required.

SUMMARY

TITLE 35A

OPTIONAL MUNICIPAL CODE

Chapter 35A.02

Procedure for Incorporated Municipality to Become a Non-Charter Code City -
Selection of Plan of Government

Chapter 35A.02 sets up procedures whereby any existing city or town may become a non-charter code city, with or without a reorganization of city or town government.

Four methods are provided:

A. Without Election - 35A.02.020 - .050

1. Direct Petition Method - Upon a fifty percent petition seeking reclassification either (a) retaining existing plan of government, or (b) selecting one of the plans authorized by this code (Mayor-Council and Council-Manager), the council passes a resolution to record the electoral decision to become a non-charter code city with the plan of government designated. (.020)
2. Resolution Method - Council takes initiative for reclassification, with or without reorganization of plan of government, by passing a resolution of intent. (.030)

Under both Method 1 and Method 2, the resolution is subject to referendum, but if not referred within ninety days, the legislative body effects the reclassification and the reorganization, if any, by ordinance. The ordinance or ordinances are recorded with the secretary of state and the city becomes a non-charter code city upon such filing; except that, if a new plan of government has been selected, reclassification and reorganization do not become effective until new officers have been elected at the next municipal election thereafter, general or special.

B. With Election - 35A.02.060 - .130

3. Petition for Election Method - Twenty percent petition for election on the question of becoming a non-charter code city, designating in the petition the plan of government desired.
4. Resolution for Election Method - Resolution of the council for election on question of becoming a non-charter code city with designation of plan of government.

Summary of Chapter 35A.02 (continued)

At the election resulting from either of the election methods, proposals for alternative authorized plans of government may be placed on the ballot by timely petition. Candidates may file under each plan and the officers elected under the plan receiving the majority of votes cast become the new officers of the non-charter code city.

35A.02.100 specifies the content of the notice of election.

35A.02.110 sets forth the method of canvassing and declaring the results.

35A.02.120 Reclassification and reorganization is effective upon issuance of certificate of election to new officers.

35A.02.130 provides that the petition-for-election and resolution-for-election methods may be used to adopt the classification of non-charter code city without a change of plan of government.

35A.02.140 provides for orderly disposition of the first petition or resolution filed under this chapter to the exclusion of other petitions or resolutions which would initiate similar proceedings or elections.

SUMMARY

TITLE 35A

OPTIONAL MUNICIPAL CODE

Chapter 35A.03

Incorporation as Non-Charter Code City

- 35A.03.010 An unincorporated area with 300 inhabitants may incorporate as a non-charter code city, except that there must be 5000 inhabitants if within 5 miles of a city of 15,000.
- 35A.03.020 Petition for incorporation must contain signatures equal to twenty percent of votes in area in last state election.
- 35A.03.030 Petition shall designate plan of government, proposed name, describe boundaries, and give number of inhabitants.
- 35A.03.035 County auditor determines compliance with 35A.03.010, checks legal description and validity of signatures and transmits to county commissioners.
- 35A.03.040 Publication of notice of hearing on petition - one publication, between 10 and 3 days prior to hearing.
- 35A.03.050 Petition to be received at regular or special meeting of board of county commissioners, within thirty days, within ten days if estimate of inhabitants exceeds 1500.
- 35A.03.060 Standards are set for the board's consideration of boundaries. Hearing may be continued not to exceed two months in all. Election date is to be set at conclusion of hearing, for within 60 days thereafter.
- 35A.03.070 Board establishes boundaries based on standards given in 35A.03.060. Any decrease not to exceed 20 percent or reduce below requirements of 35A.03.010.
- 35A.03.075 Method of determining population: Number of dwelling units x 2.95. This is the formula prescribed in RCW 35.04.070.
- 35A.03.080 Election on question of incorporation and of officers.
- 35A.03.085 Candidates shall file for offices under plan of government and may withdraw - no fee - placement of names on ballot prescribed.
- 35A.03.090 Election conducted as provided by general law.
- 35A.03.100 Notice of election - contents.

