

SUBSTITUTE HOUSE BILL 2325

State of Washington

53rd Legislature

1994 Regular Session

By House Committee on Local Government (originally sponsored by Representatives Edmondson, H. Myers and Springer)

Read first time 02/02/94.

1 AN ACT Relating to city and town elections; amending RCW 35.17.370,
2 35.17.380, 35.17.400, 35.18.230, 35.18.240, 35.18.290, 35.18.320,
3 35A.02.010, 35A.02.020, 35A.02.025, 35A.02.030, 35A.02.060, 35A.02.070,
4 35A.02.090, 35A.02.140, 35A.06.010, 35A.06.020, 35A.06.040, 35A.06.070,
5 35A.12.010, 35A.12.040, 35A.13.010, 35A.13.020, 35A.13.030, and
6 35A.29.170; adding new sections to chapter 35.17 RCW; adding a new
7 section to chapter 35.18 RCW; adding new sections to chapter 35A.02
8 RCW; adding new sections to chapter 35A.06 RCW; creating a new section;
9 and repealing RCW 35.17.390, 35.17.430, 35.17.440, 35.17.450,
10 35.17.460, 35.18.250, 35.18.260, 35.18.270, 35.18.280, 35.18.285,
11 35.18.300, 35.18.310, 35A.02.001, 35A.02.035, 35A.02.040, 35A.02.050,
12 35A.02.055, 35A.02.080, 35A.02.100, 35A.02.110, 35A.02.120, 35A.02.130,
13 35A.06.030, 35A.06.050, and 35A.06.060.

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

15 NEW SECTION. **Sec. 1.** The purposes of this act are to enhance the
16 flexibility by which the plan of government under which a city or town
17 operates may be changed and to enhance the flexibility by which a city
18 or town is reorganized as a noncharter code city or a code city is
19 reorganized as a city or town by: (1) Clarifying the procedures by

1 which these changes are made; (2) standardizing the signature
2 requirement for petitions proposing any of these changes; and (3)
3 eliminating instances where the term of office of each councilmember is
4 terminated, and each new councilmember is elected at a single election,
5 when a city or town adopts a different plan of government.

6 **Sec. 2.** RCW 35.17.370 and 1965 c 7 s 35.17.370 are each amended to
7 read as follows:

8 Any city operating under chapter 35.23 or 35.24 RCW having a
9 population of two thousand ((and)) or more but less than thirty
10 thousand may ((organize as a city under)) change its plan of government
11 to the commission ((form)) plan of government under this chapter.
12 ~~((The requisite population shall be determined by the last preceding~~
13 ~~state or federal census or the council may cause a census to be taken~~
14 ~~by one or more suitable persons, in which the full name of each person~~
15 ~~in the city shall be plainly written, the names alphabetically arranged~~
16 ~~and regularly numbered in a complete series, verified before an officer~~
17 ~~authorized to administer oaths and filed with the city clerk.))~~

18 **Sec. 3.** RCW 35.17.380 and 1965 c 7 s 35.17.380 are each amended to
19 read as follows:

20 ~~((Upon petition of electors in any city equal in number to twenty-~~
21 ~~five percent of the votes cast for all candidates for mayor at the last~~
22 ~~preceding city election therein, the mayor by proclamation shall cause~~
23 ~~to be submitted the question of organizing the city under the~~
24 ~~commission form of government at a special election at a time specified~~
25 ~~therein and within sixty days after the filing of the petition.))~~ A
26 ballot proposition authorizing a change in plan of government to a
27 commission plan shall be submitted to voters of the city if a petition
28 proposing this change is submitted to the city clerk that has been
29 signed by voters in the city equal in number to at least twenty percent
30 of the number of voters residing in the city. The clerk shall promptly
31 forward the petition to the county auditor who shall promptly proceed
32 to determine the sufficiency of the petition.

33 If the county auditor certifies the petition as having sufficient
34 valid signatures, a ballot proposition shall be submitted to the voters
35 at the next municipal general election if one is to be held within one
36 hundred eighty days after the date the petition was filed, or otherwise
37 at a special election to be held for that purpose not less than ninety

1 days nor more than one hundred eighty days after the date the petition
2 was filed.

3 If the plan is not adopted (~~(at the special election called)~~), it
4 shall not be resubmitted to the voters of the city (~~(for adoption)~~)
5 within two years (~~(thereafter)~~) after this election.

6 **Sec. 4.** RCW 35.17.400 and 1979 ex.s. c 126 s 18 are each amended
7 to read as follows:

8 The first election of commissioners shall be held (~~(within)~~) at the
9 next special election date occurring at least sixty days after the
10 (~~adoption of the~~) ballot proposition (~~to organize under the~~
11 commission form, and) authorizing the city to adopt the commission
12 plan of government is approved by a simple majority vote of voters
13 voting on the proposition. The commission first elected shall commence
14 to serve as soon as they have been elected and have qualified and shall
15 continue to serve until their successors have been elected and
16 qualified and have assumed office in accordance with RCW 29.04.170.
17 The date of the second election for commissioners shall be in
18 accordance with RCW 29.13.020 such that the terms of office of the
19 first commissioners will be as near as possible to, but not in excess
20 of, four years.

21 The terms of office of the persons serving as councilmembers,
22 mayor, and any other nonjudicial city or town elected office shall
23 terminate at the date when the first commissioners assume office.

24 NEW SECTION. **Sec. 5.** A new section is added to chapter 35.17 RCW
25 to read as follows:

26 A city that has operated with a commission plan of government for
27 at least six years may change its plan of government to a council-
28 manager plan following the procedure provided in chapter 35.18 RCW or
29 to a mayor-council plan following the procedure provided in this
30 chapter.

31 A ballot proposition shall be submitted to the voters of a city
32 authorizing a change in the plan of government for the city from a
33 commission plan to a mayor-council plan under chapter 35.23 or 35.24
34 RCW if either the commission adopts a resolution proposing this change
35 or a petition proposing this change is filed with the city clerk that
36 has been signed by voters of the city equal in number to at least
37 twenty percent of the number of voters residing in the city. The

1 petition or resolution shall propose that the city retain its
2 classification as a second class or third class city that it had prior
3 to adopting a commission plan of government or reorganize and alter its
4 classification to a second class city or third class city according to
5 the current population of the city.

6 The clerk shall promptly transfer the petition to the county
7 auditor who shall promptly proceed to determine the sufficiency of the
8 petition. If the county auditor certifies the petition as having
9 sufficient valid signatures, a ballot proposition shall be submitted to
10 the voters at the next general municipal election if one is to be held
11 within one hundred eighty days after the date the petition was filed,
12 or otherwise at a special election to be held for that purpose not less
13 than ninety days nor more than one hundred eighty days after the date
14 the petition was filed.

