

SENATE BILL 6372

State of Washington

62nd Legislature

2012 Regular Session

By Senator Swecker

Read first time 01/19/12. Referred to Committee on Government Operations, Tribal Relations & Elections.

1 AN ACT Relating to reducing nontax administration costs associated  
2 with the conduct of city and county operations; amending RCW 43.09.260,  
3 41.56.465, 41.56.030, 90.48.260, 46.61.687, 35.22.288, 35A.12.160,  
4 36.72.071, 36.22.020, 36.29.010, 36.32.120, 36.32.235, 36.32.245,  
5 36.32.250, 36.34.020, 36.34.090, 36.34.160, 36.34.170, 36.35.120,  
6 36.35.180, 36.36.020, 36.38.030, 36.40.060, 36.40.100, 36.40.140,  
7 36.55.040, 36.58.090, 36.58.110, 36.58A.020, 36.60.020, 36.60.120,  
8 36.61.040, 36.61.100, 36.61.190, 36.68.440, 36.68.470, 36.69.040,  
9 36.69.230, 36.69.280, 36.70.390, 36.70.430, 36.70.440, 36.70.590,  
10 36.70A.035, 36.70A.367, 36.73.050, 36.75.270, 36.81.070, 36.82.190,  
11 36.83.020, 36.87.050, 36.88.030, and 36.88.050; reenacting and amending  
12 RCW 46.61.688, 36.70B.110, and 36.77.070; creating new sections; and  
13 providing an expiration date.

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

15 PART ONE - INTENT

16 NEW SECTION. Sec. 1. (1) The legislature recognizes that  
17 declining tax revenues, decreasing federal and state aid, and  
18 increasing demands for services have forced city and county governments

1 to make difficult choices about the types and scale of services  
2 provided to citizens, businesses, and employees. The legislature also  
3 recognizes that cities and counties, while responding to these fiscal  
4 pressures, continue the challenging and critical responsibilities of  
5 balancing community needs with those advanced and required by the  
6 state.

7 (2) In recognition of the impacts to city and county governments  
8 resulting from declining tax revenues, decreasing aid, and increasing  
9 service demands, the legislature intends to provide cities and counties  
10 with policy options and directives for reducing their nontax  
11 administration operating costs.

## 12 PART TWO - AUDITS

13 **Sec. 2.** RCW 43.09.260 and 2009 c 564 s 927 are each amended to  
14 read as follows:

15 (1) Except as provided otherwise by this section, the examination  
16 of the financial affairs of all local governments ((shall)) must be  
17 made at such reasonable, periodic intervals as the state auditor shall  
18 determine. However, an examination of the financial affairs of all  
19 local governments, excepting counties and cities, shall be made at  
20 least once ((in)) every three years, and an examination of individual  
21 local government health and welfare benefit plans and local government  
22 self-insurance programs ((shall)) must be made at least once every two  
23 years. An examination of county and city financial affairs may only be  
24 made once every three years.

25 (2) ~~((During the 2009-2011 fiscal biennium, the state auditor shall~~  
26 ~~conduct audits no more often than once every two years of local~~  
27 ~~governments with annual general fund revenues of ten million dollars or~~  
28 ~~less and no findings of impropriety for the three year period~~  
29 ~~immediately preceding the audit period.)) This ((subsection)) section  
30 does not prohibit the state auditor from conducting audits:~~

31 (a) To address suspected fraud or irregular conduct;

32 (b) At the request of the local government governing body; ~~((or))~~

33 (c) As required by federal laws or regulations; or

34 (d) For local governments, including counties and cities, that had  
35 a finding involving a significant violation of state law or weakness in  
36 internal controls in the preceding year.



1 (1) In making its determination, the panel shall be mindful of the  
2 legislative purpose enumerated in RCW 41.56.430 and, as additional  
3 standards or guidelines to aid it in reaching a decision, the panel may  
4 not rely on or give undue consideration to past arbitration decisions  
5 when making a determination, but shall consider the following criteria:

6 (a) The constitutional and statutory authority of the employer;

7 (b) The budget priorities, as determined by the governing body;

8 (c) Financial and budgetary constraints;

9 (d) Internal equity within the organization among employee pay and  
10 benefits;

11 (e) Stipulations of the parties;

12 ~~((+e))~~ (f) The average consumer prices for goods and services,  
13 commonly known as the cost of living;

14 ~~((+d))~~ (g) Changes in any of the circumstances under (a) through  
15 ~~((+e))~~ (f) of this subsection during the pendency of the proceedings;

16 and

17 ~~((+e))~~ (h) Such other factors, not confined to the factors under  
18 (a) through ~~((+d))~~ (g) of this subsection, that are normally or  
19 traditionally taken into consideration in the determination of wages,  
20 hours, and conditions of employment. For those employees listed in RCW  
21 41.56.030~~((+7))~~ (13)(a) who are employed by the governing body of a  
22 city or town with a population of less than fifteen thousand, or a  
23 county with a population of less than seventy thousand, consideration  
24 must also be given to regional differences in the cost of living.

25 (2) For employees listed in RCW 41.56.030~~((+7))~~ (13) (a) through  
26 (d), the panel shall also consider a comparison of the wages, hours,  
27 and conditions of employment of personnel involved in the proceedings  
28 with the wages, hours, and conditions of employment of like personnel  
29 of like employers ~~((of similar size))~~ on the west coast of the United  
30 States.

31 (3) For employees listed in RCW 41.56.030~~((+7))~~ (13) (e) through  
32 (h), the panel shall also consider a comparison of the wages, hours,  
33 and conditions of employment of personnel involved in the proceedings  
34 with the wages, hours, and conditions of employment of like personnel  
35 of public fire departments ~~((of similar size))~~ on the west coast of the  
36 United States. However, when an adequate number of comparable  
37 employers exists within the state of Washington, other west coast  
38 employers may not be considered. Like public fire departments are

1 determined by factors including, but not limited to, population size,  
2 geographic location, financial conditions, population demographics,  
3 workforce size, assessed valuation, and labor market conditions.

4 (4) For employees listed in RCW 41.56.028:

5 (a) The panel shall also consider:

6 (i) A comparison of child care provider subsidy rates and  
7 reimbursement programs by public entities, including counties and  
8 municipalities, along the west coast of the United States; and

9 (ii) The financial ability of the state to pay for the compensation  
10 and benefit provisions of a collective bargaining agreement; and

11 (b) The panel may consider:

12 (i) The public's interest in reducing turnover and increasing  
13 retention of child care providers;

14 (ii) The state's interest in promoting, through education and  
15 training, a stable child care workforce to provide quality and reliable  
16 child care from all providers throughout the state; and

17 (iii) In addition, for employees exempt from licensing under  
18 chapter 74.15 RCW, the state's fiscal interest in reducing reliance  
19 upon public benefit programs including but not limited to medical  
20 coupons, food stamps, subsidized housing, and emergency medical  
21 services.

22 (5) For employees listed in RCW 74.39A.270:

23 (a) The panel shall consider:

24 (i) A comparison of wages, hours, and conditions of employment of  
25 publicly reimbursed personnel providing similar services to similar  
26 clients, including clients who are elderly, frail, or have  
27 developmental disabilities, both in the state and across the United  
28 States; and

29 (ii) The financial ability of the state to pay for the compensation  
30 and fringe benefit provisions of a collective bargaining agreement; and

31 (b) The panel may consider:

32 (i) A comparison of wages, hours, and conditions of employment of  
33 publicly employed personnel providing similar services to similar  
34 clients, including clients who are elderly, frail, or have  
35 developmental disabilities, both in the state and across the United  
36 States;

37 (ii) The state's interest in promoting a stable long-term care

1 workforce to provide quality and reliable care to vulnerable elderly  
2 and disabled recipients;

3 (iii) The state's interest in ensuring access to affordable,  
4 quality health care for all state citizens; and

5 (iv) The state's fiscal interest in reducing reliance upon public  
6 benefit programs including but not limited to medical coupons, food  
7 stamps, subsidized housing, and emergency medical services.

8 (6) Subsections (2) and (3) of this section may not be construed to  
9 authorize the panel to require the employer to pay, directly or  
10 indirectly, the increased employee contributions resulting from chapter  
11 502, Laws of 1993 or chapter 517, Laws of 1993 as required under  
12 chapter 41.26 RCW.

13 **Sec. 4.** RCW 41.56.030 and 2011 1st sp.s. c 21 s 11 are each  
14 amended to read as follows:

15 As used in this chapter:

16 (1) "Adult family home provider" means a provider as defined in RCW  
17 70.128.010 who receives payments from the medicaid and state-funded  
18 long-term care programs.

19 (2) "Bargaining representative" means any lawful organization which  
20 has as one of its primary purposes the representation of employees in  
21 their employment relations with employers.

22 (3) "Child care subsidy" means a payment from the state through a  
23 child care subsidy program established pursuant to RCW 74.12.340 or  
24 74.08A.340, 45 C.F.R. Sec. 98.1 through 98.17, or any successor  
25 program.

26 (4) "Collective bargaining" means the performance of the mutual  
27 obligations of the public employer and the exclusive bargaining  
28 representative to meet at reasonable times, to confer and negotiate in  
29 good faith, and to execute a written agreement with respect to  
30 grievance procedures and collective negotiations on personnel matters,  
31 including wages, hours and working conditions, which may be peculiar to  
32 an appropriate bargaining unit of such public employer, but excluding  
33 the use of volunteers by counties and cities, except that by such  
34 obligation neither party shall be compelled to agree to a proposal or  
35 be required to make a concession unless otherwise provided in this  
36 chapter.

37 (5) "Commission" means the public employment relations commission.

1 (6) "Executive director" means the executive director of the  
2 commission.

3 (7) "Family child care provider" means a person who: (a) Provides  
4 regularly scheduled care for a child or children in the home of the  
5 provider or in the home of the child or children for periods of less  
6 than twenty-four hours or, if necessary due to the nature of the  
7 parent's work, for periods equal to or greater than twenty-four hours;  
8 (b) receives child care subsidies; and (c) is either licensed by the  
9 state under RCW 74.15.030 or is exempt from licensing under chapter  
10 74.15 RCW.

11 (8) "Individual provider" means an individual provider as defined  
12 in RCW 74.39A.240(4) who, solely for the purposes of collective  
13 bargaining, is a public employee as provided in RCW 74.39A.270.

14 (9) "Institution of higher education" means the University of  
15 Washington, Washington State University, Central Washington University,  
16 Eastern Washington University, Western Washington University, The  
17 Evergreen State College, and the various state community colleges.

18 (10)(a) "Language access provider" means any independent contractor  
19 who provides spoken language interpreter services for department of  
20 social and health services appointments or medicaid enrollee  
21 appointments, or provided these services on or after January 1, 2009,  
22 and before June 10, 2010, whether paid by a broker, language access  
23 agency, or the department.

24 (b) "Language access provider" does not mean an owner, manager, or  
25 employee of a broker or a language access agency.

26 (11) "Public employee" means any employee of a public employer  
27 except any person (a) elected by popular vote, or (b) appointed to  
28 office pursuant to statute, ordinance or resolution for a specified  
29 term of office as a member of a multimember board, commission, or  
30 committee, whether appointed by the executive head or body of the  
31 public employer, or (c) whose duties as deputy, administrative  
32 assistant or secretary necessarily imply a confidential relationship to  
33 (i) the executive head or body of the applicable bargaining unit, or  
34 (ii) any person elected by popular vote, or (iii) any person appointed  
35 to office pursuant to statute, ordinance or resolution for a specified  
36 term of office as a member of a multimember board, commission, or  
37 committee, whether appointed by the executive head or body of the  
38 public employer, or (d) who is a court commissioner or a court

1 magistrate of superior court, district court, or a department of a  
2 district court organized under chapter 3.46 RCW, or (e) who is a  
3 personal assistant to a district court judge, superior court judge, or  
4 court commissioner. For the purpose of (e) of this subsection, no more  
5 than one assistant for each judge or commissioner may be excluded from  
6 a bargaining unit.

7 (12) "Public employer" means any officer, board, commission,  
8 council, or other person or body acting on behalf of any public body  
9 governed by this chapter, or any subdivision of such public body. For  
10 the purposes of this section, the public employer of district court or  
11 superior court employees for wage-related matters is the respective  
12 county legislative authority, or person or body acting on behalf of the  
13 legislative authority, and the public employer for nonwage-related  
14 matters is the judge or judge's designee of the respective district  
15 court or superior court.

16 (13) "Uniformed personnel" means: (a) Law enforcement officers as  
17 defined in RCW 41.26.030 employed by the governing body of any city or  
18 town with a population of two thousand five hundred or more and law  
19 enforcement officers employed by the governing body of any county with  
20 a population of ten thousand or more; (b) correctional employees who  
21 are uniformed and nonuniformed, commissioned and noncommissioned  
22 security personnel employed in a jail as defined in RCW 70.48.020(9),  
23 by a county with a population of seventy thousand or more, and who are  
24 trained for and charged with the responsibility of controlling and  
25 maintaining custody of inmates in the jail and safeguarding inmates  
26 from other inmates; (c) general authority Washington peace officers as  
27 defined in RCW 10.93.020 employed by a port district in a county with  
28 a population of one million or more; (d) security forces established  
29 under RCW 43.52.520; (e) firefighters as that term is defined in RCW  
30 41.26.030; (f) employees of a port district in a county with a  
31 population of one million or more whose duties include crash fire  
32 rescue or other firefighting duties; (g) employees of fire departments  
33 of public employers who dispatch exclusively either fire or emergency  
34 medical services, or both; or (h) employees in the several classes of  
35 advanced life support technicians, as defined in RCW 18.71.200, who are  
36 employed by a public employer.

1                   **PART FOUR - STORM WATER AND LOW IMPACT DEVELOPMENT**

2           **Sec. 5.** RCW 90.48.260 and 2011 c 353 s 12 are each amended to read  
3 as follows:

4           (1) The department of ecology is hereby designated as the state  
5 water pollution control agency for all purposes of the federal clean  
6 water act as it exists on February 4, 1987, and is hereby authorized to  
7 participate fully in the programs of the act as well as to take all  
8 action necessary to secure to the state the benefits and to meet the  
9 requirements of that act. With regard to the national estuary program  
10 established by section 320 of that act, the department shall exercise  
11 its responsibility jointly with the Puget Sound partnership, created in  
12 RCW 90.71.210. The department of ecology may delegate its authority  
13 under this chapter, including its national pollutant discharge  
14 elimination permit system authority and duties regarding animal feeding  
15 operations and concentrated animal feeding operations, to the  
16 department of agriculture through a memorandum of understanding. Until  
17 any such delegation receives federal approval, the department of  
18 agriculture's adoption or issuance of animal feeding operation and  
19 concentrated animal feeding operation rules, permits, programs, and  
20 directives pertaining to water quality shall be accomplished after  
21 reaching agreement with the director of the department of ecology.  
22 Adoption or issuance and implementation shall be accomplished so that  
23 compliance with such animal feeding operation and concentrated animal  
24 feeding operation rules, permits, programs, and directives will achieve  
25 compliance with all federal and state water pollution control laws.  
26 The powers granted herein include, among others, and notwithstanding  
27 any other provisions of this chapter ((90.48-RCW)) or otherwise, the  
28 following:

29           (a) Complete authority to establish and administer a comprehensive  
30 state point source waste discharge or pollution discharge elimination  
31 permit program which will enable the department to qualify for full  
32 participation in any national waste discharge or pollution discharge  
33 elimination permit system and will allow the department to be the sole  
34 agency issuing permits required by such national system operating in  
35 the state of Washington subject to the provisions of RCW 90.48.262(2).  
36 Program elements authorized herein may include, but are not limited to:  
37 (i) Effluent treatment and limitation requirements together with timing  
38 requirements related thereto; (ii) applicable receiving water quality

1 standards requirements; (iii) requirements of standards of performance  
2 for new sources; (iv) pretreatment requirements; (v) termination and  
3 modification of permits for cause; (vi) requirements for public notices  
4 and opportunities for public hearings; (vii) appropriate relationships  
5 with the secretary of the army in the administration of his  
6 responsibilities which relate to anchorage and navigation, with the  
7 administrator of the environmental protection agency in the performance  
8 of his duties, and with other governmental officials under the federal  
9 clean water act; (viii) requirements for inspection, monitoring, entry,  
10 and reporting; (ix) enforcement of the program through penalties,  
11 emergency powers, and criminal sanctions; (x) a continuing planning  
12 process; and (xi) user charges.