Summary of Chapter 35A.03 (continued)

- 35A.03.110 Preparation of ballots by county prosecuting attorney.
- 35A.03.120 County canvassing board certifies election results. If vote is favorable, board of county commissioners issues order of incorporation, to be filed with secretary of state.
- 35A.03.130 Incorporation is complete upon filing of order. Term of new officers: until next municipal election, unless held within 75 days, in which case terms run until second election following incorporation.
- 35A.03.140 No other petition for incorporation or annexation is to be acted upon while a petition is pending, but the petition may be withdrawn and amended by a majority of the signers.
- 35A.03.150 Road district taxes levied but not collected are to be paid to the new non-charter code city.
- 35A.03.160 Services of fire protection and library districts shall be continued at the option of the non-charter code city.

SUMMARY

TITLE 35A

OPTIONAL MUNICIPAL CODE

Chapter 35A.04

Incorporation of Intercounty Area

- 35A.04.010 Definitions - reference to "principal" county officers is to officers of county having largest number of inhabitants involved in the incorporation.
- 35A.04.020 Any intercounty area may incorporate as a non-charter code city except that an area within five miles of a city of 15,000 must have 5,000 or more inhabitants.
- 35A.04.030 Petition for incorporation is presented to principal county auditor, must contain signatures equal to 20 percent of the area-votes in the last state election and must designate one of the authorized plans of government, proposed boundaries, and number of inhabitants in each county.
- 35A.04.040 Each county auditor determines the sufficiency of the petition as to his own county, principal auditor first, with 30-day time limit for each. Principal auditor transmits to principal board of county commissioners.
- 35A.04.050 Within 10 days principal board meets and sets a date for hearing after consultation with other boards. Hearing is to be within 35 days of receipt of petition. Petition and notice are to be published once between 10 and 3 days before hearing.
- 35A.04.060 The boards meet jointly for hearing petition. Standards are set for consideration of boundaries.
- 35A.04.070 Establishment of boundaries is to be based on the standards set in 35A.04.060 and areas may be included or excluded as may be reasonable, just, and for the public welfare. Inclusion of territory requires consent of 20 percent of voters in that area and area may not be decreased below 5,000 when within 5 miles of city of 15,000. Boundaries are to be set within 5 days of conclusion of hearing and it may be done by joint order, with majority of each board concurring.
- 35A.04.080 Determination of population - number of dwelling units x 2.95 (Formula found in RCW 35.04.070).

Summary of Chapter 35A.04 (continued)

- 35A.04.090 Within 60 days after determination of boundaries, principal county auditor conducts election upon the question of incorporation under plan proposed and for election of officers. Costs of election are borne by new non-charter code city if vote is favorable; proportionately by each county if unsuccessful.
- 35A.04.100 Candidates shall file for offices under plan of government proposed and may withdraw - no fee - place of names on ballot prescribed.
- 35A.04.110 Notice of election - contents.
- 35A.04.120 Preparation of ballots is by principal prosecuting attorney.
- 35A.04.130 Returns to be canvassed by principal county canvassing board. If vote is favorable a joint order of incorporation is issued, to be filed with secretary of state.
- 35A.04.140 Incorporation is complete upon filing of the order of incorporation. Successful candidates assume office and serve until the next general municipal election, unless it is within seventy-five days, when their term continues until the second succeeding election.
- 35A.04.150 For municipal elections thereafter the auditor in each county closes registration files as required by RCW 29.07.160 and performs duties relating to records or equipment in his custody.
- 35A.04.160 County duties are to be performed and county powers exercised by the officers of the principal county involved and any costs are to be borne by counties proportionately according to population.
- 35A.04.170 Duties in regard to taxes are to be performed by the county auditor of the area involved and data and money are to be submitted to principal county officer and transmitted to corporate officers of non-charter code city when indicated. Costs to be distributed proportionately.
- 35A.04.180 An intercounty non-charter code city may consolidate or annex territory as if it were formed in only one county.

SUMMARY

TITLE 35A

OPTIONAL MUNICIPAL CODE

Chapter 35A.05

Consolidation of Two or More Contiguous Municipal Corporations as a Non-Charter Code City

35A.05.010 Two or more contiguous municipal corporations may consolidate as a non-charter code city and are considered contiguous when separated by water or tidelands.

Two methods are provided for obtaining an election on consolidation:

35A.05.020 Resolution for Election - joint resolution of two or more contiguous municipal corporations, by majority vote of each, calling for an election on consolidation, naming one of the authorized plans. Resolution to set date for election not less than 90 nor more than 180 days after passage of resolution, or the question may be submitted at the next municipal election, if to be held within 180 days.