15 If it is proposed that the city both change its plan of government
16 and reorganize according to its current population, a single ballot
17 proposition containing both proposals and naming the appropriate
18 classification of city shall be submitted to voters for their approval
19 or rejection.

20 NEW SECTION. **Sec. 6.** A new section is added to chapter 35.17 RCW
21 to read as follows:

22 If the ballot proposition providing for the change in plan of
23 government to a mayor-council plan is approved by a simple majority
24 vote of voters voting on the proposition, the change in plan of
25 government shall become effective on the earlier of sixty days after
26 the date of the election at which the ballot proposition was approved
27 or the first day of January in the year following the election.

28 The members of the city commission, or the newly elected
29 commissioners if the ballot proposition is approved at a municipal
30 general election at which city commissioners normally are elected,
31 shall be members of the resulting council and retain the same terms of
32 office they would possess as if the change in plan of government had
33 not been approved. The additional councilmembers shall be appointed as
34 if a vacancy existed for each additional position. The terms of office
35 for these additional council positions shall be staggered at the next
36 general municipal election when persons are elected to these additional
37 positions so that, depending on the population of the city or town,
38 either three or two, or four or three, positions normally are filled at

1 every other subsequent municipal general election. The staggering
2 shall be accomplished by having the appropriate number of persons who
3 are elected receiving the greater numbers of votes being elected to
4 four-year terms of office and the other persons who are elected to the
5 additional positions being elected to two-year terms of office. Their
6 successors shall be elected to four-year terms of office.

7 A mayor and any other nonjudicial city or town elected officials
8 shall be appointed as if a vacancy existed in each of these offices and
9 the first person elected to fill each of these positions at a municipal
10 general election shall be elected to a four-year term of office.

11 All appointments shall be made prior to the effective date of the
12 change in plan of government and shall be effective immediately upon
13 the change in plan of government.

14 The change in plan of government shall not affect the property,
15 rights, or liabilities of the city.

16 **Sec. 7.** RCW 35.18.230 and 1965 c 7 s 35.18.230 are each amended to
17 read as follows:

18 Any second class city, third class city, or town having a
19 population of less than thirty thousand may ~~((be organized as))~~ adopt
20 a council-manager ~~((city or town))~~ plan of government under this
21 chapter.

22 **Sec. 8.** RCW 35.18.240 and 1965 c 7 s 35.18.240 are each amended to
23 read as follows:

24 ~~((Petitions to reorganize))~~ A ballot proposition authorizing a
25 change in the plan of government for a city or town ~~((on the council-~~
26 ~~manager plan must be))~~ to a council-manager plan shall be submitted to
27 the voters of the city or town if either a resolution proposing this
28 change is adopted by the city or town council or commission or a
29 petition proposing this change is filed with the clerk of the city or
30 town that has been signed by ~~((registered))~~ city or town voters
31 ~~((resident therein))~~ equal in number to at least twenty percent of the
32 ~~((votes cast for all candidates for mayor at the last preceding~~
33 ~~municipal election. In addition to the signature and residence~~
34 ~~addresses of the petitioners thereon, a petition must contain an~~
35 ~~affidavit stating the number of signers thereon at the time the~~
36 ~~affidavit is made.~~

1 ~~Petitions containing the required number of signatures shall be~~
2 ~~accepted by the city or town clerk as prima facie valid until their~~
3 ~~invalidity has been proved.~~

4 ~~A variation on such petitions between the signatures on the~~
5 ~~petition and that on the voter's permanent registration caused by the~~
6 ~~substitution of initials instead of the first or middle names or both~~
7 ~~shall not invalidate the signature on the petition if the surname and~~
8 ~~handwriting are the same. Signatures, including the original, of any~~
9 ~~voter who has signed such petitions two or more times shall be~~
10 ~~stricken)) number of voters residing in the city or town. The clerk~~
11 ~~shall promptly transfer the petition to the county auditor who shall~~
12 ~~promptly proceed to determine the sufficiency of the petition.~~

13 If the county auditor certifies the petition as having sufficient
14 valid signatures, the city or town council or commission shall cause a
15 ballot proposition to be submitted to the voters at the next general
16 municipal election if one is to be held within one hundred eighty days
17 after the date the petition was filed, or otherwise at a special
18 election to be held for that purpose not less than ninety days nor more
19 than one hundred eighty days the date the petition was filed.

20 NEW SECTION. Sec. 9. A new section is added to chapter 35.18 RCW
21 to read as follows:

22 If the ballot proposition is approved by a simple majority of the
23 voters voting on the proposition, the city or town shall operate under
24 a council-manager plan of government effective on the earlier of sixty
25 days after the date of the election at which the ballot proposition was
26 approved or the first day of January in the year following the
27 election. The officials of the city or town shall be as follows:

28 (1) Members of the prior council or commission, including any
29 person who is elected as a member of the prior council or commission at
30 that same election if the ballot proposition was approved at a
31 municipal general election, shall be members of the resulting council
32 and retain the same terms of office they would possess as if the change
33 in plan of government had not been approved.

34 (2) Where the number of members on the resulting council is greater
35 than the number of members on the prior council or commission, the
36 additional members shall be appointed as if a vacancy existed for each
37 additional position. The terms of office for these additional council
38 positions shall be staggered at the next general municipal election

1 when persons are elected to these additional positions so that,
2 depending on the population of the city or town, either three or two,
3 or four or three, positions normally are filled at every other
4 subsequent municipal general election. The staggering shall be
5 accomplished by having the appropriate number of persons who are
6 elected receiving the greater numbers of votes being elected to four-
7 year terms of office and the other persons who are elected to the
8 additional positions being elected to two-year terms of office. Their
9 successors shall be elected to four-year terms of office.

10 (3) If the total number of positions to be reduced from the prior
11 council is an even number, the same number of positions shall be
12 reduced at each of the next two municipal general elections to reach
13 the appropriate number of positions on the resulting council. If the
14 total number of positions to be reduced from the prior council is an
15 odd number, one more position shall be reduced at the first municipal
16 general election than at the second municipal general election
17 occurring after the ballot proposition was approved. However, if the
18 ballot proposition was approved at a special election held in September
19 in an odd-numbered year, the reduction shall occur in the same manner
20 except that an election for each position that otherwise would be
21 filled at the next general election shall occur as if a reduction had
22 not been approved, but by lot the prior council shall determine which
23 position or positions are to be eliminated from among the persons who
24 received the greatest number of votes for each position at that
25 election to reduce the appropriate number of positions at that
26 election. The persons who received the greatest number of votes for
27 each position that is eliminated shall not be elected to office.