13 (b) The power to establish and administer state programs in a  
14 manner which will insure the procurement of moneys, whether in the form  
15 of grants, loans, or otherwise; to assist in the construction,  
16 operation, and maintenance of various water pollution control  
17 facilities and works; and the administering of various state water  
18 pollution control management, regulatory, and enforcement programs.

19 (c) The power to develop and implement appropriate programs  
20 pertaining to continuing planning processes, area-wide waste treatment  
21 management plans, and basin planning.

22 The governor shall have authority to perform those actions required  
23 of him or her by the federal clean water act.

24 (2) By July 31, 2012, the department shall:

25 (a) Reissue without modification and for a term of one year any  
26 national pollutant discharge elimination system municipal storm water  
27 general permit first issued on January 17, 2007; and

28 (b) Issue an updated national pollutant discharge elimination  
29 system municipal storm water general permit for any permit first issued  
30 on January 17, 2007. An updated permit issued under this subsection  
31 shall become effective beginning August 1, 2013.

32 (3) For phase II permittees located west of the crest of the  
33 Cascade mountains, the issuance of a permit under subsection (2)(b) of  
34 this section must include a process providing for the following:

35 (a) Technical training regarding the benefits of low-impact  
36 development including, but not limited to, when the use of low-impact  
37 development is appropriate and feasible, and the design, installation,  
38 maintenance, and best practices of low-impact development. The

1 technical training required by this subsection (3)(a) must be provided  
2 by the department of commerce, and the Washington State University  
3 extension LID technical training program or equivalent organization,  
4 and must be provided to phase II permittees and the private development  
5 community including builders, engineers, and other industry  
6 professionals. The training required by this subsection (3)(a) must be  
7 sequenced geographically and provided in time for local jurisdictions  
8 to comply with (b) of this subsection and RCW 36.70A.130(5); and

9 (b) In accordance with the schedule established in this subsection  
10 (3)(b), a review and revision by phase II permittees of their local  
11 development-related codes, rules, standards, or other enforceable  
12 documents to remove barriers to, and to specifically authorize, the  
13 application of low-impact development principles and low-impact  
14 development best management practices in new and redevelopment. In  
15 completing this review, the permittees shall identify opportunities to  
16 minimize impervious surfaces, native vegetation loss, and storm water  
17 runoff in all categories of developments. The local jurisdiction, in  
18 completing this review, retains authority to preserve development  
19 regulations or other codes necessary to protect public safety,  
20 community character, and to implement other priorities of the  
21 jurisdiction. The requirements of this subsection (3)(b) must be  
22 completed in accordance with the following schedule:

23 (i) On or before June 30, 2015, for phase II permittees in King,  
24 Pierce, and Snohomish counties;

25 (ii) On or before June 30, 2016, for phase II permittees in  
26 Clallam, Clark, Island, Jefferson, Kitsap, Mason, San Juan, Skagit,  
27 Thurston, and Whatcom counties;

28 (iii) On or before June 30, 2017, for phase II permittees in  
29 Cowlitz, Lewis, and Skamania counties; and

30 (iv) On or before June 30, 2018, for phase II permittees in Grays  
31 Harbor, Pacific, and Wahkiakum counties.

32 (4) A permit issued under subsection (2)(b) of this section must:

33 (a) Authorize incentives to permittees to require low-impact  
34 development, and must include:

35 (i) Incentives for reduced catch basin inspection frequency, not to  
36 exceed once per permit cycle;

37 (ii) Incentives for a twenty-five percent reduction in dues to any  
38 regional monitoring program; and

1 (iii) A priority for competitive storm water grants issued by the  
2 department of ecology;

3 (b) Authorize permittees to offer the following incentives to  
4 prospective developers who use low-impact development techniques and  
5 best practices consistent with the permit:

6 (i) The creation of a dedicated low-impact development review team  
7 in a jurisdiction or an expedited review;

8 (ii) Adjustments to bulk, dimensional, or height restrictions;

9 (iii) Adjustments to parking requirements;

10 (iv) Public recognition;

11 (v) Reduced application fees; and

12 (vi) The authority to site low-impact development facilities within  
13 critical areas buffers of wetlands and streams;

14 (c) Specify that jurisdictions become eligible for the incentives  
15 in (a)(i) through (iii) of this subsection if:

16 (i) The jurisdiction requires low-impact development, where  
17 feasible, in more than fifty percent of an area subject to a permit and  
18 zoned for development and offers two or more of the incentives in (b)  
19 of this subsection; or

20 (ii) The department of ecology certifies the jurisdiction's  
21 eligibility based on the strength of a different incentive program;

22 (d) Specify that the review and revision of local development codes  
23 as directed under subsection (3)(b) of this section is a requirement  
24 under this chapter, not the federal clean water act;

25 (e) Maintain the option for jurisdictions to provide for a  
26 distinction in storm water treatment responsibility for developments  
27 above and below one acre in size; and

28 (f) Obligate the department of ecology to develop model practices  
29 and multiple options for jurisdictions to ensure ongoing maintenance of  
30 storm water treatment and control facilities owned by private parties  
31 at a low cost and liability for permittees. These options must be  
32 available and tested before they become a permit obligation.

33 (5) For phase II permittees located east of the crest of the  
34 Cascade mountains, the permit issued under subsection (2)(b) of this  
35 section must provide for the following:

36 (a) A process for the department of ecology to develop, throughout  
37 the course of the next permit, a collaborative program to monitor the

1 effectiveness of storm water treatments required by the updated  
2 national pollutant discharge elimination system municipal storm water  
3 general permit; and

4 (b) An option for jurisdictions to elect to have the department of  
5 ecology perform any responsibilities related to measuring the  
6 effectiveness of public education and outreach techniques.

7 (6) In preparation for subsequent updated national pollutant  
8 discharge elimination system municipal storm water general permits, the  
9 department of ecology shall review the experiences of the jurisdictions  
10 selecting and not selecting to incentivize and require low-impact  
11 development when considering whether and how to expand requirements  
12 related to low-impact development.

13 **PART FIVE - CIVIL ACTIONS**

14 **Sec. 6.** RCW 46.61.687 and 2007 c 510 s 4 are each amended to read  
15 as follows:

16 (1) Whenever a child who is less than sixteen years of age is being  
17 transported in a motor vehicle that is in operation and that is  
18 required by RCW 46.37.510 to be equipped with a safety belt system in  
19 a passenger seating position, or is being transported in a neighborhood  
20 electric vehicle or medium-speed electric vehicle that is in operation,  
21 the driver of the vehicle shall keep the child properly restrained as  
22 follows:

23 (a) A child must be restrained in a child restraint system, if the  
24 passenger seating position equipped with a safety belt system allows  
25 sufficient space for installation, until the child is eight years old,  
26 unless the child is four feet nine inches or taller. The child  
27 restraint system must comply with standards of the United States  
28 department of transportation and must be secured in the vehicle in  
29 accordance with instructions of the vehicle manufacturer and the child  
30 restraint system manufacturer.

31 (b) A child who is eight years of age or older or four feet nine  
32 inches or taller shall be properly restrained with the motor vehicle's  
33 safety belt properly adjusted and fastened around the child's body or  
34 an appropriately fitting child restraint system.

35 (c) The driver of a vehicle transporting a child who is under

1 thirteen years old shall transport the child in the back seat positions  
2 in the vehicle where it is practical to do so.

3 (2) Enforcement of subsection (1) of this section is subject to a  
4 visual inspection by law enforcement to determine if the child  
5 restraint system in use is appropriate for the child's individual  
6 height, weight, and age. The visual inspection for usage of a child  
7 restraint system must ensure that the child restraint system is being  
8 used in accordance with the instruction of the vehicle and the child  
9 restraint system manufacturers. The driver of a vehicle transporting  
10 a child who is under thirteen years old shall transport the child in  
11 the back seat positions in the vehicle where it is practical to do so.

12 (3) A person violating subsection (1) of this section may be issued  
13 a notice of traffic infraction under chapter 46.63 RCW. If the person  
14 to whom the notice was issued presents proof of acquisition of an  
15 approved child passenger restraint system or a child booster seat, as  
16 appropriate, within seven days to the jurisdiction issuing the notice  
17 and the person has not previously had a violation of this section  
18 dismissed, the jurisdiction shall dismiss the notice of traffic  
19 infraction.

20 (4) Failure to comply with ~~((the))~~ any requirements of this section  
21 ~~((shall not constitute negligence by a parent or legal guardian.~~  
22 ~~Failure to use a child restraint system shall not))~~ may be admissible  
23 ~~((as evidence of negligence))~~ in any civil action.

24 (5) This section does not apply to: (a) For hire vehicles, (b)  
25 vehicles designed to transport sixteen or less passengers, including  
26 the driver, operated by auto transportation companies, as defined in  
27 RCW 81.68.010, (c) vehicles providing customer shuttle service between  
28 parking, convention, and hotel facilities, and airport terminals, and  
29 (d) school buses.

30 (6) As used in this section, "child restraint system" means a child  
31 passenger restraint system that meets the Federal Motor Vehicle Safety  
32 Standards set forth in 49 C.F.R. 571.213.

33 (7) The requirements of subsection (1) of this section do not apply  
34 in any seating position where there is only a lap belt available and  
35 the child weighs more than forty pounds.

36 (8)(a) Except as provided in (b) of this subsection, a person who  
37 has a current national certification as a child passenger safety  
38 technician and who in good faith provides inspection, adjustment, or

1 educational services regarding child passenger restraint systems is not  
2 liable for civil damages resulting from any act or omission in  
3 providing the services, other than acts or omissions constituting gross  
4 negligence or willful or wanton misconduct.

5 (b) The immunity provided in this subsection does not apply to a  
6 certified child passenger safety technician who is employed by a  
7 retailer of child passenger restraint systems and who, during his or  
8 her hours of employment and while being compensated, provides  
9 inspection, adjustment, or educational services regarding child  
10 passenger restraint systems.

11 **Sec. 7.** RCW 46.61.688 and 2009 c 275 s 8 are each reenacted and  
12 amended to read as follows:

13 (1) For the purposes of this section, "motor vehicle" includes:

14 (a) "Buses," meaning motor vehicles with motive power, except  
15 trailers, designed to carry more than ten passengers;

16 (b) "Medium-speed electric vehicle" meaning a self-propelled,  
17 electrically powered four-wheeled motor vehicle, equipped with a roll  
18 cage or crush-proof body design, whose speed attainable in one mile is  
19 more than thirty miles per hour but not more than thirty-five miles per  
20 hour and otherwise meets or exceeds the federal regulations set forth  
21 in 49 C.F.R. Sec. 571.500;

22 (c) "Motorcycle," meaning a three-wheeled motor vehicle that is  
23 designed (i) so that the driver rides on a seat in a partially or  
24 completely enclosed seating area that is equipped with safety belts and  
25 (ii) to be steered with a steering wheel;

26 (d) "Multipurpose passenger vehicles," meaning motor vehicles with  
27 motive power, except trailers, designed to carry ten persons or less  
28 that are constructed either on a truck chassis or with special features  
29 for occasional off-road operation;

30 (e) "Neighborhood electric vehicle," meaning a self-propelled,  
31 electrically powered four-wheeled motor vehicle whose speed attainable  
32 in one mile is more than twenty miles per hour and not more than  
33 twenty-five miles per hour and conforms to federal regulations under 49  
34 C.F.R. Sec. 571.500;

35 (f) "Passenger cars," meaning motor vehicles with motive power,  
36 except multipurpose passenger vehicles, motorcycles, or trailers,  
37 designed for carrying ten passengers or less; and

1 (g) "Trucks," meaning motor vehicles with motive power, except  
2 trailers, designed primarily for the transportation of property.

3 (2)(a) This section only applies to:

4 (i) Motor vehicles that meet the manual seat belt safety standards  
5 as set forth in 49 C.F.R. Sec. 571.208;

6 (ii) Motorcycles, when equipped with safety belts that meet the  
7 standards set forth in 49 C.F.R. Part 571; and

8 (iii) Neighborhood electric vehicles and medium-speed electric  
9 vehicles that meet the seat belt standards as set forth in 49 C.F.R.  
10 Sec. 571.500.

11 (b) This section does not apply to a vehicle occupant for whom no  
12 safety belt is available when all designated seating positions as  
13 required under 49 C.F.R. Part 571 are occupied.

14 (3) Every person sixteen years of age or older operating or riding  
15 in a motor vehicle shall wear the safety belt assembly in a properly  
16 adjusted and securely fastened manner.

17 (4) No person may operate a motor vehicle unless all child  
18 passengers under the age of sixteen years are either: (a) Wearing a  
19 safety belt assembly or (b) are securely fastened into an approved  
20 child restraint device.

21 (5) A person violating this section shall be issued a notice of  
22 traffic infraction under chapter 46.63 RCW. A finding that a person  
23 has committed a traffic infraction under this section shall be  
24 contained in the driver's abstract but shall not be available to  
25 insurance companies or employers.

26 (6) Failure to comply with ~~((the))~~ any requirements of this section  
27 ~~((does not constitute negligence, nor may failure to wear a safety belt  
28 assembly))~~ may be admissible ~~((as evidence of negligence))~~ in any civil  
29 action.

30 (7) This section does not apply to an operator or passenger who  
31 possesses written verification from a licensed physician that the  
32 operator or passenger is unable to wear a safety belt for physical or  
33 medical reasons.

34 (8) The state patrol may adopt rules exempting operators or  
35 occupants of farm vehicles, construction equipment, and vehicles that  
36 are required to make frequent stops from the requirement of wearing  
37 safety belts.



1       (~~An inadvertent mistake or omission in publishing the text or a~~  
2 ~~summary of the content of~~) (3) A failure to publish an ordinance shall  
3 not render the ordinance invalid.

4       (4) In addition to the requirement that a city publish the text or  
5 a summary of the content of each adopted ordinance, every city shall  
6 establish a procedure for notifying the public of upcoming hearings and  
7 the preliminary agenda for the forthcoming council meeting. Such  
8 procedure may include, but (~~not be~~) is neither required nor limited  
9 to, posting on the city's web site, written notification to the city's  
10 official newspaper, publication of a notice in the official newspaper,  
11 posting of upcoming council meeting agendas, or such other processes as  
12 the city determines will satisfy the intent of this requirement.

13       **Sec. 10.** RCW 35A.12.160 and 1994 c 273 s 15 are each amended to  
14 read as follows:

15       (1) Promptly after adoption, the text of each ordinance (~~(or)~~) must  
16 be posted on the city's web site and available as a paper copy at a  
17 location designated by the city legislative authority. Additionally,  
18 and promptly after adoption, the city shall publish a summary of the  
19 content of each ordinance (~~(shall be published)~~) at least once in the  
20 city's official newspaper.

21       (2) For purposes of this section, a summary (~~(shall mean)~~) is a  
22 brief description (~~(which)~~) of fifty or fewer words that succinctly  
23 describes the main points of the ordinance. Publication of the title  
24 of an ordinance authorizing the issuance of bonds, notes, or other  
25 evidences of indebtedness shall constitute publication of a summary of  
26 that ordinance. When the city publishes a summary, the publication  
27 shall include a statement that the full text of the ordinance is  
28 available through the city's web site and will be mailed upon request.

29       (~~An inadvertent mistake or omission in publishing the text or a~~  
30 ~~summary of the content of~~) (3) A failure to publish an ordinance shall  
31 not render the ordinance invalid.

32       (4) In addition to the requirement that a city publish the text or  
33 a summary of the content of each adopted ordinance, every city shall  
34 establish a procedure for notifying the public of upcoming hearings and  
35 the preliminary agenda for the forthcoming council meeting. Such  
36 procedure may include, but (~~not be~~) is neither required nor limited  
37 to, posting on the city's web site, written notification to the city's

1 official newspaper, publication of a notice in the official newspaper,  
2 posting of upcoming council meeting agendas, or such other processes as  
3 the city determines will satisfy the intent of this requirement.