35A.05.030 A petition or resolution may contain a proposal for assumption of a general obligation indebtedness of a component corporation by the consolidated non-charter code city. The proposal may limit such burden to properties benefited by the improvement for which the indebtedness was incurred.

35A.05.040 Petition for Consolidation - to be filed with the legislative body of one of the corporations, signed by voters equalling 20 percent of the votes cast in the last municipal election, naming an authorized plan of government. If petition is sufficient, legislative body submits question to voters at next municipal election, if within 180 days, or at special election not less than 90 nor more than 180 days after petition filed.

35A.05.050 Legislative body receiving petition shall notify other corporations involved concerning the petition and the election date.

35A.05.060 Election of officers upon approval of consolidation and plan of government.

35A.05.070 Notice of election - contents.

35A.05.080 Ballot titles to be prepared as provided in RCW 29.27.060; placement of names of candidates on ballot is prescribed. Any proposal for assumption of indebtedness shall be stated as a separate proposition on the ballot.

Summary of Chapter 35A.05 (continued)

- 35A.05.090 Returns are to be canvassed separately in each corporation and a copy of the statement of votes is to be filed with each legislative body. If the majority vote in each corporation favors consolidation, the legislative bodies meet in joint convention to prepare an abstract of votes and declare the consolidation and file a copy with the secretary of state.
- 35A.05.100 Upon the filing of the abstract of election with the secretary of state, consolidation as non-charter code city will be effective.
- 35A.05.110 Upon issuance of certificates of election, the new officers shall begin their terms, which will run until the next general municipal election unless to be held within 75 days, in which case their terms shall run until the second election following consolidation.
- 35A.05.120 Costs of election are borne by new non-charter code city, if the vote is favorable, proportionately by the corporations involved, according to population ratio, if unsuccessful.
- 35A.05.130 The property of former corporations vests in the consolidated non-charter code city. When any property is sold by the consolidated city, the proceeds are to be applied to any debts of such former corporation if any exist at the time of sale.
- 35A.05.140 Consolidation shall not affect claims or choses in action for or against former corporations, or pending proceedings. Claims are to be collected by the non-charter code city and the proceeds applied to payment of any just claims against the city for which collected. The non-charter code city may levy taxes against property in a component city when necessary to pay claims against it.
- 35A.05.150 Continuation of ordinances not in conflict with laws of consolidated non-charter code city until superseded or repealed. No discharge of liability for violation incurred prior to consolidation.
- 35A.05.160 No taxation of property within one former corporation to pay indebtedness of another component corporation; except that when a petition or resolution specifically provides for assumption of indebtedness and such proposal is approved by 60 percent of the votes, the burden of taxation to pay the indebtedness may be apportioned.

SUMMARY

TITLE 35A

OPTIONAL MUNICIPAL CODE

Chapter 35A.06

Provisions Applicable to Adoption and Abandonment of Non-Charter Code
City Classification or Plan of Government

- 35A.06.010 Each optional plan of government declared a complete form of government for submission to voters or for adoption by resolution of legislative body.
- 35A.06.020 Existing classifications and laws relating thereto will not apply to non-charter code city, which, by adopting such classification, elects to be governed under this optional code.
- 35A.06.030 Any non-charter code city which has operated under a plan of government for more than six years may abandon it and either adopt another plan authorized for non-charter code cities or adopt a plan authorized under the general law. In the latter event, such city will no longer be governed under this optional code but will be governed by the general law.
- 35A.06.040 An election on the proposal for abandonment of a plan of government and adoption of a different plan may be initiated by resolution of the legislative body or by petition signed by voters equal to 20 percent of the votes cast in the last general municipal election.
- 35A.06.050 The proposition may be voted upon at either a general municipal election or a special election. The ballot statement shall make clear the effect of adoption of the revised plan as to whether or not it will mean abandonment of the optional code.
- 35A.06.060 Reorganization under the plan adopted will be complete upon the election of officers at the next succeeding biennial election. If the new plan selected is not one authorized for non-charter code cities, the city ceases to be a non-charter code city and reverts to the classification held by such city formerly, if any, or to the highest class for which qualified by population and is thereafter governed by the general law.
- 35A.06.070 Authorizes abandonment of non-charter code city classification and the optional code without a reorganization,

Summary of Chapter 35A.06 (continued)

and reclassification under the general law. Procedures set forth in this chapter may be used, as applicable.