28 (4) The terms of the persons serving as the mayor and any other
29 nonjudicial city or town elected office other than councilmembers shall
30 terminate at the date the council-manager plan becomes effective.

31 (5) The council shall appoint a person to serve as the city or town
32 manager commencing on the date the council-manager plan becomes
33 effective.

34 **Sec. 10.** RCW 35.18.290 and 1965 ex.s. c 47 s 4 are each amended to
35 read as follows:

36 Any city or town which has operated under the council-manager plan
37 of government for more than six years may abandon (~~such organization~~
38 ~~and accept the provisions of the general laws then applicable to~~

1 ~~municipalities upon the petition of not less than twenty percent of the~~
2 ~~registered voters therein,))~~ this plan of government and adopt the
3 mayor-council plan of government under chapter 35.23, 35.24, or 35.27
4 RCW, either without changing its classification ((unless it desires to
5 do so)) or reorganizing and changing its classification in accordance
6 with the current population of the city or town.

7 A ballot proposition to change the plan of government to a mayor-
8 council plan shall be submitted to the voters of the city or town if
9 the council adopts a resolution proposing this change or a petition
10 proposing this change is filed with the clerk of the city or town that
11 has been signed by voters of the city or town equal in number to at
12 least twenty percent of the number of voters residing in the city or
13 town. The resolution or petition also may propose that the city or
14 town reorganize and change its classification in accordance with its
15 current population. The provisions of this chapter relating to
16 petitions, resolutions, and election authorizing a change in the plan
17 of government to a council-manager plan shall apply to petitions,
18 resolutions, and elections under this section insofar as those
19 provisions are applicable.

20 The ballot proposition shall inquire if voters want to adopt a
21 mayor-council plan of government. If it is proposed that the city or
22 town also reorganize and alter its classification, a single ballot
23 proposition shall inquire if voters want to both adopt a mayor-council
24 plan of government and reorganize under the classification in
25 accordance with its current population, indicating the new
26 classification of city or town that would apply.

27 **Sec. 11.** RCW 35.18.320 and 1965 c 7 s 35.18.320 are each amended
28 to read as follows:

29 (1) If a majority of votes cast ((at the special election)) favor
30 the ((abandonment of the council-manager form)) adoption of a mayor-
31 council plan of government, the officers ((elected at the next
32 succeeding biennial election shall be those then prescribed for cities
33 or towns of like class. Upon the qualification of such officers, the
34 municipality shall again become organized under the general laws of the
35 state, but such)) shall be composed in the same manner as provided in
36 section 9 of this act when a city or town adopts a council-manager plan
37 of government, except that:

1 (a) Where one of the resulting council positions has a two-year
2 term of office, the council shall determine by lot which position that
3 is filled at the next general municipal election shall be associated
4 permanently with a two-year term of office.

5 (b) Any other nonjudicial city or town elected positions shall be
6 filled as if vacancies existed in those positions and the persons
7 elected to those positions at the next general municipal election shall
8 be elected to four-year terms of office.

9 (2) A change to a mayor-council plan of government shall not affect
10 in any manner or degree the property, rights, or liabilities of the
11 corporation but shall merely extend to such change in its ((form)) plan
12 of government.

13 **Sec. 12.** RCW 35A.02.010 and 1979 ex.s. c 18 s 2 are each amended
14 to read as follows:

15 Any incorporated city or town may ((become)) change its
16 classification and reorganize as a noncharter code city in accordance
17 with, and be governed by, the provisions of this title relating to
18 noncharter code cities ((and may select one of the plans of government
19 authorized by this title. A city or town adopting and organizing under
20 the optional municipal code shall not be deemed to have reorganized and
21 to have abandoned its existing general plan of government, upon
22 changing classification and becoming a noncharter code city, solely
23 because organizing under a plan of government authorized in this title
24 changes the number of elective offices or changes the terms thereof, or
25 because an office becomes appointive rather than elective, or because
26 that city or town has come under the optional municipal code, or
27 because of any combination of these factors)).

28 A city or town that reorganizes as a noncharter code city may
29 retain the plan of government under which it operated immediately prior
30 to reorganizing as a noncharter code city or change its plan of
31 government to a mayor-council plan under chapter 35A.12 RCW or a
32 council-manager plan under chapter 35A.13 RCW. A noncharter code city
33 that retains its prior plan of government shall conform with the
34 provisions of law relating to that plan of government, including, but
35 not limited to, the positions that are elective, the number of members
36 on the legislative authority, and the terms of office for elected
37 officials.

1 **Sec. 13.** RCW 35A.02.020 and 1990 c 259 s 2 are each amended to
2 read as follows:

3 When a petition is filed~~((7))~~ with the clerk of a city or town that
4 has been signed by ~~((registered))~~ voters of ~~((an incorporated))~~ the
5 city or town~~((7))~~ in number equal to not less than fifty percent of the
6 ~~((votes cast))~~ number of voters voting in the city or town at the last
7 general municipal election, seeking ~~((the adoption by))~~ to change the
8 classification of the city or town ~~((of the classification of))~~ and
9 reorganize as a noncharter code city, either under its existing
10 authorized plan of government or naming ~~((one of the plans of~~
11 ~~government authorized for noncharter code cities,))~~ the mayor-council
12 plan under chapter 35A.12 RCW or the council-manager plan under chapter
13 35A.13 RCW, the clerk shall promptly transfer the petition to the
14 county auditor and the county auditor shall promptly proceed to
15 determine the sufficiency of the petition under the rules set forth in
16 RCW 35A.01.040.

17 If the county auditor certifies the petition ~~((is found to be))~~ as
18 having sufficient valid signatures, the county auditor shall file with
19 the legislative body a certificate of sufficiency of the petition~~((7~~
20 ~~Thereupon))~~ and the legislative body of ~~((such))~~ the city or town
21 shall~~((7, by resolution,))~~ declare by resolution that the
22 ~~((inhabitants))~~ voters of the city or town have decided to ~~((adopt the~~
23 ~~classification of))~~ reorganize as a noncharter code city and ~~((to be~~
24 ~~governed under the provisions of this title. If a prayer for~~
25 ~~reorganization is included in the petition such resolution shall also~~
26 ~~declare that the inhabitants of the city or town have decided to~~
27 ~~reorganize under))~~ state the plan of government specified in the
28 petition. The legislative body shall cause ~~((such))~~ the resolution to
29 be published at least once in a newspaper of general circulation within
30 the city or town not later than ten days after the passage of the
31 resolution.