4 **Sec. 11.** RCW 36.72.071 and 1977 c 34 s 1 are each amended to read  
5 as follows:

6 ~~((All county officers shall cause all legal notices and delinquent~~  
7 ~~tax lists to be advertised in the official county newspaper designated~~  
8 ~~by the county legislative authority.))~~ (1) In accordance with  
9 applicable time frame requirements, the text of each legal or official  
10 notice and each delinquent tax list must be posted on the county's web  
11 site and available as a paper copy at a location designated by the  
12 county legislative authority. Additionally, and in accordance with  
13 applicable time frame requirements, the county shall publish a summary  
14 of the content of each legal or official notice and each delinquent tax  
15 list in the official county newspaper designated by the county  
16 legislative authority. This section does not prohibit a county from  
17 publishing the full text of legal or official notices and delinquent  
18 tax lists in the official county newspaper.

19 (2) For purposes of this section, a summary is a brief description  
20 of fifty or fewer words that succinctly describes the main points of  
21 the legal notice, official notice, or delinquent tax list. Publication  
22 of the title of an ordinance authorizing the issuance of bonds, notes,  
23 or other evidence of indebtedness constitutes publication of a summary  
24 of that ordinance. When the county publishes a summary, the summary  
25 shall include a statement that the full text of the legal notice,  
26 official notice, or delinquent tax list is available through the  
27 county's web site and will be mailed upon request.

28 (3) A failure to publish an ordinance does not render the ordinance  
29 invalid.

30 **Sec. 12.** RCW 36.22.020 and 1995 c 194 s 2 are each amended to read  
31 as follows:

32 It shall be the duty of the county auditor of each county, within  
33 fifteen days after the adjournment of each regular session, to publish  
34 a summary of the proceedings of the legislative authority at such term,  
35 in any newspaper published in the county or having a general  
36 circulation therein, or the auditor may post copies of such proceedings

1 in three of the most public places in the county. The seal of the  
2 county commissioners for each county, used by the county auditor as  
3 clerk to attest the proceedings of the legislative authority, shall be  
4 and remain in the custody of the county auditor, and the auditor is  
5 hereby authorized to use such seal in attestation of all official acts,  
6 whether as clerk of the legislative authority, as auditor or recorder  
7 of deeds; and all certificates, exemplifications of records, or other  
8 acts performed as county auditor, certified under the seal of the  
9 county commissioners, pursuant to this section, in this state, shall be  
10 as valid and legally binding as though attested by a seal of office of  
11 the county auditor.

12 Publications required by this section may be in the form of a  
13 summary that complies with RCW 36.72.071.

14 **Sec. 13.** RCW 36.29.010 and 2005 c 502 s 2 are each amended to read  
15 as follows:

16 The county treasurer:

17 (1) Shall receive all money due the county and disburse it on  
18 warrants issued and attested by the county auditor and electronic funds  
19 transfer under RCW 39.58.750 as attested by the county auditor;

20 (2) Shall issue a receipt in duplicate for all money received other  
21 than taxes; the treasurer shall deliver immediately to the person  
22 making the payment the original receipt and the duplicate shall be  
23 retained by the treasurer;

24 (3) Shall affix on the face of all paid warrants the date of  
25 redemption or, in the case of proper contract between the treasurer and  
26 a qualified public depository, the treasurer may consider the date  
27 affixed by the financial institution as the date of redemption;

28 (4) Shall endorse, before the date of issue by the county or by any  
29 taxing district for whom the county treasurer acts as treasurer, on the  
30 face of all warrants for which there are not sufficient funds for  
31 payment, "interest bearing warrant." When there are funds to redeem  
32 outstanding warrants, the county treasurer shall give notice:

33 (a) By publication in a legal newspaper published or circulated in  
34 the county; or

35 (b) By posting at three public places in the county if there is no  
36 such newspaper; or

1 (c) By notification to the financial institution holding the  
2 warrant;

3 (5) Shall pay interest on all interest-bearing warrants from the  
4 date of issue to the date of notification;

5 (6) Shall maintain financial records reflecting receipts and  
6 disbursement by fund in accordance with generally accepted accounting  
7 principles;

8 (7) Shall account for and pay all bonded indebtedness for the  
9 county and all special districts for which the county treasurer acts as  
10 treasurer;

11 (8) Shall invest all funds of the county or any special district in  
12 the treasurer's custody, not needed for immediate expenditure, in a  
13 manner consistent with appropriate statutes. If cash is needed to  
14 redeem warrants issued from any fund in the custody of the treasurer,  
15 the treasurer shall liquidate investments in an amount sufficient to  
16 cover such warrant redemptions; and

17 (9) May provide certain collection services for county departments.

18 The treasurer, at the expiration of the term of office, shall make  
19 a complete settlement with the county legislative authority, and shall  
20 deliver to the successor all public money, books, and papers in the  
21 treasurer's possession.

22 Money received by all entities for whom the county treasurer serves  
23 as treasurer must be deposited within twenty-four hours in an account  
24 designated by the county treasurer unless a waiver is granted by the  
25 county treasurer in accordance with RCW 43.09.240.

26 Publications required by this section may be in the form of a  
27 summary that complies with RCW 36.72.071.

28 **Sec. 14.** RCW 36.32.120 and 2003 c 337 s 6 are each amended to read  
29 as follows:

30 The legislative authorities of the several counties shall:

31 (1) Provide for the erection and repairing of court houses, jails,  
32 and other necessary public buildings for the use of the county;

33 (2) Lay out, discontinue, or alter county roads and highways within  
34 their respective counties, and do all other necessary acts relating  
35 thereto according to law, except within cities and towns which have  
36 jurisdiction over the roads within their limits;

1 (3) License and fix the rates of ferriage; grant grocery and other  
2 licenses authorized by law to be by them granted at fees set by the  
3 legislative authorities which shall not exceed the costs of  
4 administration and operation of such licensed activities;

5 (4) Fix the amount of county taxes to be assessed according to the  
6 provisions of law, and cause the same to be collected as prescribed by  
7 law;

8 (5) Allow all accounts legally chargeable against the county not  
9 otherwise provided for, and audit the accounts of all officers having  
10 the care, management, collection, or disbursement of any money  
11 belonging to the county or appropriated to its benefit;

12 (6) Have the care of the county property and the management of the  
13 county funds and business and in the name of the county prosecute and  
14 defend all actions for and against the county, and such other powers as  
15 are or may be conferred by law;

16 (7) Make and enforce, by appropriate resolutions or ordinances, all  
17 such police and sanitary regulations as are not in conflict with state  
18 law, and within the unincorporated area of the county may adopt by  
19 reference Washington state statutes and recognized codes and/or  
20 compilations printed in book form relating to the construction of  
21 buildings, the installation of plumbing, the installation of electric  
22 wiring, health, or other subjects, and may adopt such codes and/or  
23 compilations or portions thereof, together with amendments thereto, or  
24 additions thereto: PROVIDED, That except for Washington state  
25 statutes, there shall be filed in the county auditor's office one copy  
26 of such codes and compilations ten days prior to their adoption by  
27 reference, and additional copies may also be filed in library or city  
28 offices within the county as deemed necessary by the county legislative  
29 authority: PROVIDED FURTHER, That no such regulation, code,  
30 compilation, and/or statute shall be effective unless before its  
31 adoption, a public hearing has been held thereon by the county  
32 legislative authority of which at least ten days' notice has been  
33 given. Any violation of such regulations, ordinances, codes,  
34 compilations, and/or statutes or resolutions shall constitute a  
35 misdemeanor or a civil violation subject to a monetary penalty:  
36 PROVIDED FURTHER, That violation of a regulation, ordinance, code,  
37 compilation, and/or statute relating to traffic including parking,  
38 standing, stopping, and pedestrian offenses is a traffic infraction,

1 except that violation of a regulation, ordinance, code, compilation,  
2 and/or statute equivalent to those provisions of Title 46 RCW set forth  
3 in RCW 46.63.020 remains a misdemeanor. However, the punishment for  
4 any criminal ordinance shall be the same as the punishment provided in  
5 state law for the same crime and no act that is a state crime may be  
6 made a civil violation. The notice must set out a copy of the proposed  
7 regulations or summarize the content of each proposed regulation; or if  
8 a code is adopted by reference the notice shall set forth the full  
9 official title and a statement describing the general purpose of such  
10 code. For purposes of this subsection, a summary shall mean a brief  
11 description which succinctly describes the main points of the proposed  
12 regulation. When the county publishes a summary, the publication shall  
13 include a statement that the full text of the proposed regulation will  
14 be mailed upon request. An inadvertent mistake or omission in  
15 publishing the text or a summary of the content of a proposed  
16 regulation shall not render the regulation invalid if it is adopted.  
17 The notice shall also include the day, hour, and place of hearing and  
18 must be given by publication in the newspaper in which legal notices of  
19 the county are printed;

20 (8) Have power to compound and release in whole or in part any debt  
21 due to the county when in their opinion the interest of their county  
22 will not be prejudiced thereby, except in cases where they or any of  
23 them are personally interested;

24 (9) Have power to administer oaths or affirmations necessary in the  
25 discharge of their duties and commit for contempt any witness refusing  
26 to testify before them with the same power as district judges;

27 (10) Have power to declare by ordinance what shall be deemed a  
28 nuisance within the county, including but not limited to "litter" and  
29 "potentially dangerous litter" as defined in RCW 70.93.030; to prevent,  
30 remove, and abate a nuisance at the expense of the parties creating,  
31 causing, or committing the nuisance; and to levy a special assessment  
32 on the land or premises on which the nuisance is situated to defray the  
33 cost, or to reimburse the county for the cost of abating it. This  
34 assessment shall constitute a lien against the property which shall be  
35 of equal rank with state, county, and municipal taxes.

36 (11) Publications required by this section may be in the form of a  
37 summary that complies with RCW 36.72.071.

1       **Sec. 15.** RCW 36.32.235 and 2009 c 229 s 6 are each amended to read  
2 as follows:

3       (1) In each county with a population of four hundred thousand or  
4 more which by resolution establishes a county purchasing department,  
5 the purchasing department shall enter into leases of personal property  
6 on a competitive basis and purchase all supplies, materials, and  
7 equipment on a competitive basis, for all departments of the county, as  
8 provided in this chapter and chapter 39.04 RCW, except that the county  
9 purchasing department is not required to make purchases that are paid  
10 from the county road fund or equipment rental and revolving fund.

11       (2) As used in this section, "public works" has the same definition  
12 as in RCW 39.04.010.

13       (3) Except as otherwise specified in this chapter or in chapter  
14 36.77 RCW, all counties subject to these provisions shall contract on  
15 a competitive basis for all public works after bids have been submitted  
16 to the county upon specifications therefor. Such specifications shall  
17 be in writing and shall be filed with the clerk of the county  
18 legislative authority for public inspection.

19       (4) An advertisement shall be published in the county official  
20 newspaper stating the time and place where bids will be opened, the  
21 time after which bids will not be received, the character of the work  
22 to be done, the materials and equipment to be furnished, and that  
23 specifications therefor may be seen at the office of the clerk of the  
24 county legislative authority. An advertisement shall also be published  
25 in a legal newspaper of general circulation in or as near as possible  
26 to that part of the county in which such work is to be done. If the  
27 county official newspaper is a newspaper of general circulation  
28 covering at least forty percent of the residences in that part of the  
29 county in which such public works are to be done, then the publication  
30 of an advertisement of the applicable specifications in the county  
31 official newspaper is sufficient. Such advertisements shall be  
32 published at least once at least thirteen days prior to the last date  
33 upon which bids will be received.

34       (5) The bids shall be in writing, shall be filed with the clerk,  
35 shall be opened and read in public at the time and place named therefor  
36 in the advertisements, and after being opened, shall be filed for  
37 public inspection. No bid may be considered for public work unless it

1 is accompanied by a bid deposit in the form of a surety bond, postal  
2 money order, cash, cashier's check, or certified check in an amount  
3 equal to five percent of the amount of the bid proposed.

4 (6) The contract for the public work shall be awarded to the lowest  
5 responsible bidder. Any or all bids may be rejected for good cause.  
6 The county legislative authority shall require from the successful  
7 bidder for such public work a contractor's bond in the amount and with  
8 the conditions imposed by law.

9 (7) If the bidder to whom the contract is awarded fails to enter  
10 into the contract and furnish the contractor's bond as required within  
11 ten days after notice of the award, exclusive of the day of notice, the  
12 amount of the bid deposit shall be forfeited to the county and the  
13 contract awarded to the next lowest and best bidder. The bid deposit  
14 of all unsuccessful bidders shall be returned after the contract is  
15 awarded and the required contractor's bond given by the successful  
16 bidder is accepted by the county legislative authority. Immediately  
17 after the award is made, the bid quotations obtained shall be recorded  
18 and open to public inspection and shall be available by telephone  
19 inquiry.

20 (8) As limited by subsection (10) of this section, a county subject  
21 to these provisions may have public works performed by county employees  
22 in any annual or biennial budget period equal to a dollar value not  
23 exceeding ten percent of the public works construction budget,  
24 including any amount in a supplemental public works construction  
25 budget, over the budget period.

26 Whenever a county subject to these provisions has had public works  
27 performed in any budget period up to the maximum permitted amount for  
28 that budget period, all remaining public works except emergency work  
29 under subsection (12) of this section within that budget period shall  
30 be done by contract pursuant to public notice and call for competitive  
31 bids as specified in subsection (3) of this section. The state auditor  
32 shall report to the state treasurer any county subject to these  
33 provisions that exceeds this amount and the extent to which the county  
34 has or has not reduced the amount of public works it has performed by  
35 public employees in subsequent years.

36 (9) If a county subject to these provisions has public works  
37 performed by public employees in any budget period that are in excess  
38 of this ten percent limitation, the amount in excess of the permitted

1 amount shall be reduced from the otherwise permitted amount of public  
2 works that may be performed by public employees for that county in its  
3 next budget period. Ten percent of the motor vehicle fuel tax  
4 distributions to that county shall be withheld if two years after the  
5 year in which the excess amount of work occurred, the county has failed  
6 to so reduce the amount of public works that it has performed by public  
7 employees. The amount withheld shall be distributed to the county when  
8 it has demonstrated in its reports to the state auditor that the amount  
9 of public works it has performed by public employees has been reduced  
10 as required.

11 (10) In addition to the percentage limitation provided in  
12 subsection (8) of this section, counties subject to these provisions  
13 containing a population of four hundred thousand or more shall not have  
14 public employees perform a public works project in excess of ninety  
15 thousand dollars if more than a single craft or trade is involved with  
16 the public works project, or a public works project in excess of forty-  
17 five thousand dollars if only a single craft or trade is involved with  
18 the public works project. A public works project means a complete  
19 project. The restrictions in this subsection do not permit the  
20 division of the project into units of work or classes of work to avoid  
21 the restriction on work that may be performed by public employees on a  
22 single project.

23 The cost of a separate public works project shall be the costs of  
24 materials, supplies, equipment, and labor on the construction of that  
25 project. The value of the public works budget shall be the value of  
26 all the separate public works projects within the budget.

27 (11) In addition to the accounting and recordkeeping requirements  
28 contained in chapter 39.04 RCW, any county which uses public employees  
29 to perform public works projects under RCW 36.32.240(1) shall prepare  
30 a year-end report to be submitted to the state auditor indicating the  
31 total dollar amount of the county's public works construction budget  
32 and the total dollar amount for public works projects performed by  
33 public employees for that year.

34 The year-end report submitted pursuant to this subsection to the  
35 state auditor shall be in accordance with the standard form required by  
36 RCW 43.09.205.

37 (12) Notwithstanding any other provision in this section, counties  
38 may use public employees without any limitation for emergency work

1 performed under an emergency declared pursuant to RCW 36.32.270, and  
2 any such emergency work shall not be subject to the limitations of this  
3 section. Publication of the description and estimate of costs relating  
4 to correcting the emergency may be made within seven days after the  
5 commencement of the work. Within two weeks of the finding that such an  
6 emergency existed, the county legislative authority shall adopt a  
7 resolution certifying the damage to public facilities and costs  
8 incurred or anticipated relating to correcting the emergency.  
9 Additionally this section shall not apply to architectural and  
10 engineering or other technical or professional services performed by  
11 public employees in connection with a public works project.

12 (13) In lieu of the procedures of subsections (3) through (11) of  
13 this section, a county may let contracts using the small works roster  
14 process provided in RCW 39.04.155.