35A.06.080 After reclassification or change of plan, no subsequent change is permitted for 6 years. Exception: A non-charter code city may adopt a charter and become a charter code city without waiting 6 years.

SUMMARY

TITLE 35A

OPTIONAL MUNICIPAL CODE

Chapter 35A.07

Procedure for City Operating under Charter to Become a Charter Code City

- 35A.07.010 Any charter city of 10,000 population may become a charter code city and be governed under this optional code.
- 35A.07.020 Direct petition method. Upon the filing of a sufficient petition with signatures equal to 50 percent of the vote in the last municipal election, the legislative body passes a resolution expressing the electoral decision to become a charter code city and publishes the resolution at least once. If no referendum petition is filed within ninety days, an ordinance is passed effecting the reclassification.
- 35A.07.025 The resolution is to be referred for confirmation or rejection by the voters upon the filing of a referendum petition.
- 35A.07.030 Resolution method. Legislative body may, by resolution, declare its intent to adopt for the city the classification of charter code city. If the resolution is not referred to the voters within ninety days an ordinance is passed effecting the reclassification.
- 35A.07.035 A resolution under 35A.07.030 is subject to referendum.
- 35A.07.040 When an ordinance is passed as provided in 35A.07.020 or 35A.07.030, a certified copy thereof is filed with the secretary of state, whereupon such city becomes a charter code city, governed under the optional code.
- 35A.07.050 Petition-for-Election Method. Upon the filing of a petition containing signatures equal to 20 percent of the votes in the last municipal election, seeking adoption of the classification of charter code city, the legislative body submits the question to the voters at the next general election if within 180 days, or at special election not less than 90 days, nor more than 180 days thereafter.
- 35A.07.060 Resolution for Election. Election initiated by the legislative body.

Summary of Chapter 35A.07 (continued)

35A.07.070 Election on reclassification - if a majority vote is in favor, the city becomes a charter code city upon certification of the record of election to secretary of state, and is thereafter governed under the optional code.

SUMMARY

TITLE 35A

OPTIONAL MUNICIPAL CODE

Chapter 35A.08

Procedure for Adoption of Charter as Charter Code City

- 35A.08.010 Any city of 10,000 population may adopt a charter under the provisions of this chapter and become a charter code city governed under the optional code.
- 35A.08.020 Population is determined by figures released for the most recent state or federal census.
- 35A.08.030 Resolution or petition for election. By a 20 percent petition, or by resolution of the legislative body the question whether a city shall adopt a charter and become a charter code city may be submitted to the voters in a general or special election. At the same election, provision is to be made for election of fifteen freeholders to be the charter commission if the vote is favorable.
- Candidates for charter commission must be nominated by petition of ten voters, and must be freeholders, qualified electors and residents for two years.
- 35A.08.040 Deals with the organization of the charter commission, quorum, majority vote of whole membership required. Duties of the commission are described.
- 35A.08.050 Expenses of commission members are to be paid by the city. The legislative body may make appropriation for expenses of public discussion and information and/or to provide technical or clerical assistance. With any such appropriation or with private funds, the commission may hire consultants and assistants.
- 35A.08.060 The commission must hold at least one public hearing and may promote public education and interest.
- 35A.08.070 Within sixty days of the first meeting the charter shall be presented to the legislative body of the city, which within five days, shall start election proceedings and set an election date. The charter is to be published once each week for four weeks next preceding election days. Notice is to be given as required by law. The first officers under the new charter are to be elected at the same election.

Summary of Chapter 35A.08 (continued)

- 35A.08.080 The election is conducted according to the laws governing elections in such city.
- 35A.08.090 Ballot titles are to be prepared by the city attorney.
- 35A.08.100 Within ten days after approval of the charter, the new officers shall qualify as provided in the charter and at 12:00 noon on the tenth day their term shall begin and the charter shall be authenticated, recorded, attested and go into effect, and the city shall become a charter code city governed under the optional code.
- 35A.08.110 Authentication of Charter - form as prescribed in RCW 35.22.110, as amended by Chap. 47, Laws of 1965 (Ex. Sess.)