32 Upon the expiration of the ninetieth day from, but excluding the
33 date of, first publication of the resolution, if no timely and
34 sufficient referendum petition has been filed pursuant to RCW
35 35A.02.025, ~~((as now or hereafter amended,))~~ as determined by RCW
36 35A.29.170, the legislative body at its next regular meeting shall
37 effect the decision of the ~~((inhabitants))~~ voters, as expressed in the
38 petition, by passage of an ordinance ~~((adopting for))~~ reorganizing the
39 city ~~((the classification of))~~ or town as a noncharter code city~~((7~~

1 and)). If the petition also ((sought governmental reorganization by
2 adoption of one of the plans of government authorized for noncharter
3 code cities involving a different general plan of government from that
4 under which the city is operating)) proposed to change the plan of
5 government to a mayor-council plan under chapter 35A.12 RCW or a
6 council-manager plan under chapter 35A.13 RCW, then the ((legislative
7 body shall provide at that time for such reorganization by ordinance
8 and for election of all new officers pursuant to RCW 35A.02.050, as now
9 or hereafter amended)) plan of government shall be implemented as
10 provided in section 20 of this act.

11 **Sec. 14.** RCW 35A.02.025 and 1979 ex.s. c 18 s 4 are each amended
12 to read as follows:

13 ((Upon the filing of)) When a referendum petition is filed with the
14 clerk of the city or town proposing that the reorganization under RCW
15 35A.02.020 or 35A.02.030 be submitted to city or town voters for their
16 approval or rejection in the manner provided in RCW 35A.29.170, that
17 has been signed by ((qualified electors)) voters of the city or town in
18 number equal to not less than ((ten percent of the votes cast in the
19 last general municipal election, such)) twenty percent of the number of
20 voters residing in the city or town, the clerk shall promptly transfer
21 the referendum petition to the county auditor.

22 The county auditor shall promptly proceed to determine the
23 sufficiency of the referendum petition under the rules set forth in RCW
24 35A.01.040 and certify the sufficiency to the legislative authority.
25 If the referendum petition is certified as having sufficient valid
26 signatures, the resolution ((as)) authorized by RCW 35A.02.020 or
27 35A.02.030 shall be referred to the voters for ((confirmation)) their
28 approval or rejection ((in)) at the next general municipal election if
29 one is to be held within one hundred ((and)) eighty days from the date
30 of filing of the referendum petition, or otherwise at a special
31 election to be called for that purpose in accordance with RCW 29.13.020
32 that occurs not less than ninety days nor more than one hundred eighty
33 days after the referendum petition was filed.

34 **Sec. 15.** RCW 35A.02.030 and 1979 ex.s. c 18 s 5 are each amended
35 to read as follows:

36 When a majority of the legislative body of an incorporated city or
37 town determines that it would serve the best interests and general

1 welfare (~~of such municipality~~) to change the classification of
2 (~~such~~) the city or town (~~to that of~~) and reorganize as a noncharter
3 code city, (~~such~~) the legislative body may, by resolution, declare
4 its intention to (~~adopt for~~) reorganize the city or town (~~the~~
5 ~~classification of~~) as a noncharter code city(~~. If the legislative~~
6 ~~body so determines, such resolution may also contain a declaration of~~
7 ~~intention to reorganize the municipal government under one of the plans~~
8 ~~of government authorized in this title, naming such plan; but it shall~~
9 ~~also be lawful for the legislative body of any incorporated city or~~
10 ~~town which is governed under a plan of government authorized prior to~~
11 ~~the time this title takes effect to adopt for the city or town the~~
12 ~~classification of noncharter code city while retaining the same general~~
13 ~~plan of government under which such city or town is then operating~~)
14 and retain its existing plan of government or change its plan of
15 government to either the mayor-council plan under chapter 35A.12 RCW or
16 the council-manager plan under chapter 35A.13 RCW.

17 Within ten days after the passage of the resolution, the
18 legislative body shall cause it to be published at least once in a
19 newspaper of general circulation within the city or town. Upon the
20 expiration of the ninetieth day from, but excluding the date of first
21 publication of the resolution, if no timely and sufficient referendum
22 petition has been filed pursuant to RCW (~~35A.02.035~~) 35A.02.025, as
23 determined by RCW 35A.29.170, the intent expressed in (~~such~~) the
24 resolution shall at the next regular meeting of the legislative body be
25 effected by an ordinance (~~adopting for~~) reorganizing the city or town
26 (~~the classification of~~) as a noncharter code city(~~; and,~~). If the
27 resolution (~~includes a declaration of intention to reorganize, the~~
28 ~~legislative body shall provide at that time for such reorganization by~~
29 ~~ordinance~~) also proposed to change the plan of government to a mayor-
30 council plan under chapter 35A.12 RCW or a council-manager plan under
31 chapter 35A.13 RCW, then the plan of government shall be implemented as
32 provided in section 20 of this act.

33 **Sec. 16.** RCW 35A.02.060 and 1990 c 259 s 3 are each amended to
34 read as follows:

35 When a petition which is sufficient under the rules set forth in
36 RCW 35A.01.040 is filed with the (~~legislative body of an~~
37 ~~incorporated~~) clerk of a city or town, signed by (~~qualified electors~~
38 ~~of such municipality~~) the voters of the city or town in number equal

1 to not less than (~~ten percent of the votes cast at the last general~~
2 ~~municipal election~~) twenty percent of the number of voters residing in
3 the city, seeking (~~adoption by~~) to change the classification of the
4 city or town (~~of the classification of noncharter code city and the~~
5 reorganization of the city or town under one of the plans of government
6 authorized in this title,) and reorganize as a noncharter code city,
7 the clerk shall promptly transfer the petition to the county auditor
8 and the county auditor shall promptly proceed to determine the
9 sufficiency of the petition.

10 The county auditor shall (~~file with the~~) certify the sufficiency
11 of the petition to the city or town legislative body (~~thereof a~~
12 certificate of sufficiency of such petition. Thereupon). If the
13 petition is certified as having sufficient valid signatures, the
14 legislative body shall cause (~~such~~) the proposal to be submitted to
15 the voters at the next general municipal election if one is to be held
16 within one hundred eighty days after (~~certification of the sufficiency~~
17 of) the petition was filed, or otherwise at a special election to be
18 held for that purpose not less than ninety days nor more than one
19 hundred (~~and~~) eighty days (~~from such certification of sufficiency~~)
20 after the petition was filed. Ballot titles for elections under this
21 chapter shall be prepared by the city or town attorney as provided in
22 RCW 35A.29.120.

23 **Sec. 17.** RCW 35A.02.070 and 1967 ex.s. c 119 s 35A.02.070 are each
24 amended to read as follows:

25 The legislative body of an incorporated city or town may, by
26 resolution, submit to the voters in the next general municipal election
27 if one is to be held within one hundred (~~and~~) eighty days after
28 passage of the resolution, or otherwise in a special election to be
29 called for that purpose not less than ninety days nor more than one
30 hundred (~~and~~) eighty days after passage of the resolution, a proposal
31 that the city or town (~~adopt the~~) change its classification (~~of~~)
32 and reorganize as a noncharter code city and (~~organize under one of~~
33 the plans of government authorized in this title, naming such plan)
34 retain its current plan of government or adopt either a mayor-council
35 plan under chapter 35A.12 RCW or a council-manager plan under chapter
36 35A.13 RCW.