15 Whenever possible, the county shall invite at least one proposal  
16 from a minority or woman contractor who shall otherwise qualify under  
17 this section.

18 (14) The allocation of public works projects to be performed by  
19 county employees shall not be subject to a collective bargaining  
20 agreement.

21 (15) This section does not apply to performance-based contracts, as  
22 defined in RCW 39.35A.020(4), that are negotiated under chapter 39.35A  
23 RCW.

24 (16) Nothing in this section prohibits any county from allowing for  
25 preferential purchase of products made from recycled materials or  
26 products that may be recycled or reused.

27 (17) This section does not apply to contracts between the public  
28 stadium authority and a team affiliate under RCW 36.102.060(4), or  
29 development agreements between the public stadium authority and a team  
30 affiliate under RCW 36.102.060(7) or leases entered into under RCW  
31 36.102.060(8).

32 (18) Publications required by this section may be in the form of a  
33 summary that complies with RCW 36.72.071.

34 **Sec. 16.** RCW 36.32.245 and 2007 c 88 s 1 are each amended to read  
35 as follows:

36 (1) No contract for the purchase of materials, equipment, or  
37 supplies may be entered into by the county legislative authority or by

1 any elected or appointed officer of the county until after bids have  
2 been submitted to the county. Bid specifications shall be in writing  
3 and shall be filed with the clerk of the county legislative authority  
4 for public inspection. An advertisement shall be published in the  
5 official newspaper of the county stating the time and place where bids  
6 will be opened, the time after which bids will not be received, the  
7 materials, equipment, supplies, or services to be purchased, and that  
8 the specifications may be seen at the office of the clerk of the county  
9 legislative authority. The advertisement shall be published at least  
10 once at least thirteen days prior to the last date upon which bids will  
11 be received.

12 (2) The bids shall be in writing and filed with the clerk. The  
13 bids shall be opened and read in public at the time and place named in  
14 the advertisement. Contracts requiring competitive bidding under this  
15 section may be awarded only to the lowest responsible bidder.  
16 Immediately after the award is made, the bid quotations shall be  
17 recorded and open to public inspection and shall be available by  
18 telephone inquiry. Any or all bids may be rejected for good cause.

19 (3) For advertisement and formal sealed bidding to be dispensed  
20 with as to purchases between five thousand and twenty-five thousand  
21 dollars, the county legislative authority must use the uniform process  
22 to award contracts as provided in RCW 39.04.190. Advertisement and  
23 formal sealed bidding may be dispensed with as to purchases of less  
24 than five thousand dollars upon the order of the county legislative  
25 authority.

26 (4) This section does not apply to performance-based contracts, as  
27 defined in RCW 39.35A.020(4), that are negotiated under chapter 39.35A  
28 RCW; or contracts and purchases for the printing of election ballots,  
29 voting machine labels, and all other election material containing the  
30 names of candidates and ballot titles.

31 (5) Nothing in this section shall prohibit the legislative  
32 authority of any county from allowing for preferential purchase of  
33 products made from recycled materials or products that may be recycled  
34 or reused.

35 (6) This section does not apply to contracting for public defender  
36 services by a county.

37 (7) Publications required by this section may be in the form of a  
38 summary that complies with RCW 36.72.071.

1       **Sec. 17.** RCW 36.32.250 and 2009 c 229 s 8 are each amended to read  
2 as follows:

3       No contract for public works may be entered into by the county  
4 legislative authority or by any elected or appointed officer of the  
5 county until after bids have been submitted to the county upon  
6 specifications therefor. Such specifications shall be in writing and  
7 shall be filed with the clerk of the county legislative authority for  
8 public inspection. An advertisement shall be published in the county  
9 official newspaper stating the time and place where bids will be  
10 opened, the time after which bids will not be received, the character  
11 of the work to be done, the materials and equipment to be furnished,  
12 and that specifications therefor may be seen at the office of the clerk  
13 of the county legislative authority. An advertisement shall also be  
14 published in a legal newspaper of general circulation in or as near as  
15 possible to that part of the county in which such work is to be done.  
16 If the county official newspaper is a newspaper of general circulation  
17 covering at least forty percent of the residences in that part of the  
18 county in which such public works are to be done, then the publication  
19 of an advertisement of the applicable specifications in the county  
20 official newspaper shall be sufficient. Such advertisements shall be  
21 published at least once at least thirteen days prior to the last date  
22 upon which bids will be received. The bids shall be in writing, shall  
23 be filed with the clerk, shall be opened and read in public at the time  
24 and place named therefor in the advertisements, and after being opened,  
25 shall be filed for public inspection. No bid may be considered for  
26 public work unless it is accompanied by a bid deposit in the form of a  
27 surety bond, postal money order, cash, cashier's check, or certified  
28 check in an amount equal to five percent of the amount of the bid  
29 proposed. The contract for the public work shall be awarded to the  
30 lowest responsible bidder. Any or all bids may be rejected for good  
31 cause. The county legislative authority shall require from the  
32 successful bidder for such public work a contractor's bond in the  
33 amount and with the conditions imposed by law. If the bidder to whom  
34 the contract is awarded fails to enter into the contract and furnish  
35 the contractor's bond as required within ten days after notice of the  
36 award, exclusive of the day of notice, the amount of the bid deposit  
37 shall be forfeited to the county and the contract awarded to the next  
38 lowest and best bidder. A low bidder who claims error and fails to

1 enter into a contract is prohibited from bidding on the same project if  
2 a second or subsequent call for bids is made for the project. The bid  
3 deposit of all unsuccessful bidders shall be returned after the  
4 contract is awarded and the required contractor's bond given by the  
5 successful bidder is accepted by the county legislative authority. In  
6 the letting of any contract for public works involving less than forty  
7 thousand dollars, advertisement and competitive bidding may be  
8 dispensed with on order of the county legislative authority.  
9 Immediately after the award is made, the bid quotations obtained shall  
10 be recorded and open to public inspection and shall be available by  
11 telephone inquiry.

12 As an alternative to requirements under this section, a county may  
13 let contracts using the small works roster process under RCW 39.04.155.

14 This section does not apply to performance-based contracts, as  
15 defined in RCW 39.35A.020(4), that are negotiated under chapter 39.35A  
16 RCW.

17 Publications required by this section may be in the form of a  
18 summary that complies with RCW 36.72.071.

19 **Sec. 18.** RCW 36.34.020 and 1991 c 363 s 66 are each amended to  
20 read as follows:

21 Whenever the county legislative authority desires to dispose of any  
22 county property except:

23 (1) When selling to a governmental agency;

24 (2) When personal property to be disposed of is to be traded in  
25 upon the purchase of a like article;

26 (3) When the value of the property to be sold is less than two  
27 thousand five hundred dollars;

28 (4) When the county legislative authority by a resolution setting  
29 forth the facts has declared an emergency to exist;

30 it shall publish notice of its intention so to do once each week during  
31 two successive weeks in a legal newspaper of general circulation in the  
32 county.

33 Publications required by this section may be in the form of a  
34 summary that complies with RCW 36.72.071.

35 **Sec. 19.** RCW 36.34.090 and 1997 c 393 s 5 are each amended to read  
36 as follows:

1 Whenever county property is to be sold at public auction,  
2 consignment auction, or sealed bid, the county treasurer or the county  
3 treasurer's designee shall publish notice thereof once during each of  
4 two successive calendar weeks in a newspaper of general circulation in  
5 the county. Notice thereof must also be posted in a conspicuous place  
6 in the courthouse. The posting and date of first publication must be  
7 at least ten days before the day fixed for the sale.

8 Publications required by this section may be in the form of a  
9 summary that complies with RCW 36.72.071.

10 **Sec. 20.** RCW 36.34.160 and 1963 c 4 s 36.34.160 are each amended  
11 to read as follows:

12 When, in the judgment of the board of county commissioners, it is  
13 found desirable to lease the land applied for, it shall first give  
14 notice of its intention to make such lease by publishing a notice in a  
15 legal newspaper at least once a week for the term of three weeks, and  
16 shall also post a notice of such intention in a conspicuous place in  
17 the courthouse for the same length of time. The notice so published  
18 and posted shall designate and describe the property which is proposed  
19 to be leased, together with the improvements thereon and appurtenances  
20 thereto, and shall contain a notice that the board of county  
21 commissioners will meet at the county courthouse on a day and at an  
22 hour designated in the notice, for the purpose of leasing the property  
23 which day and hour shall be at a time not more than a week after the  
24 expiration of the time required for the publication of the notice.

25 Publications required by this section may be in the form of a  
26 summary that complies with RCW 36.72.071.

27 **Sec. 21.** RCW 36.34.170 and 1963 c 4 s 36.34.170 are each amended  
28 to read as follows:

29 Any person may appear at the meeting of the county commissioners or  
30 any adjourned meeting thereof, and make objection to the leasing of the  
31 property, which objection shall be stated in writing. In passing upon  
32 objections the board of county commissioners shall, in writing, briefly  
33 give its reasons for accepting or rejecting the same, and such  
34 objections, and the reasons for accepting or refusing the application,  
35 shall be published by the board in the next subsequent weekly issue of  
36 the newspaper in which the notice of hearing was published.

1       Publications required by this section may be in the form of a  
2 summary that complies with RCW 36.72.071.

3       **Sec. 22.** RCW 36.35.120 and 2001 c 299 s 10 are each amended to  
4 read as follows:

5       Real property acquired by any county of this state by foreclosure  
6 of delinquent taxes may be sold by order of the county legislative  
7 authority of the county when in the judgment of the county legislative  
8 authority it is deemed in the best interests of the county to sell the  
9 real property.

10       When the legislative authority desires to sell any such property it  
11 may, if deemed advantageous to the county, combine any or all of the  
12 several lots and tracts of such property in one or more units, and may  
13 reserve from sale coal, oil, gas, gravel, minerals, ores, fossils,  
14 timber, or other resources on or in the lands, and the right to mine  
15 for and remove the same, and it shall then enter an order on its  
16 records fixing the unit or units in which the property shall be sold  
17 and the minimum price for each of such units, and whether the sale will  
18 be for cash or whether a contract will be offered, and reserving from  
19 sale such of the resources as it may determine and from which units  
20 such reservations shall apply, and directing the county treasurer to  
21 sell such property in the unit or units and at not less than the price  
22 or prices and subject to such reservations so fixed by the county  
23 legislative authority. The order shall be subject to the approval of  
24 the county treasurer if several lots or tracts of land are combined in  
25 one unit.

26       Except in cases where the sale is to be by direct negotiation as  
27 provided in RCW 36.35.150, it shall be the duty of the county treasurer  
28 upon receipt of such order to publish once a week for three consecutive  
29 weeks a notice of the sale of such property in a newspaper of general  
30 circulation in the county where the land is situated. The notice shall  
31 describe the property to be sold, the unit or units, the reservations,  
32 and the minimum price fixed in the order, together with the time and  
33 place and terms of sale, in the same manner as foreclosure sales as  
34 provided by RCW 84.64.080.

35       The person making the bid shall state whether he or she will pay  
36 cash for the amount of his or her bid or accept a real estate contract  
37 of purchase in accordance with the provisions hereinafter contained.

1 The person making the highest bid shall become the purchaser of the  
2 property. If the highest bidder is a contract bidder the purchaser  
3 shall be required to pay thirty percent of the total purchase price at  
4 the time of the sale and shall enter into a contract with the county as  
5 vendor and the purchaser as vendee which shall obligate and require the  
6 purchaser to pay the balance of the purchase price in ten equal annual  
7 installments commencing November 1st and each year following the date  
8 of the sale, and shall require the purchaser to pay twelve percent  
9 interest on all deferred payments, interest to be paid at the time the  
10 annual installment is due; and may contain a provision authorizing the  
11 purchaser to make payment in full at any time of any balance due on the  
12 total purchase price plus accrued interest on such balance. The  
13 contract shall contain a provision requiring the purchaser to pay  
14 before delinquency all subsequent taxes and assessments that may be  
15 levied or assessed against the property subsequent to the date of the  
16 contract, and shall contain a provision that time is of the essence of  
17 the contract and that in event of a failure of the vendee to make  
18 payments at the time and in the manner required and to keep and perform  
19 the covenants and conditions therein required of him or her that the  
20 contract may be forfeited and terminated at the election of the vendor,  
21 and that in event of the election all sums theretofore paid by the  
22 vendee shall be forfeited as liquidated damages for failure to comply  
23 with the provisions of the contract; and shall require the vendor to  
24 execute and deliver to the vendee a deed of conveyance covering the  
25 property upon the payment in full of the purchase price, plus accrued  
26 interest.

27 The county legislative authority may, by order entered in its  
28 records, direct the coal, oil, gas, gravel, minerals, ores, timber, or  
29 other resources sold apart from the land, such sale to be conducted in  
30 the manner hereinabove prescribed for the sale of the land. Any such  
31 reserved minerals or resources not exceeding two hundred dollars in  
32 value may be sold, when the county legislative authority deems it  
33 advisable, either with or without such publication of the notice of  
34 sale, and in such manner as the county legislative authority may  
35 determine will be most beneficial to the county.

36 Publications required by this section may be in the form of a  
37 summary that complies with RCW 36.72.071.

1       **Sec. 23.** RCW 36.35.180 and 2009 c 549 s 4075 are each amended to  
2 read as follows:

3       Upon filing a copy of the summons and notice in the office of the  
4 county clerk, service thereof as against every interest in and claim  
5 against any and every part of the property described in such summons  
6 and notice, and every person, firm, or corporation, except one who is  
7 in the actual, open and notorious possession of any of the properties,  
8 shall be had by publication in the official county newspaper for six  
9 consecutive weeks; and no affidavit for publication of such summons and  
10 notice shall be required. In case special assessments imposed by a  
11 city or town against any of the real property described in the summons  
12 and notice remain outstanding, a copy of the same shall be served on  
13 the treasurer of the city or town within which such real property is  
14 situated within five days after such summons and notice is filed.

15       The summons and notice in such action shall contain the title of  
16 the court; specify in general terms the years for which the taxes were  
17 levied and the amount of the taxes and the costs for which each tract  
18 of land was sold; give the legal description of each tract of land  
19 involved, and the tax record owner thereof during the years in which  
20 the taxes for which the property was sold were levied; state that the  
21 purpose of the action is to foreclose all adverse claims of every  
22 nature in and to the property described, and to have the title of  
23 existing liens and claims of every nature against the described real  
24 property, except that of the county, forever barred.

25       The summons and notice shall also summon all persons, firms and  
26 corporations claiming any right, title and interest in and to the  
27 described real property to appear within sixty days after the date of  
28 the first publication, specifying the day and year, and state in  
29 writing what right, title and interest they have or claim to have in  
30 and to the property described, and file the same with the clerk of the  
31 court above named; and shall notify them that in case of their failure  
32 so to do, judgment will be rendered determining that the title to the  
33 real property is in the county free from all existing adverse  
34 interests, rights or claims whatsoever: PROVIDED, That in case any of  
35 the lands involved is in the actual, open and notorious possession of  
36 anyone at the time the summons and notice is filed, as herein provided,  
37 a copy of the same modified as herein specified shall be served  
38 personally upon such person in the same manner as summons is served in

1 civil actions generally. The summons shall be substantially in the  
2 form above outlined, except that in lieu of the statement relative to  
3 the date and day of publication it shall require the person served to  
4 appear within twenty days after the day of service, exclusive of the  
5 date of service, and that the day of service need not be specified  
6 therein, and except further that the recitals regarding the amount of  
7 the taxes and costs and the years the same were levied, the legal  
8 description of the land and the tax record owner thereof may be omitted  
9 except as to the land occupied by the persons served.

10 Every summons and notice provided for in RCW 36.35.160 through  
11 36.35.270 shall be subscribed by the prosecuting attorney of the  
12 county, or by any successor or assign of the county or his or her  
13 attorney, as the case may be, followed by the post office address of  
14 the successor or assign.

15 Publications required by this section may be in the form of a  
16 summary that complies with RCW 36.72.071.

17 **Sec. 24.** RCW 36.36.020 and 1985 c 425 s 2 are each amended to read  
18 as follows:

19 The county legislative authority of a county may create one or more  
20 aquifer protection areas for the purpose of funding the protection,  
21 preservation, and rehabilitation of subterranean water.