SUMMARY

TITLE 35A

OPTIONAL MUNICIPAL CODE

Chapter 35A.09

Amendment or Revision of Charters

- 35A.09.010 Any amendment may be initiated by the legislative body, published as required for a charter upon its adoption (Chap. 35A.08), and an election held on the amendment. If ratified the amendment becomes part of the charter organic law. (Method provided in Const. Art. XI, sec. 10, as amended.)
- 35A.09.020 A proposed amendment may be initiated by a petition containing signatures equal to 20 percent of the votes cast at the last general municipal election and may be submitted to the voters at a general or special election. Publication is as provided in Chapter 35A.08. Upon approval the amendment becomes part of the charter organic law.
- 35A.09.030 Upon a petition containing signatures equal to 20 percent of the votes cast in the last municipal election, a charter commission shall be elected to revise, add to or repeal the charter or prepare a new charter. If the vote at such election does not favor election of a charter commission, the matter ends there.
- 35A.09.040 The submission of a new, revised or altered charter after deliberation of the commission is as provided in Chapter 35A.08.
- 35A.09.050 The proposed charter is published once each week for four weeks next preceding the election.
- 35A.09.060 The election is conducted in the manner provided for elections in the charter code city.
- 35A.09.070 If the charter is approved, it goes into effect, but if new offices are created, the charter is not effective until the election and qualification of new officers at the next general election or at a special election.

SUMMARY

TITLE 35A

OPTIONAL MUNICIPAL CODE

Chapter 35A.10

Provisions Applicable to Adoption and Abandonment of Charter Code City Classification

- 35A.10.010 Existing classifications will not apply to charter code cities, which by adoption of such classification elect to be governed by the optional code.
- 35A.10.020 A charter code city which has been so classified for more than 6 years may abandon such classification and either revert to a former classification, if any, or adopt the highest classification for which qualified by population.
- 35A.10.030 Abandonment of the charter code city classification may be initiated by a resolution of the legislative body or by a petition containing signatures equal to 20 percent of the votes cast in the last general municipal election, seeking reversion to a prior class, if any, or to the highest class for which qualified. An election is to be conducted thereon generally as provided in Chapter 35A.02, insofar as is applicable.
- 35A.10.040 When a proposition for abandonment has been rejected by the voters, there shall be no subsequent vote on abandonment for 6 years.

SUMMARY

TITLE 35A

OPTIONAL MUNICIPAL CODE

Chapter 35A.1J

Laws Governing Non-Charter Code Cities and Charter Code Cities - Powers

- 35A.11.010 Rights, Powers and Privileges. The section confers on cities governed by the optional code the same basic identity and powers granted to cities under the existing statutes.
- 35A.11.020 Powers Vested in Legislative Bodies. Grants broad home-rule powers over the city's internal affairs, its employees and their working conditions insofar as consistent with this act; power to adopt ordinances and impose penalties. Code cities have all powers possible for a city to have under the state constitution and any authority ever given to any or all municipalities of the state.
- 35A.11.030 Applicability of General Law. Powers of code cities which are within the realm of state concern and regulation will be exercised in accordance with this optional code or the general law.
- 35A.11.040 Intergovernmental Cooperation and Action. Grants broad authority for intergovernmental cooperation with state, regional and federal officers and agencies and authority to accept conditional grants for a public purpose when conditions are not in conflict with state or federal law.
- 35A.11.050 Statement of Purpose and Policy. The intent is to confer the greatest power of local self-government consistent with the state constitution. Construction should be liberal, in favor of city.