1 **Sec. 18.** RCW 35A.02.090 and 1971 ex.s. c 251 s 3 are each amended
2 to read as follows:

3 (~~Proposals for each of the plans of government authorized by this~~
4 ~~title~~) A proposal to adopt a mayor-council plan of government under
5 chapter 35A.12 RCW or a council-manager plan of government under
6 chapter 35A.13 RCW, as an alternative to the plan of government
7 proposed in the resolution or petition initiating the reorganization of
8 the city or town as a noncharter code city, may be placed on the
9 ballot((s)) in the same election by timely petition as provided in this
10 chapter. When the ballot contains alternative proposals for each of
11 the plans of government the ballot shall clearly state that voters may
12 vote for only one of the plans of government and that the change in a
13 plan of government is effective only if the proposal is approved to
14 reorganize the city or town as a noncharter code city.

15 NEW SECTION. **Sec. 19.** A new section is added to chapter 35A.02
16 RCW to read as follows:

17 The county auditor shall file with the secretary of state the
18 record of an election held under this chapter at which the voters of a
19 city or town approve the reorganization of the city or town as a
20 noncharter code city. The clerk of the city or town shall forward to
21 the secretary of state a certified copy of any ordinance adopted under
22 RCW 35A.02.020 or 35A.02.030.

23 The city or town shall be reorganized as a noncharter code city
24 effective on the earlier of sixty days after the date of the election
25 at which the ballot proposition was approved authorizing the
26 reorganization or the first day of January in the year following the
27 election, if the reorganization was authorized by a voter approval.
28 The city or town shall be reorganized as a noncharter code city
29 effective one hundred fifty days after the date the resolution
30 authorizing the reorganization was adopted under RCW 35A.03.030, or one
31 hundred fifty days after the petition was filed under RCW 35A.02.020,
32 if a sufficient referendum petition was not filed.

33 If a new plan of government is authorized, the officials of the
34 noncharter code city shall be as provided in section 20 of this act.

35 NEW SECTION. **Sec. 20.** A new section is added to chapter 35A.02
36 RCW to read as follows:

1 (1) The legislative authority of a newly reorganized noncharter
2 code city shall be composed as follows when the plan of government has
3 been changed to a mayor-council plan under chapter 35A.12 RCW or a
4 council-manager plan under chapter 35A.13 RCW:

5 (a) The members of the prior city or town legislative authority,
6 including any person who is elected as a member of the prior
7 legislative authority at the same election if the ballot proposition
8 was approved at a municipal general election, shall be members of the
9 resulting council and retain the same terms of office they would
10 possess as if the change in plan of government had not been approved.

11 (b) Where the number of members on the resulting council is greater
12 than the number of members on the prior legislative authority, the
13 additional members shall be appointed as if a vacancy existed for each
14 additional position. The terms of office for these additional council
15 positions shall be staggered at the next general municipal election
16 when persons are elected to these additional positions so that,
17 depending on the population of the city, either three or two, or four
18 or three, positions normally are filled at every other subsequent
19 general municipal election. The staggering shall be accomplished by
20 having the appropriate number of persons who are elected to the
21 additional positions receiving the greater numbers of votes being
22 elected to four-year terms of office and the other persons who are
23 elected to the additional positions being elected to two-year terms of
24 office. Their successors shall be elected to four-year terms of
25 office.

26 (c) If the total number of positions to be reduced from the prior
27 council is an even number, the same number of positions shall be
28 reduced at each of the next two municipal general elections to reach
29 the appropriate number of positions on the resulting council. If the
30 total number of positions to be reduced from the prior council is an
31 odd number, one more position shall be reduced at the first municipal
32 general election than at the second municipal general election
33 occurring after the ballot proposition was certified or ordinance was
34 adopted authorizing the reorganization of the city. However, if the
35 ballot proposition authorizing the change in plan of government was
36 approved at a special election held in September in a year in which
37 members of the prior legislative authority normally would be elected or
38 the resolution authorizing the change in plan of government occurred
39 after the normal filing period in the year in which members of the

1 prior legislative authority normally would be elected, the reduction
2 shall occur in the same manner except that elections for each position
3 that otherwise would be filled at the next general election shall be
4 held as if a reduction had not been approved, but by lot the prior
5 legislative authority shall determine which position or positions are
6 to be eliminated from among the persons who received the greatest
7 number of votes for each position at that election to reduce the
8 appropriate number of positions at that election. The persons who
9 received the greatest number of votes for each position that is
10 eliminated shall not be elected to office.

11 (2) The mayor in a noncharter code city that operates under the
12 mayor-council plan of government shall be selected as follows:

13 (a) The person who held the office of mayor in the city or town
14 prior to changing its plan of government shall remain in office for the
15 remainder of his or her term of office as the mayor of the code city if
16 the mayor served in an executive and administrative capacity and was
17 not a member of the legislative authority.

18 (b) In all other instances the office of mayor shall be filled as
19 if a vacancy existed in that office and the first person elected to
20 fill that position at a general municipal election shall be elected to
21 a four-year term of office.

22 (3) The city manager in a noncharter code city that operates under
23 the council-manager plan of government shall be selected as follows:

24 (a) The person who held that position in the city or town prior to
25 changing its plan of government shall retain that position if the city
26 or town operated under a council-manager plan of government prior to
27 its reorganization.

28 (b) In all other instances, a city manager shall be appointed by
29 the legislative authority.

30 (4) All appointments shall be made by the legislative authority
31 prior to the date the city or town reorganizes as a noncharter code
32 city and shall become effective on the date of the reorganization. The
33 term of office of each person who is serving as an elected nonjudicial
34 official of the city or town in an office that no longer is elective
35 under the new plan of government shall terminate at the date the city
36 or town reorganizes as a noncharter code city.