22 When a county legislative authority proposes to create an aquifer  
23 protection area it shall conduct a public hearing on the proposal.  
24 Notice of the public hearing shall be published at least once, not less  
25 than ten days prior to the hearing, in a newspaper of general  
26 circulation within the proposed aquifer protection area. The public  
27 hearing may be continued to other times, dates, and places announced at  
28 the public hearing, without publication of the notice. At the public  
29 hearing, the county legislative authority shall hear objections and  
30 comments from anyone interested in the proposed aquifer protection  
31 area.

32 After the public hearing, the county legislative authority may  
33 adopt a resolution causing a ballot proposition to be submitted to the  
34 registered voters residing within the proposed aquifer protection area  
35 to authorize the creation of the aquifer protection area, if the county  
36 legislative authority finds that the creation of the aquifer protection  
37 area would be in the public interest. The resolution shall: (1)

1 Describe the boundaries of the proposed aquifer protection area; (2)  
2 find that its creation is in the public interest; (3) state the maximum  
3 level of fees for the withdrawal of water, or on-site sewage disposal,  
4 occurring in the aquifer protection area, or both; and (4) describe the  
5 uses for the fees.

6 An aquifer protection area shall be created by ordinances of the  
7 county if the voters residing in the proposed aquifer protection area  
8 approve the ballot proposition by a simple majority vote. The ballot  
9 proposition shall be in substantially the following form:

10 "Shall the . . . (insert the name) aquifer protection area be  
11 created and authorized to impose monthly fees on . . . (insert  
12 "the withdrawal of water" or "on-site sewage disposal") of not  
13 to exceed . . . (insert a dollar amount) per household unit for  
14 up to . . . (insert a number of years) to finance . . . (insert  
15 the type of activities proposed to be financed)?

16 Yes . . . . .

17 No . . . . ."

18 If both types of monthly fees are proposed to be imposed, maximum rates  
19 for each shall be included in the ballot proposition.

20 An aquifer protection area may not include territory located within  
21 a city or town without the approval of the city or town governing body,  
22 nor may it include territory located in the unincorporated area of  
23 another county without the approval of the county legislative authority  
24 of that county.

25 Publications required by this section may be in the form of a  
26 summary that complies with RCW 36.72.071.

27 **Sec. 25.** RCW 36.38.030 and 1963 c 4 s 36.38.030 are each amended  
28 to read as follows:

29 The ordinance levying and fixing the tax shall be headed by a title  
30 expressing the subject thereof, and the style of the ordinance shall  
31 be: "Be it ordained by the Board of County Commissioners of  
32 . . . . . County, State of Washington." The ordinance shall be  
33 enacted by a majority vote of the board at a regular meeting thereof,  
34 and only after the form of such ordinance as ultimately enacted has  
35 been on file with the clerk of the board and open to public inspection  
36 for not less than ten days. The ordinance shall not become effective

1 until thirty days following its enactment, and within five days  
2 following its enactment it shall be printed and published in a  
3 newspaper of general circulation in the county. The ordinance shall be  
4 signed by a majority of the board, attested by the clerk of the board,  
5 and shall be duly entered and recorded in the book wherein orders of  
6 the board are entered and recorded. The ordinance may be at any time  
7 amended or repealed by an ordinance enacted, published, and recorded in  
8 the same manner.

9 Publications required by this section may be in the form of a  
10 summary that complies with RCW 36.72.071.

11 **Sec. 26.** RCW 36.40.060 and 1985 c 469 s 47 are each amended to  
12 read as follows:

13 The county legislative authority shall then publish a notice  
14 stating that it has completed and placed on file its preliminary budget  
15 for the county for the ensuing fiscal year, a copy of which will be  
16 furnished any citizen who will call at its office for it, and that it  
17 will meet on the first Monday in October thereafter for the purpose of  
18 fixing the final budget and making tax levies, designating the time and  
19 place of the meeting, and that any taxpayer may appear thereat and be  
20 heard for or against any part of the budget. The notice shall be  
21 published once each week for two consecutive weeks immediately  
22 following adoption of the preliminary budget in the official newspaper  
23 of the county. The county legislative authority shall provide a  
24 sufficient number of copies of the detailed and comparative preliminary  
25 budget to meet the reasonable demands of taxpayers therefor and the  
26 same shall be available for distribution not later than two weeks  
27 immediately preceding the first Monday in October.

28 Publications required by this section may be in the form of a  
29 summary that complies with RCW 36.72.071.

30 **Sec. 27.** RCW 36.40.100 and 1985 c 469 s 48 are each amended to  
31 read as follows:

32 The estimates of expenditures itemized and classified as required  
33 in RCW 36.40.040 and as finally fixed and adopted in detail by the  
34 board of county commissioners shall constitute the appropriations for  
35 the county for the ensuing fiscal year; and every county official shall  
36 be limited in the making of expenditures or the incurring of

1 liabilities to the amount of the detailed appropriation items or  
2 classes respectively: PROVIDED, That upon a resolution formally  
3 adopted by the board at a regular or special meeting and entered upon  
4 the minutes, transfers or revisions within departments, or supplemental  
5 appropriations to the budget from unanticipated federal or state funds  
6 may be made: PROVIDED FURTHER, That the board shall publish notice of  
7 the time and date of the meeting at which the supplemental  
8 appropriations resolution will be adopted, and the amount of the  
9 appropriation, once each week, for two consecutive weeks prior to the  
10 meeting in the official newspaper of the county.

11 Publications required by this section may be in the form of a  
12 summary that complies with RCW 36.72.071.

13 **Sec. 28.** RCW 36.40.140 and 1969 ex.s. c 185 s 3 are each amended  
14 to read as follows:

15 When a public emergency, other than such as are specifically  
16 described in RCW 36.40.180, and which could not reasonably have been  
17 foreseen at the time of making the budget, requires the expenditure of  
18 money not provided for in the budget, the board of county commissioners  
19 by majority vote of the commissioners at any meeting the time and place  
20 of which all the commissioners have had reasonable notice, shall adopt  
21 and enter upon its minutes a resolution stating the facts constituting  
22 the emergency and the estimated amount of money required to meet it,  
23 and shall publish the same, together with a notice that a public  
24 hearing thereon will be held at the time and place designated therein,  
25 which shall not be less than one week after the date of publication, at  
26 which any taxpayer may appear and be heard for or against the  
27 expenditure of money for the alleged emergency. The resolution and  
28 notice shall be published once in the official county newspaper, or if  
29 there is none, in a legal newspaper in the county. Upon the conclusion  
30 of the hearing, if the board of county commissioners approves it, an  
31 order shall be made and entered upon its official minutes by a majority  
32 vote of all the members of the board setting forth the facts  
33 constituting the emergency, together with the amount of expenditure  
34 authorized, which order, so entered, shall be lawful authorization to  
35 expend said amount for such purpose unless a review is applied for  
36 within five days thereafter.

1 Publications required by this section may be in the form of a  
2 summary that complies with RCW 36.72.071.

3 **Sec. 29.** RCW 36.55.040 and 1985 c 469 s 49 are each amended to  
4 read as follows:

5 On application being made to the county legislative authority for  
6 franchise, it shall fix a time and place for hearing the same, and  
7 shall cause the county auditor to give public notice thereof at the  
8 expense of the applicant, by posting notices in three public places in  
9 the county seat of the county at least fifteen days before the day  
10 fixed for the hearing. The county legislative authority shall also  
11 publish a like notice two times in the official newspaper of the  
12 county, the last publication to be not less than five days before the  
13 day fixed for the hearing. The notice shall state the name or names of  
14 the applicant or applicants, a description of the county roads by  
15 reference to section, township and range in which the county roads or  
16 portions thereof are physically located, to be included in the  
17 franchise for which the application is made, and the time and place  
18 fixed for the hearing.

19 Publications required by this section may be in the form of a  
20 summary that complies with RCW 36.72.071.

21 **Sec. 30.** RCW 36.58.090 and 1992 c 131 s 4 are each amended to read  
22 as follows:

23 (1) Notwithstanding the provisions of any county charter or any law  
24 to the contrary, and in addition to any other authority provided by  
25 law, the legislative authority of a county may contract with one or  
26 more vendors for one or more of the design, construction, or operation  
27 of, or other service related to, the solid waste handling systems,  
28 plants, sites, or other facilities in accordance with the procedures  
29 set forth in this section. When a contract for design services is  
30 entered into separately from other services permitted under this  
31 section, procurement shall be in accord with chapter 39.80 RCW. For  
32 the purpose of this chapter, the term "legislative authority" shall  
33 mean the board of county commissioners or, in the case of a home rule  
34 charter county, the official, officials, or public body designated by  
35 the charter to perform the functions authorized therein.

1 (2) If the legislative authority of the county decides to proceed  
2 with the consideration of qualifications or proposals for services from  
3 vendors, the county shall publish notice of its requirements and  
4 request submission of qualifications statements or proposals. The  
5 notice shall be published in the official newspaper of the county at  
6 least once a week for two weeks not less than sixty days before the  
7 final date for the submission of qualifications statements or  
8 proposals. The notice shall state in summary form (a) the general  
9 scope and nature of the design, construction, operation, or other  
10 service, (b) the name and address of a representative of the county who  
11 can provide further details, (c) the final date for the submission of  
12 qualifications statements or proposals, (d) an estimated schedule for  
13 the consideration of qualifications, the selection of vendors, and the  
14 negotiation of a contract or contracts for services, (e) the location  
15 at which a copy of any request for qualifications or request for  
16 proposals will be made available, and (f) the criteria established by  
17 the legislative authority to select a vendor or vendors, which may  
18 include but shall not be limited to the vendor's prior experience,  
19 including design, construction, or operation of other similar  
20 facilities; respondent's management capability, schedule availability  
21 and financial resources; cost of the services, nature of facility  
22 design proposed by the vendor; system reliability; performance  
23 standards required for the facilities; compatibility with existing  
24 service facilities operated by the public body or other providers of  
25 service to the public; project performance guarantees; penalty and  
26 other enforcement provisions; environmental protection measures to be  
27 used; consistency with the applicable comprehensive solid waste  
28 management plan; and allocation of project risks.

29 (3) If the legislative authority of the county decides to proceed  
30 with the consideration of qualifications or proposals, it may designate  
31 a representative to evaluate the vendors who submitted qualifications  
32 statements or proposals and conduct discussions regarding  
33 qualifications or proposals with one or more vendors. The legislative  
34 authority or representative may request submission of qualifications  
35 statements and may later request more detailed proposals from one or  
36 more vendors who have submitted qualifications statements, or the  
37 representative may request detailed proposals without having first  
38 received and evaluated qualifications statements. The representative

1 shall evaluate the qualifications or proposals, as applicable. If two  
2 or more vendors submit qualifications or proposals that meet the  
3 criteria established by the legislative authority of the county,  
4 discussions and interviews shall be held with at least two vendors.  
5 Any revisions to a request for qualifications or request for proposals  
6 shall be made available to all vendors then under consideration by the  
7 city or town and shall be made available to any other person who has  
8 requested receipt of that information.

9 (4) Based on criteria established by the legislative authority of  
10 the county, the representative shall recommend to the legislative  
11 authority a vendor or vendors that are initially determined to be the  
12 best qualified to provide one or more of the design, construction, or  
13 operation of, or other service related to, the proposed project or  
14 services. The legislative authority may select one or more qualified  
15 vendors for one or more of the design, construction, or operation of,  
16 or other service related to, the proposed project or services.

17 (5) The legislative authority or its representative may attempt to  
18 negotiate a contract with the vendor or vendors selected for one or  
19 more of the design, construction, or operation of, or other service  
20 related to, the proposed project or services on terms that the  
21 legislative authority determines to be fair and reasonable and in the  
22 best interest of the county. If the legislative authority or its  
23 representative is unable to negotiate such a contract with any one or  
24 more of the vendors first selected on terms that it determines to be  
25 fair and reasonable and in the best interest of the county,  
26 negotiations with any one or more of the vendors shall be terminated or  
27 suspended and another qualified vendor or vendors may be selected in  
28 accordance with the procedures set forth in this section. If the  
29 legislative authority decides to continue the process of selection,  
30 negotiations shall continue with a qualified vendor or vendors in  
31 accordance with this section at the sole discretion of the legislative  
32 authority until an agreement is reached with one or more qualified  
33 vendors, or the process is terminated by the legislative authority.  
34 The process may be repeated until an agreement is reached.

35 (6) Prior to entering into a contract with a vendor, the  
36 legislative authority of the county shall make written findings, after  
37 holding a public hearing on the proposal, that it is in the public

1 interest to enter into the contract, that the contract is financially  
2 sound, and that it is advantageous for the county to use this method  
3 for awarding contracts compared to other methods.

4 (7) Each contract shall include a project performance bond or bonds  
5 or other security by the vendor that in the judgment of the legislative  
6 authority of the county is sufficient to secure adequate performance by  
7 the vendor.

8 (8) The provisions of chapters 39.12(~~(7)~~) and 39.19(~~(7) and 39.25~~)  
9 RCW shall apply to a contract entered into under this section to the  
10 same extent as if the systems and plants were owned by a public body.

11 (9) The vendor selection process permitted by this section shall be  
12 supplemental to and shall not be construed as a repeal of or limitation  
13 on any other authority granted by law.

14 (10) The alternative selection process provided by this section may  
15 not be used in the selection of a person or entity to construct a  
16 publicly owned facility for the storage or transfer of solid waste or  
17 solid waste handling equipment unless the facility is either (a)  
18 privately operated pursuant to a contract greater than five years, or  
19 (b) an integral part of a solid waste processing facility located on  
20 the same site. Instead, the applicable provisions of RCW 36.32.250 and  
21 chapters 39.04 and 39.30 RCW shall be followed.

22 (11) Publications required by this section may be in the form of a  
23 summary that complies with RCW 36.72.071.

24 **Sec. 31.** RCW 36.58.110 and 1982 c 175 s 2 are each amended to read  
25 as follows:

26 A county legislative authority proposing to establish a solid waste  
27 disposal district or to modify or dissolve an existing solid waste  
28 disposal district shall conduct a hearing at the time and place  
29 specified in a notice published at least once not less than ten days  
30 prior to the hearing in a newspaper of general circulation within the  
31 proposed solid waste disposal district. This notice shall be in  
32 addition to any other notice required by law to be published.  
33 Additional notice of such hearing may be given by mail, posting within  
34 the proposed solid waste disposal district, or in any manner local  
35 authorities deem necessary to notify affected persons. All hearings  
36 shall be public and the county legislative authority shall hear  
37 objections from any person affected by the formation, modification, or

1 dissolution of the solid waste disposal district and make such changes  
2 in the boundaries of the district or any other modifications that the  
3 county legislative authority deems necessary.

4 Publications required by this section may be in the form of a  
5 summary that complies with RCW 36.72.071.

6 **Sec. 32.** RCW 36.58A.020 and 1971 ex.s. c 293 s 3 are each amended  
7 to read as follows:

8 The county legislative authority proposing to establish a solid  
9 waste collection district or to modify or dissolve an existing solid  
10 waste collection district shall conduct a hearing at the time and place  
11 specified in a notice published at least once not less than ten days  
12 prior to the hearing in a newspaper of general circulation within the  
13 county. Additional notice of such hearing may be given by mail,  
14 posting on the property, or in any manner local authorities deem  
15 necessary to notify adjacent landowners and the public. All hearings  
16 shall be public and the legislative authority shall hear objections  
17 from any person affected by the formation of the solid waste collection  
18 district and make such changes in the boundaries of the district or any  
19 other modifications of plans that the legislative authority deems  
20 necessary.

21 Publications required by this section may be in the form of a  
22 summary that complies with RCW 36.72.071.

23 **Sec. 33.** RCW 36.60.020 and 1983 c 303 s 9 are each amended to read  
24 as follows:

25 (1) A county legislative authority proposing to establish a county  
26 rail district, or to modify the boundaries of an existing county rail  
27 district, or to dissolve an existing county rail district, shall  
28 conduct a hearing at the time and place specified in a notice published  
29 at least once, not less than ten days prior to the hearing, in a  
30 newspaper of general circulation within the proposed county rail  
31 district. This notice shall be in addition to any other notice  
32 required by law to be published. Additional notice of the hearing may  
33 be given by mail, posting within the proposed county rail district, or  
34 in any manner the county legislative authority deems necessary to  
35 notify affected persons. All hearings shall be public and the county

1 legislative authority shall hear objections from any person affected by  
2 the formation, modification of the boundaries, or dissolution of the  
3 county rail district.