SUMMARY

TITLE 35A

OPTIONAL MUNICIPAL CODE

Chapter 35A.12

Mayor-Council Plan of Government

- 35A.12.010 A mayor and a council comprise the elective officers. Cities under 2,500 in population shall have 5 councilmen, cities over 2,500, 7, and charters may provide for any uneven number not exceeding 11.
- 35A.12.020 Appointive offices are to be as provided by charter or ordinance and to include a chief of police and city clerk. The offices of city clerk and city treasurer may be merged into one office. Some provision is to be made for legal services. Authority, duties, qualifications and compensation of appointive offices are to be provided by ordinance, subject to applicable statutes.
- 35A.12.030 An elective officer must be a registered voter and a resident within the city for one year.
- 35A.12.040 The mayor and councilmen serve four year terms, council terms staggered. Council positions are to be numbered. Election is at large unless wards are provided by charter or ordinance. Qualification is by oath of office and as provided by law.
- 35A.12.050 Conditions creating a vacancy are stated. Vacancies are filled by majority vote of the council until the next election.
- 35A.12.060 Grounds for forfeiture of office are stated. The council decides when a forfeiture has occurred. A public hearing, on notice, must be granted, if requested. Council decision is subject to court review.
- 35A.12.065 A mayor pro tem or councilman pro tem may be appointed to serve in the absence or disability of the incumbent officer.
- 35A.12.070 Salaries of mayor and councilmen are to be fixed by ordinance, not to be changed during the term of the incumbent. Salaries of first officers pending provision by ordinance are prescribed. Expenses shall be paid by city.
- 35A.12.080 Oaths of officers may be prescribed by charter or ordinance. Bonds are required of the clerk, treasurer, chief of police and other officers as prescribed by charter or ordinance. The city pays the premiums on bonds.

Summary of Chapter 35A.12 (continued)

- 35A.12.090 The mayor has the power of appointment and removal of appointive officers and employees, subject to civil service and with limitations as to removal of appointed police judge. Such authority may be delegated to heads of departments. Appointments are to be based on ability and training, with qualifications set by charter or ordinance. Confirmation by council is not required unless specified by charter or ordinance, but council may require confirmation when no qualifications have been set for an office. Terms are indefinite unless set by charter or ordinance.
- 35A.12.100 The duties and authority of the mayor, as chief executive and administration officer of the city, are described. He presides over council meetings, may vote only in the event of a tie and has the power of veto, which may be overridden by vote of one more than a majority of the council. He reports and makes recommendations to the council and submits a proposed budget. He is ceremonial head of the city.
- 35A.12.110 Meetings. The council and mayor meet at least once a month, time and place provided by ordinance, and special meetings may be called on notice. All actions must be taken at public meetings with notice given, but executive sessions may be held. The mayor presides if present or a substitute chairman may be appointed. A journal shall be kept.
- 35A.12.120 A majority constitutes a quorum. Council determines its rules and order of business, including provision for the public to be heard. A roll call vote shall be taken at request of any member. Passage of any ordinance, franchise or for payment of money requires majority vote.
- 35A.12.130 Prescribes the style and requisites for an ordinance and the manner of submission to mayor, approval or veto, and passage over a veto. Effective date is five days after publication except for emergency ordinances requiring one more than a majority vote, effective upon passage.
- 35A.12.140 Existing provision for adoption of codes by reference is included and expanded to include any standard technical code. Authentication and recording of code in form in which adopted is required and copies are to be available for public examination. Code need not be published in newspaper.
- 35A.12.150 Ordinances shall be authenticated and recorded in indexed book, open to the public.
- 35A.12.160 Ordinances shall be published at least once in newspaper in general circulation, or official newspaper, or by posting.

Elections

Definitions

City clerk	RCW	29.01.010
City council		29.01.020
City precinct		29.01.030
Residence		29.01.040
Officer		1.16.065

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City clerk as registrar in city precincts		29.07.020
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Declarations of candidacy Generally		29.21.020
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The Recall

RCW Chap. 29.82

*Officers

Official Bonds

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Who may maintain action	RCW	42.08.020
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Recovery Limited to Amount of Bond		42.08.050
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Causes of Vacancy		42.12.010
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Misappropriation, etc. by treasurer		42.20.090
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Municipal officers		42.23.010
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Remote interests		42.23.040
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Requirement of certificates - penalty for false certificates		42.24.030
*Employees		
General Provisions		
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Discrimination based on age of employee - exceptions		49.44.090
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		57.08.020, .045
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Soil and water conservation district - consultation with municipality		89.08.210
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		4.92.090
		4.36.100
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*Fiscal

(Establishment of) Division of Municipal Corporations	RCW	43.09.190 et seq
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Duty of officers		
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Expense of examination		
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*Traffic (continued)

General Provisions

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*Airports

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