37 **Sec. 21.** RCW 35A.02.140 and 1967 ex.s. c 119 s 35A.02.140 are each
38 amended to read as follows:

1 While proceedings are pending under any petition or resolution
2 relating to (~~reclassification of a municipality or reorganization of~~
3 ~~the government thereof pursuant to~~) reorganizing as a noncharter code
4 city under this chapter, no resolution shall be passed or petition
5 accepted for the purpose of (~~initiating other such proceedings or~~
6 ~~submitting other such proposals to the voters at an election~~
7 ~~thereunder; and no petition for reclassification or reorganization of~~
8 ~~such municipality shall be accepted for filing pending such~~
9 ~~proceedings~~) reorganizing the city or town or changing the plan of
10 government under which the city or town operates, except that a timely
11 and sufficient petition may be filed and acted upon seeking to place on
12 the ballot (~~for such~~) at the same election a proposal (~~for~~) that
13 the city or town adopt an alternative plan of government (~~authorized~~
14 ~~by this title~~) as either a mayor-council plan of government under
15 chapter 35A.12 RCW or a council-manager plan of government under
16 chapter 35A.13 RCW, as provided in RCW 35A.02.090(~~, may be filed and~~
17 ~~acted upon~~)).

18 **Sec. 22.** RCW 35A.06.010 and 1967 ex.s. c 119 s 35A.06.010 are each
19 amended to read as follows:

20 (~~Each of the optional plans~~) The mayor-council plan of government
21 authorized by chapter 35A.12 RCW and the council-manager plan of
22 government authorized by chapter 35A.13 RCW(~~, with any amendments~~
23 ~~thereto, is~~) are declared to be ((a)) complete and separate plans of
24 government authorized by the legislature for submission to the voters
25 of a municipality or for adoption by resolution of the legislative body
26 (~~thereof~~) in the manner provided (~~herein~~) in this chapter, and
27 (~~is~~) are additional to the plans of government existing prior to the
28 time this title takes effect.

29 **Sec. 23.** RCW 35A.06.020 and 1967 ex.s. c 119 s 35A.06.020 are each
30 amended to read as follows:

31 The classifications of (~~municipalities~~) cities and towns which
32 existed prior to the time this title goes into effect--first class
33 cities, second class cities, third class (~~and fourth class~~) cities,
34 towns, and unclassified cities--and the restrictions, limitations,
35 duties, and obligations specifically imposed by law upon such classes
36 of cities and towns, shall have no application to a noncharter code
37 (~~cities~~) city, but every noncharter code city, by (~~adopting such~~

1 ~~classification)) reorganizing as a noncharter code city, has elected to~~
2 ~~be governed by the provisions of this title, with the powers granted~~
3 ~~((hereby)) by this title.~~

4 The reorganization of a city or town into a noncharter code city
5 shall not affect the then existing property, rights, or liabilities of
6 the municipal corporation.

7 **Sec. 24.** RCW 35A.06.040 and 1990 c 259 s 4 are each amended to
8 read as follows:

9 ~~((Upon the passage of a resolution of the legislative body of a~~
10 ~~noncharter code city)) Any noncharter code city that has been a~~
11 noncharter code city for more than one year, and which has operated for
12 more than six consecutive years under the same general plan of
13 government, may change its plan of government to a mayor-council plan
14 under chapter 35A.12 RCW or a council-manager plan under chapter 35A.13
15 RCW, as provided in this chapter.

16 A ballot proposition authorizing such a change in the plan of
17 government shall be submitted to the voters of the city if the city
18 legislative body adopts a resolution proposing the change, or ((upon
19 the filing of)) if a sufficient petition proposing the change is filed
20 with the ((county auditor)) city clerk that is signed by ((registered))
21 voters of the city in number equal to not less than ((ten percent of
22 the votes cast at the last general municipal election therein,
23 proposing abandonment by the city of the plan of government under which
24 it is then operating and adoption of another plan, naming such plan,
25 the sufficiency of the petition for abandonment shall be determined, an
26 election ordered and conducted, and the results declared generally as
27 provided in)) twenty percent of the number of voters residing in the
28 city. Chapter 35A.02 RCW shall apply to the petition and election
29 insofar as ((such provisions are)) it is applicable. ((If the
30 resolution or petition proposes a plan of government other than those
31 authorized in chapters 35A.12 RCW and 35A.13 RCW of this title, the
32 resolution or petition shall specify the class under which such city
33 will be classified upon adoption of such plan.))

34 NEW SECTION. **Sec. 25.** A new section is added to chapter 35A.06
35 RCW to read as follows:

36 The officials of a noncharter code city that has changed its plan
37 of government under this chapter shall be composed in the same manner

1 as provided in section 20 of this act when a noncode city or town
2 reorganizes as a noncharter code city and adopts a new plan of
3 government.

4 **Sec. 26.** RCW 35A.06.070 and 1967 ex.s. c 119 s 35A.06.070 are each
5 amended to read as follows:

6 ~~((By means of the procedures set forth in this chapter, insofar as
7 they apply,))~~ Any noncharter code city which has been governed under
8 the provisions of this title for more than six years may abandon the
9 classification of noncharter code city and ~~((elect to be governed under
10 the general law relating to cities or towns of the classification held
11 by such city immediately prior to becoming a noncharter code city, if
12 any, or relating to cities or towns of the highest class for which it
13 is qualified by population, with the powers conferred by law upon such
14 class, while retaining the plan of government under which it is then
15 organized))~~ reorganize as a second class city, third class city, or
16 town, and select the mayor-council, council-manager, or commission plan
17 of government for the city or town. A ballot proposition authorizing
18 the reorganization shall be submitted to the voters of the city if a
19 resolution proposing the reorganization is adopted by the city
20 legislative authority or a sufficient petition proposing the
21 reorganization is filed with the city clerk that is signed by voters of
22 the city in number equal to not less than twenty percent of the number
23 of voters residing in the city. The provisions of chapter 35A.02 RCW
24 shall apply to the petition and election insofar as such provisions are
25 applicable. The ballot statement shall inquire as to whether the city
26 shall be reorganized, give the class of city or town that is being
27 proposed, and state the plan of government that is being proposed.

28 A ~~((change of classification))~~ reorganization, and the adoption of
29 a plan of government, is authorized if the ballot proposition is
30 approved by a simple majority vote of the voters voting on ~~((such))~~ the
31 proposition and shall become effective ~~((upon the filing of))~~ on the
32 earlier of sixty days after the date of the election or the first day
33 in January in the year following the election. The county auditor
34 shall file the record of ~~((such))~~ the election with the office of the
35 secretary of state.

36 NEW SECTION. **Sec. 27.** A new section is added to chapter 35A.06
37 RCW to read as follows:

1 The officials of a second class city, third class city, or town
2 that results from the reorganization of a noncharter code city shall be
3 composed in the same manner as provided in section 20 of this act when
4 a city or town reorganizes as a noncharter code city and adopts a new
5 plan of government, except that:

6 (1) Where one of the council positions has a two-year term of
7 office, the council shall determine by lot which position that is
8 filled at the next general municipal election shall be associated
9 permanently with a two-year term of office;

10 (2) Any elected nonjudicial positions other than the mayor shall be
11 filled as if vacancies existed in those positions and the persons
12 elected to those positions at the next general municipal election shall
13 be elected to four-year terms of office; and

14 (3) Where the voters have chosen a commission plan of government
15 for a second class city or third class city, the prior code city
16 council and other elected officers shall remain in office until three
17 commissioners are elected at the next general municipal election after
18 the ballot proposition was approved where the normal candidate filing
19 period can be used and the commissioners shall be elected to four-year
20 terms of office.