4 (2) Following the hearing held under subsection (1) of this  
5 section, the county legislative authority may adopt a resolution  
6 providing for the submission of a proposal to establish a county rail  
7 district, modify the boundaries of an existing county rail district, or  
8 dissolve an existing county rail district, if the county legislative  
9 authority finds the proposal to be in the public interest. The  
10 resolution shall contain the boundaries of the district if applicable.

11 (3) A proposition to create a county rail district, modify the  
12 boundaries of an existing county rail district, or dissolve an existing  
13 rail district shall be submitted to the affected voters at the next  
14 general election held sixty or more days after the adoption of the  
15 resolution providing for the submittal by the county legislative  
16 authority. The resolution shall establish the boundaries of the  
17 district and include a finding that the creation of the district is in  
18 the public interest and that the area included within the district can  
19 reasonably be expected to benefit from its creation. No portion of a  
20 city may be included in such a district unless the entire city is  
21 included.

22 (4) The district shall be created upon approval of the proposition  
23 by simple majority vote. The ballot proposition submitted to the  
24 voters shall be in substantially the following form:

25 FORMATION OF COUNTY RAIL DISTRICT . . . . .

26 Shall a county rail district be established for the area described in  
27 a resolution of the legislative authority of . . . . . county,  
28 adopted on the . . . . day of . . . . ., ((19)) 20. . . ?

29 Yes . . . . .  
30 No . . . . .

31 (5) Publications required by this section may be in the form of a  
32 summary that complies with RCW 36.72.071.

33 **Sec. 34.** RCW 36.60.120 and 1986 c 26 s 3 are each amended to read  
34 as follows:

35 If a petition to establish, modify the boundaries, or dissolve a  
36 county rail district is filed with the county legislative authority

1 that complies with the requirements specified in RCW 36.60.110, the  
2 legislative authority may accept the petition, fix a date for a public  
3 hearing, and publish notice of the hearing in one issue of the official  
4 county newspaper. The notice shall also be posted in three public  
5 places within the area proposed for establishment, modification, or  
6 dissolution, and shall specify the time and place of hearing. The  
7 expense of publication and posting of the notice shall be paid by the  
8 signers of the petition.

9 Publications required by this section may be in the form of a  
10 summary that complies with RCW 36.72.071.

11 **Sec. 35.** RCW 36.61.040 and 2008 c 301 s 6 are each amended to read  
12 as follows:

13 Notice of the public hearing shall be published in at least two  
14 consecutive issues of a newspaper of general circulation in the  
15 proposed lake or beach management district, the date of the first  
16 publication to be at least fifteen days prior to the date fixed for the  
17 public hearing by the resolution of intention. Notice of the public  
18 hearing shall also be given to the owner or reputed owner of any lot,  
19 tract, parcel of land, or other property within the proposed lake or  
20 beach management district by mailing the notice at least fifteen days  
21 before the date fixed for the public hearing to the owner or reputed  
22 owner of the property as shown on the tax rolls of the county assessor  
23 at the address shown thereon. Notice of the public hearing shall also  
24 be mailed to the departments of fish and wildlife, natural resources,  
25 and ecology at least fifteen days before the date fixed for the public  
26 hearing.

27 Notices of the public hearing shall: (1) Refer to the resolution  
28 of intention; (2) designate the proposed lake or beach management  
29 district by number; (3) set forth a proposed plan describing: (a) The  
30 nature of the proposed lake or beach improvement or maintenance  
31 activities; (b) the amount of special assessments or rates and charges  
32 proposed to be raised by the lake or beach management district; (c) if  
33 special assessments are proposed to be imposed, whether the special  
34 assessments will be imposed annually for the duration of the lake or  
35 beach management district, or the full special assessments will be  
36 payable at one time, with the possibility of periodic installments  
37 being paid and lake or beach management bonds being issued, or both;

1 (d) if rates and charges are proposed to be imposed, the annual amount  
2 of revenue proposed to be collected and whether revenue bonds payable  
3 from the rates and charges are proposed to be issued; and (e) the  
4 proposed duration of the lake or beach management district; and (4)  
5 indicate the date, time, and place of the public hearing designated in  
6 the resolution of intention.

7 In the case of the notice sent to each owner or reputed owner by  
8 mail, the notice shall set forth the estimated amount of the cost of  
9 the lake or beach improvement or maintenance activities to be borne by  
10 special assessment, or annual special assessments, or rates and charges  
11 on the lot, tract, parcel of land, or other property owned by the owner  
12 or reputed owner.

13 If the county legislative authority has designated a committee of  
14 itself or an officer to hear complaints and make recommendations to the  
15 full county legislative authority, as provided in RCW 36.61.060, the  
16 notice shall also describe this additional step before the full county  
17 legislative authority may adopt a resolution creating the lake or beach  
18 management district.

19 Publications required by this section may be in the form of a  
20 summary that complies with RCW 36.72.071.

21 **Sec. 36.** RCW 36.61.100 and 2008 c 301 s 12 are each amended to  
22 read as follows:

23 If the proposal receives a simple majority vote in favor of  
24 creating the lake or beach management district, the county legislative  
25 authority shall adopt an ordinance creating the lake or beach  
26 management district and may proceed with establishing the special  
27 assessments or rates and charges, collecting the special assessments or  
28 rates and charges, and performing the lake or beach improvement or  
29 maintenance activities. If a proposed lake management district  
30 includes more than one lake and its adjacent areas, the lake management  
31 district may only be established if the proposal receives a simple  
32 majority vote in favor of creating it by the voters on each lake and  
33 its adjacent areas. The county legislative authority shall publish a  
34 notice in a newspaper of general circulation in a lake or beach  
35 management district indicating that such an ordinance has been adopted  
36 within ten days of the adoption of the ordinance.

1 The ballots shall be available for public inspection after they are  
2 counted.

3 Publications required by this section may be in the form of a  
4 summary that complies with RCW 36.72.071.

5 **Sec. 37.** RCW 36.61.190 and 2008 c 301 s 19 are each amended to  
6 read as follows:

7 Special assessments and installments on any special assessment  
8 shall be collected by the county treasurer.

9 The county treasurer shall publish a notice indicating that the  
10 special assessment roll has been confirmed and that the special  
11 assessments are to be collected. The notice shall indicate the  
12 duration of the lake or beach management district and shall describe  
13 whether the special assessments will be paid in annual payments for the  
14 duration of the lake or beach management district, or whether the full  
15 special assessments will be payable at one time, with the possibility  
16 of periodic installments being paid and lake or beach management bonds  
17 being issued, or both.

18 If the special assessments are to be payable at one time, the  
19 notice additionally shall indicate that all or any portion of the  
20 special assessments may be paid within thirty days from the date of  
21 publication of the first notice without penalty or interest. This  
22 notice shall be published in a newspaper of general circulation in the  
23 lake or beach management district.

24 Within ten days of the first newspaper publication, the county  
25 treasurer shall notify each owner or reputed owner of property whose  
26 name appears on the special assessment roll, at the address shown on  
27 the special assessment roll, for each item of property described on the  
28 list: (1) Whether one special assessment payable at one time or  
29 special assessments payable annually have been imposed; (2) the amount  
30 of the property subject to the special assessment or annual special  
31 assessments; and (3) the total amount of the special assessment due at  
32 one time, or annual amount of special assessments due. If the special  
33 assessment is due at one time, the notice shall also describe the  
34 thirty-day period during which the special assessment may be paid  
35 without penalty, interest, or cost.

36 Publications required by this section may be in the form of a  
37 summary that complies with RCW 36.72.071.

1       **Sec. 38.** RCW 36.68.440 and 1981 c 210 s 4 are each amended to read  
2 as follows:

3       Upon accepting a petition to form a park and recreation service  
4 area, or upon passage of a resolution to establish such a service area,  
5 the county legislative authority shall order a full investigation for  
6 the purpose or purposes of the proposed service area to determine the  
7 feasibility of forming the same and to determine the estimated initial  
8 costs involved in obtaining the objectives set forth in the petition or  
9 resolution. The reports on the feasibility and the cost of the  
10 proposed service area shall be made available to the county legislative  
11 authority, and copies of such reports shall be filed with the clerk of  
12 the county legislative authority not more than eighty days after the  
13 county legislative authority first directs that the studies and reports  
14 be undertaken. The county legislative authority shall also provide by  
15 resolution that within twenty days after receiving the reports a public  
16 hearing shall be held at the county seat or at some convenient location  
17 within the proposed service area. At least five days before the  
18 hearing, the county legislative authority shall give notice of the  
19 hearing not less than twice in a legal newspaper of general circulation  
20 in the county. The notice shall describe the boundaries of the  
21 proposed service area, the purpose or purposes of the proposed service  
22 area, the estimated initial costs, indicate that the reports and other  
23 materials prepared at the order of the county legislative authority are  
24 available in the office of the clerk of the county legislative  
25 authority for the study and review of any interested party, and set the  
26 time, date and place of the hearing.

27       Publications required by this section may be in the form of a  
28 summary that complies with RCW 36.72.071.

29       **Sec. 39.** RCW 36.68.470 and 1981 c 210 s 6 are each amended to read  
30 as follows:

31       (1) Upon making findings under the provisions of RCW 36.68.460, the  
32 county legislative authority shall, by resolution, order an election of  
33 the voters of the proposed park and recreation service area to  
34 determine if the service area shall be formed. The county legislative  
35 authority shall in their resolution direct the county auditor to set  
36 the election to be held at the next general election or at a special  
37 election held for such purpose; describe the purposes of the proposed

1 service area; set forth the estimated cost of any initial improvements  
2 or services to be financed by the service area should it be formed;  
3 describe the method of financing the initial improvements or services  
4 described in the resolution or petition; and order that notice of  
5 election be published in a newspaper of general circulation in the  
6 county at least twice prior to the election date.

7 (2) A proposition to form a park and recreation service area shall  
8 be submitted to the voters of the proposed service area. Upon approval  
9 by a majority of the voters voting on the proposition, a park and  
10 recreation service area shall be established. The proposition  
11 submitted to the voters by the county auditor on the ballot shall be in  
12 substantially the following form:

13 FORMATION OF PARK AND  
14 RECREATION SERVICE AREA

15 Shall a park and recreation service area be established  
16 for the area described in a resolution of the legislative  
17 authority of ..... county, adopted on the .... day of  
18 ..... 19..., to provide financing for neighborhood park  
19 facilities, improvements, and services?  
20 Yes..... No.....

21 (3) Publications required by this section may be in the form of a  
22 summary that complies with RCW 36.72.071.

23 **Sec. 40.** RCW 36.69.040 and 1963 c 4 s 36.69.040 are each amended  
24 to read as follows:

25 The board of county commissioners shall set a time for a hearing on  
26 the petition for the formation of a park and recreation district to be  
27 held not more than sixty days following the receipt of such petition.  
28 Notice of hearing shall be given by publication three times, at  
29 intervals of not less than one week, in a newspaper of general  
30 circulation within the county. Such notice shall state the time and  
31 place of hearing and describe particularly the area proposed to be  
32 included within the district.

33 Publications required by this section may be in the form of a  
34 summary that complies with RCW 36.72.071.

1           **Sec. 41.** RCW 36.69.230 and 2009 c 549 s 4104 are each amended to  
2 read as follows:

3           If such local improvement district is initiated by petition, such  
4 petition shall set forth the nature and territorial extent of the  
5 proposed improvement requested to be ordered and the fact that the  
6 signers thereof are the owners (according to the records of the county  
7 auditor) of at least fifty-one percent of the area of land within the  
8 limits of the local improvement district to be created. Upon the  
9 filing of such petition the board of park and recreation commissioners  
10 shall determine whether it is sufficient, and the board's determination  
11 thereof shall be conclusive upon all persons. No person shall withdraw  
12 his or her name from the petition after it has been filed with the  
13 board. If the board shall find the petition to be sufficient, it shall  
14 proceed to adopt a resolution declaring its intention to order the  
15 improvement petitioned for, setting forth the nature and territorial  
16 extent of said improvement, designating the number of the proposed  
17 local district and describing the boundaries thereof, stating the  
18 estimated cost and expense of the improvement and the proportionate  
19 amount thereof which will be borne by the property within the proposed  
20 local district, and fixing a date, time and place for a public hearing  
21 on the formation of the proposed local district.

22           The resolution of intention, whether adopted on the initiative of  
23 the board or pursuant to a petition of the property owners, shall be  
24 published in at least two consecutive issues of a newspaper of general  
25 circulation in the proposed local district, the date of the first  
26 publication to be at least fifteen days prior to the date fixed by such  
27 resolution for hearing before the board.

28           Publications required by this section may be in the form of a  
29 summary that complies with RCW 36.72.071.

30           **Sec. 42.** RCW 36.69.280 and 1963 c 4 s 36.69.280 are each amended  
31 to read as follows:

32           Before approval of the roll a notice shall be published once a week  
33 for two consecutive weeks in a newspaper of general circulation in the  
34 local district, stating that the roll is on file and open to inspection  
35 in the office of the secretary, and fixing the time, not less than  
36 fifteen or more than thirty days from the date of the first publication  
37 of the notice within which protests must be filed with the secretary

1 against any assessments shown thereon, and fixing a time when a hearing  
2 will be held by the board of park and recreation commissioners on the  
3 protests. Notice shall also be given by mailing, at least fifteen days  
4 before the hearing, a similar notice to the owners or reputed owners of  
5 the land in the local district as they appear on the books of the  
6 treasurer of the county in which the park and recreation district is  
7 located. At the hearing, or any adjournment thereof, the commissioners  
8 may correct, change or modify the roll, or any part thereof, or set  
9 aside the roll and order a new assessment, and may then by resolution  
10 approve it. If an assessment is raised a new notice similar to the  
11 first shall be given, after which final approval of the roll may be  
12 made. When property has been entered originally upon the roll and the  
13 assessment thereon is not raised, no objection thereto shall be  
14 considered by the commissioners or by any court on appeal unless the  
15 objection is made in writing at, or prior, to the date fixed for the  
16 original hearing upon the roll.

17 Publications required by this section may be in the form of a  
18 summary that complies with RCW 36.72.071.

19 **Sec. 43.** RCW 36.70.390 and 1963 c 4 s 36.70.390 are each amended  
20 to read as follows:

21 Notice of the time, place and purpose of any public hearing shall  
22 be given by one publication in a newspaper of general circulation in  
23 the county and in the official gazette, if any, of the county, at least  
24 ten days before the hearing.

25 Publications required by this section may be in the form of a  
26 summary that complies with RCW 36.72.071.

27 **Sec. 44.** RCW 36.70.430 and 1963 c 4 s 36.70.430 are each amended  
28 to read as follows:

29 When it deems it to be for the public interest, or when it  
30 considers a change in the recommendations of the planning agency to be  
31 necessary, the board may initiate consideration of a comprehensive  
32 plan, or any element or part thereof, or any change in or addition to  
33 such plan or recommendation. The board shall first refer the proposed  
34 plan, change or addition to the planning agency for a report and  
35 recommendation. Before making a report and recommendation, the  
36 commission shall hold at least one public hearing on the proposed plan,

1 change or addition. Notice of the time and place and purpose of the  
2 hearing shall be given by one publication in a newspaper of general  
3 circulation in the county and in the official gazette, if any, of the  
4 county, at least ten days before the hearing.

5 Publications required by this section may be in the form of a  
6 summary that complies with RCW 36.72.071.

7 **Sec. 45.** RCW 36.70.440 and 1963 c 4 s 36.70.440 are each amended  
8 to read as follows:

9 After the receipt of the report and recommendations of the planning  
10 agency on the matters referred to in RCW 36.70.430, or after the lapse  
11 of the prescribed time for the rendering of such report and  
12 recommendation by the commission, the board may approve by motion and  
13 certify such plan, change or addition without further reference to the  
14 commission: PROVIDED, That the plan, change or addition conforms  
15 either to the proposal as initiated by the county or the recommendation  
16 thereon by the commission: PROVIDED FURTHER, That if the planning  
17 agency has failed to report within a ninety day period, the board shall  
18 hold at least one public hearing on the proposed plan, change or  
19 addition. Notice of the time, place and purpose of the hearing shall  
20 be given by one publication in a newspaper of general circulation in  
21 the county and in the official gazette, if any, of the county, at least  
22 ten days before the hearing. Thereafter, the board may proceed to  
23 approve by motion and certify the proposed comprehensive plan or any  
24 part, amendment or addition thereto.