21 **Sec. 28.** RCW 35A.12.010 and 1985 c 106 s 1 are each amended to
22 read as follows:

23 The government of any noncharter code city or charter code city
24 electing to adopt the mayor-council plan of government authorized by
25 this chapter shall be vested in an elected mayor and an elected
26 council. The council of a noncharter code city having less than
27 twenty-five hundred inhabitants shall consist of five members(~~(; when~~
28 ~~there are))~~ and the council of a noncharter code city having twenty-
29 five hundred or more inhabitants((~~, the council~~)) shall consist of
30 seven members: PROVIDED, That if the population of a city after having
31 become a code city decreases from twenty-five hundred or more to less
32 than twenty-five hundred, it shall continue to have a seven member
33 council. If, after a city has become a mayor-council code city, its
34 population increases to twenty-five hundred or more inhabitants, the
35 number of councilmanic offices in such city may increase from five to
36 seven members upon the affirmative vote of a majority of the existing
37 council to increase the number of councilmanic offices in the city.
38 When the population of a mayor-council code city having five

1 councilmanic offices increases to five thousand or more inhabitants,
2 the number of councilmanic offices in the city shall increase from five
3 to seven members. In the event of an increase in the number of
4 councilmanic offices, the city council shall, by majority vote,
5 pursuant to RCW 35A.12.050, appoint two persons to serve in these
6 offices until the next municipal general election, at which election
7 one person shall be elected for a two-year term of office and one
8 person shall be elected for a four-year term of office. Their
9 successors shall be elected for four-year terms of office. The number
10 of inhabitants shall be determined by the most recent official state or
11 federal census or determination by the state office of financial
12 management. A charter adopted under the provisions of this title,
13 incorporating the mayor-council plan of government set forth in this
14 chapter, may provide for an uneven number of ~~((councilmen))~~
15 councilmembers not exceeding eleven.

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

28 However, a noncharter code city that has retained its old mayor-
29 council plan of government, as provided in chapter 35A.02 RCW, is
30 subject to the laws applicable to that old plan of government.

31 **Sec. 29.** RCW 35A.12.040 and 1979 ex.s. c 18 s 21 are each amended
32 to read as follows:

33 Officers shall be elected at biennial municipal elections to be
34 conducted as provided in chapter 35A.29 RCW. The mayor and the
35 ~~((councilmen))~~ councilmembers shall be elected for four-year terms of
36 office and until their successors are elected and qualified~~((i-except~~
37 ~~that at any first election three councilmen in cities having seven~~
38 ~~councilmen, and two councilmen in cities having five councilmen, shall~~

1 be elected for two year terms and the remaining councilmen shall be
2 elected for four year terms. At any first election upon
3 reorganization, council members shall be elected as provided in RCW
4 35A.02.050. Thereafter the requisite number of councilmen shall be
5 elected biennially as the terms of their predecessors expire and shall
6 serve for terms of four years)) and assume office in accordance with
7 RCW 29.04.170. The positions to be filled on the city council shall be
8 designated by consecutive numbers and shall be dealt with as separate
9 offices for all election purposes((, as provided in RCW 35A.29.105. In
10 any city which holds its first election under this title in the
11 calendar year 1970, candidates elected for two year terms shall hold
12 office until their successors are elected and qualified at the general
13 municipal election to be held in November, 1973 and candidates elected
14 for four year terms shall hold office until their successors are
15 elected and qualified at the general municipal election to be held in
16 November, 1975)). Election to positions on the council shall be by
17 majority vote from the city at large, unless provision is made by
18 charter or ordinance for election by wards. ((The city council shall
19 be the judge of the qualifications of its members and determine
20 contested elections of city officers, subject to review by certiorari
21 as provided by law.)) The mayor and ((councilmen)) councilmembers
22 shall qualify by taking an oath or affirmation of office and as may be
23 provided by law, charter, or ordinance.

24 **Sec. 30.** RCW 35A.13.010 and 1987 c 3 s 16 are each amended to read
25 as follows:

26 The ((councilmen)) councilmembers shall be the only elective
27 officers of a code city electing to adopt the council-manager plan of
28 government authorized by this chapter, except where statutes provide
29 for an elective municipal judge. The council shall appoint an officer
30 whose title shall be "city manager" who shall be the chief executive
31 officer and head of the administrative branch of the city government.
32 The city manager shall be responsible to the council for the proper
33 administration of all affairs of the code city. The council of a
34 noncharter code city having less than twenty-five hundred inhabitants
35 shall consist of five members((; when there are)) and the council of a
36 noncharter code city having twenty-five hundred or more inhabitants
37 ((the council)) shall consist of seven members: PROVIDED, That if the
38 population of a city after having become a code city decreases from

1 twenty-five hundred or more to less than twenty-five hundred, it shall
2 continue to have a seven member council. If, after a city has become
3 a council-manager code city its population increases to twenty-five
4 hundred or more inhabitants, the number of councilmanic offices in such
5 city may increase from five to seven members upon the affirmative vote
6 of a majority of the existing council to increase the number of
7 councilmanic offices in the city. When the population of a council-
8 manager code city having five councilmanic offices increases to five
9 thousand or more inhabitants, the number of councilmanic offices in the
10 city shall increase from five to seven members. In the event of an
11 increase in the number of councilmanic offices, the city council shall,
12 by majority vote, pursuant to RCW 35A.13.020, appoint two persons to
13 serve in these offices until the next municipal general election, at
14 which election one person shall be elected for a two-year term of
15 office and one person shall be elected for a four-year term of office.
16 Their successors shall be elected for four-year terms of office. The
17 number of inhabitants shall be determined by the most recent official
18 state or federal census or determination by the state office of
19 financial management. A charter adopted under the provisions of this
20 title, incorporating the council-manager plan of government set forth
21 in this chapter may provide for an uneven number of ((~~councilmen~~)
22 councilmembers not exceeding eleven.

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

35 However, a noncharter code city that has retained its old council-
36 manager plan of government, as provided in chapter 35A.02 RCW, is
37 subject to the laws applicable to that old plan of government.