25 Publications required by this section may be in the form of a  
26 summary that complies with RCW 36.72.071.

27 **Sec. 46.** RCW 36.70.590 and 1963 c 4 s 36.70.590 are each amended  
28 to read as follows:

29 Notice of the time, place and purpose of the hearing shall be given  
30 by one publication in a newspaper of general circulation in the county  
31 and in the official gazette, if any, of the county at least ten days  
32 before the hearing. The board may prescribe additional methods for  
33 providing notice.

34 Publications required by this section may be in the form of a  
35 summary that complies with RCW 36.72.071.

1           **Sec. 47.** RCW 36.70A.035 and 1999 c 315 s 708 are each amended to  
2 read as follows:

3           (1) The public participation requirements of this chapter shall  
4 include notice procedures that are reasonably calculated to provide  
5 notice to property owners and other affected and interested  
6 individuals, tribes, government agencies, businesses, school districts,  
7 and organizations of proposed amendments to comprehensive plans and  
8 development regulation. Examples of reasonable notice provisions  
9 include:

10           (a) Posting the property for site-specific proposals;

11           (b) Publishing notice in a newspaper of general circulation in the  
12 county, city, or general area where the proposal is located or that  
13 will be affected by the proposal;

14           (c) Notifying public or private groups with known interest in a  
15 certain proposal or in the type of proposal being considered;

16           (d) Placing notices in appropriate regional, neighborhood, ethnic,  
17 or trade journals; and

18           (e) Publishing notice in agency newsletters or sending notice to  
19 agency mailing lists, including general lists or lists for specific  
20 proposals or subject areas.

21           (2)(a) Except as otherwise provided in (b) of this subsection, if  
22 the legislative body for a county or city chooses to consider a change  
23 to an amendment to a comprehensive plan or development regulation, and  
24 the change is proposed after the opportunity for review and comment has  
25 passed under the county's or city's procedures, an opportunity for  
26 review and comment on the proposed change shall be provided before the  
27 local legislative body votes on the proposed change.

28           (b) An additional opportunity for public review and comment is not  
29 required under (a) of this subsection if:

30           (i) An environmental impact statement has been prepared under  
31 chapter 43.21C RCW for the pending resolution or ordinance and the  
32 proposed change is within the range of alternatives considered in the  
33 environmental impact statement;

34           (ii) The proposed change is within the scope of the alternatives  
35 available for public comment;

36           (iii) The proposed change only corrects typographical errors,  
37 corrects cross-references, makes address or name changes, or clarifies

1 language of a proposed ordinance or resolution without changing its  
2 effect;

3 (iv) The proposed change is to a resolution or ordinance making a  
4 capital budget decision as provided in RCW 36.70A.120; or

5 (v) The proposed change is to a resolution or ordinance enacting a  
6 moratorium or interim control adopted under RCW 36.70A.390.

7 (3) This section is prospective in effect and does not apply to a  
8 comprehensive plan, development regulation, or amendment adopted before  
9 July 27, 1997.

10 (4) Publications required by this section may be in the form of a  
11 summary that complies with RCW 36.72.071.

12 **Sec. 48.** RCW 36.70A.367 and 2007 c 433 s 1 are each amended to  
13 read as follows:

14 (1) In addition to the major industrial development allowed under  
15 RCW 36.70A.365, a county planning under RCW 36.70A.040 that meets the  
16 criteria in subsection (5) of this section may establish, in  
17 consultation with cities consistent with provisions of RCW 36.70A.210,  
18 a process for designating a bank of no more than two master planned  
19 locations for major industrial activity outside urban growth areas.

20 (2) A master planned location for major industrial developments may  
21 be approved through a two-step process: Designation of an industrial  
22 land bank area in the comprehensive plan; and subsequent approval of  
23 specific major industrial developments through a local master plan  
24 process described under subsection (3) of this section.

25 (a) The comprehensive plan must identify locations suited to major  
26 industrial development due to proximity to transportation or resource  
27 assets. The plan must identify the maximum size of the industrial land  
28 bank area and any limitations on major industrial developments based on  
29 local limiting factors, but does not need to specify a particular  
30 parcel or parcels of property or identify any specific use or user  
31 except as limited by this section. In selecting locations for the  
32 industrial land bank area, priority must be given to locations that are  
33 adjacent to, or in close proximity to, an urban growth area.

34 (b) The environmental review for amendment of the comprehensive  
35 plan must be at the programmatic level and, in addition to a threshold  
36 determination, must include:

1 (i) An inventory of developable land as provided in RCW 36.70A.365;  
2 and

3 (ii) An analysis of the availability of alternative sites within  
4 urban growth areas and the long-term annexation feasibility of sites  
5 outside of urban growth areas.

6 (c) Final approval of an industrial land bank area under this  
7 section must be by amendment to the comprehensive plan adopted under  
8 RCW 36.70A.070, and the amendment is exempt from the limitation of RCW  
9 36.70A.130(2) and may be considered at any time. Approval of a  
10 specific major industrial development within the industrial land bank  
11 area requires no further amendment of the comprehensive plan.

12 (3) In concert with the designation of an industrial land bank  
13 area, a county shall also adopt development regulations for review and  
14 approval of specific major industrial developments through a master  
15 plan process. The regulations governing the master plan process shall  
16 ensure, at a minimum, that:

17 (a) Urban growth will not occur in adjacent nonurban areas;

18 (b) Development is consistent with the county's development  
19 regulations adopted for protection of critical areas;

20 (c) Required infrastructure is identified and provided concurrent  
21 with development. Such infrastructure, however, may be phased in with  
22 development;

23 (d) Transit-oriented site planning and demand management programs  
24 are specifically addressed as part of the master plan approval;

25 (e) Provision is made for addressing environmental protection,  
26 including air and water quality, as part of the master plan approval;

27 (f) The master plan approval includes a requirement that interlocal  
28 agreements between the county and service providers, including cities  
29 and special purpose districts providing facilities or services to the  
30 approved master plan, be in place at the time of master plan approval;

31 (g) A major industrial development is used primarily by industrial  
32 and manufacturing businesses, and that the gross floor area of all  
33 commercial and service buildings or facilities locating within the  
34 major industrial development does not exceed ten percent of the total  
35 gross floor area of buildings or facilities in the development. The  
36 intent of this provision for commercial or service use is to meet the  
37 needs of employees, clients, customers, vendors, and others having  
38 business at the industrial site, to attract and retain a quality

1 workforce, and to further other public objectives, such as trip  
2 reduction. These uses may not be promoted to attract additional  
3 clientele from the surrounding area. Commercial and service businesses  
4 must be established concurrently with or subsequent to the industrial  
5 or manufacturing businesses;

6 (h) New infrastructure is provided for and/or applicable impact  
7 fees are paid to assure that adequate facilities are provided  
8 concurrently with the development. Infrastructure may be achieved in  
9 phases as development proceeds;

10 (i) Buffers are provided between the major industrial development  
11 and adjacent rural areas;

12 (j) Provision is made to mitigate adverse impacts on designated  
13 agricultural lands, forest lands, and mineral resource lands; and

14 (k) An open record public hearing is held before either the  
15 planning commission or hearing examiner with notice published at least  
16 thirty days before the hearing date and mailed to all property owners  
17 within one mile of the site.

18 (4) For the purposes of this section:

19 (a) "Major industrial development" means a master planned location  
20 suitable for manufacturing or industrial businesses that: (i) Requires  
21 a parcel of land so large that no suitable parcels are available within  
22 an urban growth area; (ii) is a natural resource-based industry  
23 requiring a location near agricultural land, forest land, or mineral  
24 resource land upon which it is dependent; or (iii) requires a location  
25 with characteristics such as proximity to transportation facilities or  
26 related industries such that there is no suitable location in an urban  
27 growth area. The major industrial development may not be for the  
28 purpose of retail commercial development or multitenant office parks.

29 (b) "Industrial land bank" means up to two master planned  
30 locations, each consisting of a parcel or parcels of contiguous land,  
31 sufficiently large so as not to be readily available within the urban  
32 growth area of a city, or otherwise meeting the criteria contained in  
33 (a) of this subsection, suitable for manufacturing, industrial, or  
34 commercial businesses and designated by the county through the  
35 comprehensive planning process specifically for major industrial use.

36 (5) This section and the termination provisions specified in  
37 subsection (6) of this section apply to a county that at the time the  
38 process is established under subsection (1) of this section:

1 (a) Has a population greater than two hundred fifty thousand and is  
2 part of a metropolitan area that includes a city in another state with  
3 a population greater than two hundred fifty thousand;

4 (b) Has a population greater than one hundred forty thousand and is  
5 adjacent to another country;

6 (c) Has a population greater than forty thousand but less than  
7 seventy-five thousand and has an average level of unemployment for the  
8 preceding three years that exceeds the average state unemployment for  
9 those years by twenty percent; and

10 (i) Is bordered by the Pacific Ocean;

11 (ii) Is located in the Interstate 5 or Interstate 90 corridor; or

12 (iii) Is bordered by Hood Canal;

13 (d) Is east of the Cascade divide; and

14 (i) Borders another state to the south; or

15 (ii) Is located wholly south of Interstate 90 and borders the  
16 Columbia river to the east;

17 (e) Has an average population density of less than one hundred  
18 persons per square mile as determined by the office of financial  
19 management, and is bordered by the Pacific Ocean and by Hood Canal; or

20 (f) Meets all of the following criteria:

21 (i) Has a population greater than forty thousand but fewer than  
22 eighty thousand;

23 (ii) Has an average level of unemployment for the preceding three  
24 years that exceeds the average state unemployment for those years by  
25 twenty percent; and

26 (iii) Is located in the Interstate 5 or Interstate 90 corridor.

27 (6) In order to identify and approve locations for industrial land  
28 banks, the county shall take action to designate one or more industrial  
29 land banks and adopt conforming regulations as provided by ((RCW  
30 ~~36.70A.367(2)~~) subsection (2) of this section on or before the last  
31 date to complete that county's next periodic review under RCW  
32 36.70A.130(4) that occurs prior to December 31, 2014. The authority to  
33 take action to designate a land bank area in the comprehensive plan  
34 expires if not acted upon by the county within the time frame provided  
35 in this section. Once a land bank area has been identified in the  
36 county's comprehensive plan, the authority of the county to process a  
37 master plan or site projects within an approved master plan does not  
38 expire.

1 (7) Any county seeking to designate an industrial land bank under  
2 this section must:

3 (a) Provide countywide notice, in conformity with RCW 36.70A.035,  
4 of the intent to designate an industrial land bank. Notice must be  
5 published in a newspaper or newspapers of general circulation  
6 reasonably likely to reach subscribers in all geographic areas of the  
7 county. Notice must be provided not less than thirty days prior to  
8 commencement of consideration by the county legislative body; and

9 (b) Make a written determination of the criteria and rationale used  
10 by the legislative body as the basis for siting an industrial land bank  
11 under this chapter.

12 (8) Any location included in an industrial land bank pursuant to  
13 section 2, chapter 289, Laws of 1998, section 1, chapter 402, Laws of  
14 1997, and section 2, chapter 167, Laws of 1996 shall remain available  
15 for major industrial development according to this section as long as  
16 the requirements of this section continue to be satisfied.

17 (9) Publications required by this section may be in the form of a  
18 summary that complies with RCW 36.72.071.

19 **Sec. 49.** RCW 36.70B.110 and 1997 c 429 s 48 and 1997 c 396 s 1 are  
20 each reenacted and amended to read as follows:

21 (1) Not later than April 1, 1996, a local government planning under  
22 RCW 36.70A.040 shall provide a notice of application to the public and  
23 the departments and agencies with jurisdiction as provided in this  
24 section. If a local government has made a threshold determination  
25 under chapter 43.21C RCW concurrently with the notice of application,  
26 the notice of application may be combined with the threshold  
27 determination and the scoping notice for a determination of  
28 significance. Nothing in this section prevents a determination of  
29 significance and scoping notice from being issued prior to the notice  
30 of application. Nothing in this section or this chapter prevents a  
31 lead agency, when it is a project proponent or is funding a project,  
32 from conducting its review under chapter 43.21C RCW or from allowing  
33 appeals of procedural determinations prior to submitting a project  
34 permit application.

35 (2) The notice of application shall be provided within fourteen  
36 days after the determination of completeness as provided in RCW

1 36.70B.070 and, except as limited by the provisions of subsection  
2 (4)(b) of this section, shall include the following in whatever  
3 sequence or format the local government deems appropriate:

4 (a) The date of application, the date of the notice of completion  
5 for the application, and the date of the notice of application;

6 (b) A description of the proposed project action and a list of the  
7 project permits included in the application and, if applicable, a list  
8 of any studies requested under RCW 36.70B.070 (~~or 36.70B.090~~);

9 (c) The identification of other permits not included in the  
10 application to the extent known by the local government;

11 (d) The identification of existing environmental documents that  
12 evaluate the proposed project, and, if not otherwise stated on the  
13 document providing the notice of application, such as a city land use  
14 bulletin, the location where the application and any studies can be  
15 reviewed;

16 (e) A statement of the public comment period, which shall be not  
17 less than fourteen nor more than thirty days following the date of  
18 notice of application, and statements of the right of any person to  
19 comment on the application, receive notice of and participate in any  
20 hearings, request a copy of the decision once made, and any appeal  
21 rights. A local government may accept public comments at any time  
22 prior to the closing of the record of an open record predecision  
23 hearing, if any, or, if no open record predecision hearing is provided,  
24 prior to the decision on the project permit;

25 (f) The date, time, place, and type of hearing, if applicable and  
26 scheduled at the date of notice of the application;

27 (g) A statement of the preliminary determination, if one has been  
28 made at the time of notice, of those development regulations that will  
29 be used for project mitigation and of consistency as provided in RCW  
30 36.70B.030(2); and

31 (h) Any other information determined appropriate by the local  
32 government.

33 (3) If an open record predecision hearing is required for the  
34 requested project permits, the notice of application shall be provided  
35 at least fifteen days prior to the open record hearing.

36 (4) A local government shall use reasonable methods to give the  
37 notice of application to the public and agencies with jurisdiction and  
38 may use its existing notice procedures. A local government may use

1 different types of notice for different categories of project permits  
2 or types of project actions. If a local government by resolution or  
3 ordinance does not specify its method of public notice, the local  
4 government shall use the methods provided for in (a) and (b) of this  
5 subsection. Examples of reasonable methods to inform the public are:

6 (a) Posting the property for site-specific proposals;

7 (b) Publishing notice, including at least the project location,  
8 description, type of permit(s) required, comment period dates, and  
9 location where the notice of application required by subsection (2) of  
10 this section and the complete application may be reviewed, in the  
11 newspaper of general circulation in the general area where the proposal  
12 is located or in a local land use newsletter published by the local  
13 government;

14 (c) Notifying public or private groups with known interest in a  
15 certain proposal or in the type of proposal being considered;

16 (d) Notifying the news media;

17 (e) Placing notices in appropriate regional or neighborhood  
18 newspapers or trade journals;

19 (f) Publishing notice in agency newsletters or sending notice to  
20 agency mailing lists, either general lists or lists for specific  
21 proposals or subject areas; and

22 (g) Mailing to neighboring property owners.

23 (5) A notice of application shall not be required for project  
24 permits that are categorically exempt under chapter 43.21C RCW, unless  
25 an open record predecision hearing is required or an open record appeal  
26 hearing is allowed on the project permit decision.

27 (6) A local government shall integrate the permit procedures in  
28 this section with its environmental review under chapter 43.21C RCW as  
29 follows:

30 (a) Except for a threshold determination and except as otherwise  
31 expressly allowed in this section, the local government may not issue  
32 a decision or a recommendation on a project permit until the expiration  
33 of the public comment period on the notice of application.

34 (b) If an open record predecision hearing is required, the local  
35 government shall issue its threshold determination at least fifteen  
36 days prior to the open record predecision hearing.

37 (c) Comments shall be as specific as possible.

1 (d) A local government is not required to provide for  
2 administrative appeals of its threshold determination. If provided, an  
3 administrative appeal shall be filed within fourteen days after notice  
4 that the determination has been made and is appealable. Except as  
5 otherwise expressly provided in this section, the appeal hearing on a  
6 determination of nonsignificance shall be consolidated with any open  
7 record hearing on the project permit.

8 (7) At the request of the applicant, a local government may combine  
9 any hearing on a project permit with any hearing that may be held by  
10 another local, state, regional, federal, or other agency, if:

11 (a) The hearing is held within the geographic boundary of the local  
12 government; and

13 (b) The joint hearing can be held within the time periods specified  
14 in RCW (~~(36.70B.090)~~) 36.70B.070 or the applicant agrees to the  
15 schedule in the event that additional time is needed in order to  
16 combine the hearings. All agencies of the state of Washington,  
17 including municipal corporations and counties participating in a  
18 combined hearing, are hereby authorized to issue joint hearing notices  
19 and develop a joint format, select a mutually acceptable hearing body  
20 or officer, and take such other actions as may be necessary to hold  
21 joint hearings consistent with each of their respective statutory  
22 obligations.

23 (8) All state and local agencies shall cooperate to the fullest  
24 extent possible with the local government in holding a joint hearing if  
25 requested to do so, as long as:

26 (a) The agency is not expressly prohibited by statute from doing  
27 so;

28 (b) Sufficient notice of the hearing is given to meet each of the  
29 agencies' adopted notice requirements as set forth in statute,  
30 ordinance, or rule; and

31 (c) The agency has received the necessary information about the  
32 proposed project from the applicant to hold its hearing at the same  
33 time as the local government hearing.

34 (9) A local government is not required to provide for  
35 administrative appeals. If provided, an administrative appeal of the  
36 project decision and of any environmental determination issued at the  
37 same time as the project decision, shall be filed within fourteen days  
38 after the notice of the decision or after other notice that the

1 decision has been made and is appealable. The local government shall  
2 extend the appeal period for an additional seven days, if state or  
3 local rules adopted pursuant to chapter 43.21C RCW allow public comment  
4 on a determination of nonsignificance issued as part of the appealable  
5 project permit decision.

6 (10) The applicant for a project permit is deemed to be a  
7 participant in any comment period, open record hearing, or closed  
8 record appeal.

9 (11) Each local government planning under RCW 36.70A.040 shall  
10 adopt procedures for administrative interpretation of its development  
11 regulations.

12 (12) Publications required by this section may be in the form of a  
13 summary that complies with RCW 36.72.071.

14 **Sec. 50.** RCW 36.73.050 and 2007 c 329 s 3 are each amended to read  
15 as follows:

16 (1) The legislative authorities proposing to establish a district,  
17 or to modify the boundaries of an existing district, or to dissolve an  
18 existing district shall conduct a hearing at the time and place  
19 specified in a notice published at least once, not less than ten days  
20 before the hearing, in a newspaper of general circulation within the  
21 proposed district. Subject to the provisions of RCW 36.73.170, the  
22 legislative authorities shall make provision for a district to be  
23 automatically dissolved when all indebtedness of the district has been  
24 retired and anticipated responsibilities have been satisfied. This  
25 notice shall be in addition to any other notice required by law to be  
26 published. The notice shall, where applicable, specify the functions  
27 or activities proposed to be provided or funded, or the additional  
28 functions or activities proposed to be provided or funded, by the  
29 district. Additional notice of the hearing may be given by mail, by  
30 posting within the proposed district, or in any manner the legislative  
31 authorities deem necessary to notify affected persons. All hearings  
32 shall be public and the legislative authorities shall hear objections  
33 from any person affected by the formation, modification of the  
34 boundaries, or dissolution of the district.

35 (2)(a) Following the hearing held pursuant to subsection (1) of  
36 this section, the legislative authorities may establish a district,  
37 modify the boundaries or functions of an existing district, or dissolve

1 an existing district, if the legislative authorities find the action to  
2 be in the public interest and adopt an ordinance providing for the  
3 action.

4 (b) The ordinance establishing a district shall specify the  
5 functions and transportation improvements described under RCW 36.73.015  
6 to be exercised or funded and establish the boundaries of the district.  
7 Subject to the provisions of RCW 36.73.160, functions or transportation  
8 improvements proposed to be provided or funded by the district may not  
9 be expanded beyond those specified in the notice of hearing, unless  
10 additional notices are made, further hearings on the expansion are  
11 held, and further determinations are made that it is in the public  
12 interest to so expand the functions or transportation improvements  
13 proposed to be provided or funded.

14 (3) Publications required by this section may be in the form of a  
15 summary that complies with RCW 36.72.071.

16 **Sec. 51.** RCW 36.75.270 and 1963 c 4 s 36.75.270 are each amended  
17 to read as follows:

18 The board of county commissioners of each county may by resolution  
19 limit or prohibit classes or types of vehicles on any county road or  
20 bridge and may limit the weight of vehicles which may travel thereon.  
21 Any such resolution shall be effective for a definite period of time  
22 which shall be stated in the resolution. If such resolution is  
23 published at least once in a newspaper of general circulation in the  
24 county and if signs indicating such closure or limitation of traffic  
25 have been posted on such road or bridge, any person violating such  
26 resolution shall be guilty of a misdemeanor.

27 Publications required by this section may be in the form of a  
28 summary that complies with RCW 36.72.071.

29 **Sec. 52.** RCW 36.77.070 and 2009 c 549 s 4126 and 2009 c 29 s 2 are  
30 each reenacted and amended to read as follows:

31 If the board determines that any construction should be performed  
32 by county forces, and the estimated cost of the work exceeds ten  
33 thousand dollars, it shall cause to be published in one issue of a  
34 newspaper of general circulation in the county, a brief description of  
35 the work to be done and the county road engineer's estimate of the cost  
36 thereof. At the completion of such construction, the board shall cause

1 to be published in one issue of such a newspaper a similar brief  
2 description of the work together with an accurate statement of the true  
3 and complete cost of performing such construction by county forces.

4 Failure to make the required publication shall subject each county  
5 commissioner to a fine of one hundred dollars for which he or she shall  
6 be liable individually and upon his or her official bond and the  
7 prosecuting attorney shall prosecute for violation of the provisions of  
8 this section and RCW 36.77.065.

9 Publications required by this section may be in the form of a  
10 summary that complies with RCW 36.72.071.

11 **Sec. 53.** RCW 36.81.070 and 1963 c 4 s 36.81.070 are each amended  
12 to read as follows:

13 The board shall fix a time and place for hearing the report of the  
14 engineer and cause notice thereof to be published once a week for two  
15 successive weeks in the county official newspaper and to be posted for  
16 at least twenty days at each termini of the proposed road.

17 The notice shall set forth the termini of the road as set out in  
18 the resolution of the board, or the freeholders' petition, as the case  
19 may be, and shall state that all persons interested may appear and be  
20 heard at such hearing upon the report and recommendation of the  
21 engineer either to proceed or not to proceed with establishing the  
22 road.

23 Publications required by this section may be in the form of a  
24 summary that complies with RCW 36.72.071.

25 **Sec. 54.** RCW 36.82.190 and 1985 c 469 s 50 are each amended to  
26 read as follows:

27 The county legislative authority shall then publish a notice  
28 setting day of hearing for the adoption of the final supplemental  
29 budget covering the excess funds, designating the time and place of  
30 hearing and that anyone may appear thereat and be heard for or against  
31 any part of the preliminary supplemental budget. The notice shall be  
32 published once a week for two consecutive weeks immediately following  
33 the adoption of the preliminary supplemental budget in the official  
34 newspaper of the county. The county legislative authority shall  
35 provide a sufficient number of copies of the preliminary supplemental

1 budget to meet reasonable public demands and they shall be available  
2 not later than two weeks immediately preceding the hearing.

3 Publications required by this section may be in the form of a  
4 summary that complies with RCW 36.72.071.

5 **Sec. 55.** RCW 36.83.020 and 1996 c 292 s 2 are each amended to read  
6 as follows:

7 (1) A county legislative authority proposing to establish a service  
8 district shall conduct a hearing at the time and place specified in a  
9 notice published at least once, not less than ten days prior to the  
10 hearing, in a newspaper of general circulation within the proposed  
11 service district. This notice shall be in addition to any other notice  
12 required by law to be published. The notice shall specify the  
13 functions or activities proposed to be provided or funded by the  
14 service district. Additional notice of the hearing may be given by  
15 mail, posting within the proposed service district, or in any manner  
16 the county legislative authority deems necessary to notify affected  
17 persons. All hearings shall be public and the county legislative  
18 authority shall hear objections from any person affected by the  
19 formation, modification of the boundaries, or dissolution of the  
20 service district.

21 (2) Following the hearing held pursuant to subsection (1) of this  
22 section, the county legislative authority may establish a service  
23 district if the county legislative authority finds the action to be in  
24 the public interest and adopts an ordinance or resolution providing for  
25 the establishment of the service district. The legislation  
26 establishing a service district shall specify the functions or  
27 activities to be exercised or funded and establish the boundaries of  
28 the service district. Functions or activities proposed to be provided  
29 or funded by the service district may not be expanded beyond those  
30 specified in the notice of hearing, except as provided in subsection  
31 (4) of this section.

32 (3) At any time prior to the county legislative authority  
33 establishing a service district pursuant to this section, all further  
34 proceedings shall be terminated upon the filing of a verified  
35 declaration of termination signed by a majority of the registered  
36 voters of the proposed service district.

1 (4) With the approval of the county legislative authority, the  
2 governing body of a service district may modify the boundaries of,  
3 expand or otherwise modify the functions of, or dissolve the service  
4 district after providing notice and conducting a public hearing or  
5 hearings in the manner provided in subsection (1) of this section. The  
6 governing body must make a determination that the proposed action is in  
7 the public interest and adopt a resolution providing for the action.

8 (5) Publications required by this section may be in the form of a  
9 summary that complies with RCW 36.72.071.

10 **Sec. 56.** RCW 36.87.050 and 1963 c 4 s 36.87.050 are each amended  
11 to read as follows:

12 Notice of hearing upon the report for vacation and abandonment of  
13 a county road shall be published at least once a week for two  
14 consecutive weeks preceding the date fixed for the hearing, in the  
15 county official newspaper and a copy of the notice shall be posted for  
16 at least twenty days preceding the date fixed for hearing at each  
17 termini of the county road or portion thereof proposed to be vacated or  
18 abandoned.

19 Publications required by this section may be in the form of a  
20 summary that complies with RCW 36.72.071.

21 **Sec. 57.** RCW 36.88.030 and 1970 ex.s. c 66 s 2 are each amended to  
22 read as follows:

23 In case the board of county commissioners shall desire to initiate  
24 the formation of a county road improvement district by resolution, it  
25 shall first pass a resolution declaring its intention to order such  
26 improvement, setting forth the nature and territorial extent of such  
27 proposed improvement, designating the number of the proposed road  
28 improvement district and describing the boundaries thereof, stating the  
29 estimated cost and expense of the improvement and the proportionate  
30 amount thereof which will be borne by the property within the proposed  
31 district, notifying the owners of property therein to appear at a  
32 meeting of the board at the time specified in such resolution, and  
33 directing the county road engineer to submit to the board at or prior  
34 to the date fixed for such hearing a diagram or print showing thereon  
35 the lots, tracts and parcels of land and other property which will be  
36 specially benefited thereby and the estimated amount of the cost and

1 expense of such improvement to be borne by each lot, tract or parcel of  
2 land or other property, and also designating thereon all property which  
3 is being purchased under contract from the county. The resolution of  
4 intention shall be published in at least two consecutive issues of a  
5 newspaper of general circulation in such county, the date of the first  
6 publication to be at least fifteen days prior to the date fixed by such  
7 resolution for hearing before the board of county commissioners.

8 Notice of the adoption of the resolution of intention shall be  
9 given each owner or reputed owner of any lot, tract or parcel of land  
10 or other property within the proposed improvement district by mailing  
11 said notice to the owner or reputed owner of the property as shown on  
12 the tax rolls of the county treasurer at the address shown thereon at  
13 least fifteen days before the date fixed for the public hearing. The  
14 notice shall refer to the resolution of intention and designate the  
15 proposed improvement district by number. Said notice shall also set  
16 forth the nature of the proposed improvement, the total estimated cost,  
17 the proportion of total cost to be borne by assessments, the estimated  
18 amount of the cost and expense of such improvement to be borne by the  
19 particular lot, tract or parcel, the date and place of the hearing  
20 before the board of county commissioners, and shall contain the  
21 directions hereinafter provided for voting upon the formation of the  
22 proposed improvement district.

23 The clerk of the board shall prepare and mail, together with the  
24 notice above referred to, a ballot for each owner or reputed owner of  
25 any lot, tract or parcel of land within the proposed improvement  
26 district. This ballot shall contain the following proposition:

27 "Shall.....county road improvement  
28 district No.....be formed?  
29 Yes.....   
30 No.....

31 and, in addition, shall contain appropriate spaces for the signatures  
32 of the property owners, and a description of their property, and shall  
33 have printed thereon the direction that all ballots must be signed to  
34 be valid and must be returned to the clerk of the board of county  
35 commissioners not later than five o'clock p.m. of a day which shall be  
36 one week after the date of the public hearing.

1 The notice of adoption of the resolution of intention shall also  
2 contain the above directions, and, in addition thereto, shall state the  
3 rules by which the election shall be governed.

4 Publications required by this section may be in the form of a  
5 summary that complies with RCW 36.72.071.

6 **Sec. 58.** RCW 36.88.050 and 1963 c 4 s 36.88.050 are each amended  
7 to read as follows:

8 In case any such road improvement shall be initiated by petition,  
9 such petition shall set forth the nature and territorial extent of such  
10 proposed improvement, and the fact that the signers thereof are the  
11 owners, according to the records of the county auditor of property to  
12 an aggregate amount of a majority of the lineal frontage upon the  
13 improvement to be made and of the area within the limits of the  
14 assessment district to be created therefor.

15 Upon the filing of such petition the board shall determine whether  
16 the same shall be sufficient and whether the property within the  
17 proposed district shall be sufficiently developed and if the board  
18 shall find the district to be sufficiently developed and the petition  
19 to be sufficient, it shall proceed to adopt a resolution setting forth  
20 the nature and territorial extent of the improvement petitioned for,  
21 designating the number of the proposed improvement district and  
22 describing the boundaries thereof, stating the estimated cost and  
23 expense of the improvement and the proportionate amount thereof which  
24 will be borne by the property within the proposed district, notifying  
25 the owners of property therein to appear at a meeting of the board at  
26 the time specified in such resolution, and directing the county road  
27 engineer to submit to the board at or prior to the date fixed for such  
28 hearing a diagram or print showing thereon the lots, tracts and parcels  
29 of land and other property which will be specially benefited thereby  
30 and the estimated amount of the cost and expense of such improvement to  
31 be borne by each lot, tract or parcel of land or other property, and  
32 also designating thereon all property which is being purchased under  
33 contract from the county. The resolution of intention shall be  
34 published in at least two consecutive issues of a newspaper of general  
35 circulation in such county, the date of the first publication to be at  
36 least fifteen days prior to the date fixed by such resolution for  
37 hearing before the board of county commissioners.

1 Notice of the adoption of the resolution of intention shall be  
2 given each owner or reputed owner of any lot, tract or parcel of land  
3 or other property within the proposed improvement district by mailing  
4 said notice to the owner or reputed owner of the property as shown on  
5 the tax rolls of the county treasurer at the address shown thereon at  
6 least fifteen days before the date fixed for the public hearing. The  
7 notice shall refer to the resolution of intention and designate the  
8 proposed improvement district by number. Said notice shall also set  
9 forth the nature of the proposed improvement, the total estimated cost,  
10 the proportion of total cost to be borne by assessments, the estimated  
11 amount of the cost and expense of such improvement to be borne by the  
12 particular lot, tract or parcel, the date and place of the hearing  
13 before the board of county commissioners, and the fact that property  
14 owners may withdraw their names from the petition or add their names  
15 thereto at any time prior to five o'clock p.m. of the day before the  
16 hearing.

17 Publications required by this section may be in the form of a  
18 summary that complies with RCW 36.72.071.

--- END ---