1 **Sec. 31.** RCW 35A.13.020 and 1975 1st ex.s. c 155 s 1 are each
2 amended to read as follows:

3 In council-manager code cities, eligibility for election to the
4 council, the manner of electing (~~(councilmen)~~) councilmembers, the
5 numbering of council positions, the terms of (~~(councilmen)~~) office for
6 councilmembers, the occurrence and the filling of vacancies, the
7 grounds for forfeiture of office, and appointment of a mayor pro
8 tempore or deputy mayor or (~~(councilman)~~) councilmember pro tempore
9 shall be governed by the corresponding provisions of RCW 35A.12.030,
10 35A.12.040, 35A.12.050, 35A.12.060, and 35A.12.065 relating to the
11 council of a code city organized under the mayor-council plan(~~(+~~
12 ~~PROVIDED, That)~~), except that in council-manager cities where all
13 council positions are at-large positions, the city council may,
14 pursuant to RCW 35A.13.033, provide that the person elected to council
15 position one (~~(on or after September 8, 1975,)~~) shall be the council
16 (~~(chairman)~~) chairperson and shall carry out the duties prescribed by
17 RCW 35A.13.030(~~(, as now or hereafter amended)~~).

18 **Sec. 32.** RCW 35A.13.030 and 1975 1st ex.s. c 155 s 2 are each
19 amended to read as follows:

20 Biennially at the first meeting of the new council the (~~(members~~
21 ~~thereof)~~) councilmembers shall choose a (~~(chairman)~~) chairperson from
22 among their number unless the (~~(chairman)~~) chairperson is elected
23 pursuant to RCW 35A.13.033. The (~~(chairman)~~) chairperson of the
24 council shall have the title of mayor and shall preside at meetings of
25 the council. In addition to the powers conferred upon him or her as
26 mayor, (~~(he)~~) the mayor shall continue to have all the rights,
27 privileges, and immunities of a member of the council. The mayor shall
28 be recognized as the head of the city for ceremonial purposes and by
29 the governor for purposes of military law. (~~(He)~~) The mayor shall have
30 no regular administrative duties, but in time of public danger or
31 emergency, if so authorized by ordinance, shall take command of the
32 police, maintain law, and enforce order.

33 **Sec. 33.** RCW 35A.29.170 and 1967 ex.s. c 119 s 35A.29.170 are each
34 amended to read as follows:

35 Initiative and referendum petitions authorized to be filed under
36 provisions of this title, or authorized by charter, or authorized for
37 code cities having the commission (~~(form)~~) plan of government as

1 provided by chapter 35.17 RCW, shall be in substantial compliance with
2 the provisions of RCW 35A.01.040 as to form and content of the
3 petition, insofar as such provisions are applicable; shall contain a
4 true copy of a resolution or ordinance sought to be referred to the
5 voters; and must contain valid signatures of (~~qualified electors~~)
6 voters of the code city in the number required by the applicable
7 provisions of (~~this title~~) law. Except when otherwise provided by
8 statute, referendum petitions must be filed with the clerk of (~~the~~
9 ~~legislative body of~~) the code city within ninety days after the
10 passage of the resolution or ordinance sought to be referred to the
11 voters, or within such lesser number of days as may be authorized by
12 statute or charter in order to precede the effective date of an
13 ordinance or resolution: PROVIDED, That nothing herein shall be
14 construed to abrogate or affect an exemption from initiative and/or
15 referendum provided by a code city charter.

16 The clerk shall promptly forward the initiative or referendum
17 petition to the county auditor who shall promptly determine the
18 sufficiency of the petition under the rules set forth in RCW
19 35A.01.040. When a referendum petition is filed with the clerk, the
20 legislative action sought to be referred to the voters shall be
21 suspended from taking effect. Such suspension shall terminate when:
22 (1) There is a final determination of insufficiency or untimeliness of
23 the referendum petition; or (2) the legislative action so referred is
24 approved by the voters at a referendum election.

25 NEW SECTION. Sec. 34. The following acts or parts of acts are
26 each repealed:

- 27 (1) RCW 35.17.390 and 1965 c 7 s 35.17.390;
- 28 (2) RCW 35.17.430 and 1965 ex.s. c 47 s 3 & 1965 c 7 s 35.17.430;
- 29 (3) RCW 35.17.440 and 1965 c 7 s 35.17.440;
- 30 (4) RCW 35.17.450 and 1965 c 7 s 35.17.450;
- 31 (5) RCW 35.17.460 and 1965 c 7 s 35.17.460;
- 32 (6) RCW 35.18.250 and 1965 c 7 s 35.18.250;
- 33 (7) RCW 35.18.260 and 1965 c 7 s 35.18.260;
- 34 (8) RCW 35.18.270 and 1979 ex.s. c 126 s 20 & 1965 c 7 s 35.18.270;
- 35 (9) RCW 35.18.280 and 1965 c 7 s 35.18.280;
- 36 (10) RCW 35.18.285 and 1965 c 7 s 35.18.285;
- 37 (11) RCW 35.18.300 and 1965 c 7 s 35.18.300;
- 38 (12) RCW 35.18.310 and 1965 c 7 s 35.18.310;

1 (13) RCW 35A.02.001 and 1989 c 84 s 35;
2 (14) RCW 35A.02.035 and 1967 ex.s. c 119 s 35A.02.035;
3 (15) RCW 35A.02.040 and 1979 ex.s. c 18 s 6, 1970 ex.s. c 52 s 1,
4 & 1967 ex.s. c 119 s 35A.02.040;
5 (16) RCW 35A.02.050 and 1979 ex.s. c 18 s 7, 1971 ex.s. c 251 s 1,
6 1970 ex.s. c 52 s 2, & 1967 ex.s. c 119 s 35A.02.050;
7 (17) RCW 35A.02.055 and 1979 ex.s. c 18 s 8;
8 (18) RCW 35A.02.080 and 1971 ex.s. c 251 s 2 & 1967 ex.s. c 119 s
9 35A.02.080;
10 (19) RCW 35A.02.100 and 1967 ex.s. c 119 s 35A.02.100;
11 (20) RCW 35A.02.110 and 1979 ex.s. c 18 s 9 & 1967 ex.s. c 119 s
12 35A.02.110;
13 (21) RCW 35A.02.120 and 1967 ex.s. c 119 s 35A.02.120;
14 (22) RCW 35A.02.130 and 1967 ex.s. c 119 s 35A.02.130;
15 (23) RCW 35A.06.030 and 1979 ex.s. c 18 s 14, 1971 ex.s. c 251 s
16 13, & 1967 ex.s. c 119 s 35A.06.030;
17 (24) RCW 35A.06.050 and 1979 ex.s. c 18 s 15 & 1967 ex.s. c 119 s
18 35A.06.050; and
19 (25) RCW 35A.06.060 and 1979 ex.s. c 18 s 16 & 1967 ex.s. c 119 s
20 35A.06.060.

--- END ---