

2 EHB 2830 - S AMD

3 By Senators Skratek and Moore

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5 Strike everything after the enacting clause and insert the
6 following:

7 "NEW SECTION. Sec. 1. The purpose of this act is to provide
8 voters of a metropolitan municipal corporation with a population of one
9 million or more the option to choose between two different governing
10 structures for the metropolitan municipal corporation that meet the
11 requirements of the "one person, one vote" doctrine."

12 "NEW SECTION. Sec. 2. Notwithstanding the provisions of RCW
13 35.58.118, 35.58.120, and 35.58.270, the governance of a metropolitan
14 municipal corporation with a population of one million or more shall be
15 as provided in this section.

16 A ballot proposition shall be submitted to the voters of a
17 metropolitan municipal corporation with a population of one million or
18 more at the November 1992, general election, to determine the
19 governance of the metropolitan municipal corporation.

20 The ballot proposition shall give voters the choice between
21 retaining the metropolitan municipal corporation as a separate,
22 federated government governed by a newly constituted thirteen or
23 fourteen-member metropolitan council, or requiring the metropolitan
24 municipal corporation to be assumed by the county. The ballot
25 proposition shall be as follows:

26 The governance of (insert the name of the metropolitan
27 municipal corporation) is determined by this ballot proposition.

1 Choose **ONLY ONE** of the following two options as your preference for
2 the governance of (insert the name of the metropolitan
3 municipal corporation):

4 **OPTION 1:** (insert the name of the metropolitan municipal
5 corporation) shall be a separate federated government
6 with a new thirteen or fourteen-member metropolitan
7 council composed of (insert the name of the
8 central city) elected officials, suburban city elected
9 officials, special purpose district representatives,
10 persons appointed by the county executive, and persons
11 selected from unincorporated areas.

12 Mark here if this is your preference.

13 **OPTION 2:** The county shall assume the rights, powers, functions,
14 and obligations of (insert the name of the
15 metropolitan municipal corporation).

16 Mark here if this is your preference.

17 As of January 1, 1993, the governance of the metropolitan municipal
18 corporation shall be determined by the option receiving the greatest
19 number of votes within the metropolitan area and shall be binding
20 regardless of the approval or rejection of any related county charter
21 amendments. If a separate federated government is retained under
22 OPTION 1, then sections 5 through 7 of this act apply, sections 3 and
23 4 of this act shall not apply. If a separate federated government is
24 retained under OPTION 1, then a measure under RCW 36.56.040 may be
25 presented not sooner than four years after the election at which OPTION
26 1 is adopted and ratified. If the county is authorized to assume the
27 metropolitan municipal corporation under OPTION 2, then sections 3 and
28 4 of this act apply and sections 5 through 7 of this act shall not
29 apply."

1 "NEW SECTION. **Sec. 3.** A new section is added to chapter 36.56 RCW
2 to read as follows:

3 If OPTION 2 receives the greatest number of votes under section 2
4 of this act, the county shall assume the powers, rights, functions, and
5 obligations of the metropolitan municipal corporation on the effective
6 date of this section, and the county legislative authority and county
7 executive, if one exists, shall govern the authorized metropolitan
8 municipal corporation functions.

9 A county that assumes a metropolitan municipal corporation under
10 this section is subject to the following requirements:

11 (1)(a) The county shall establish two or more intergovernmental
12 committees to review and make recommendations to the county legislative
13 authority on matters within the jurisdiction of the committee. One
14 committee shall be established with jurisdiction over county-wide
15 planning policy and those elements of other plans that under state law
16 are effective in both unincorporated and incorporated areas. One
17 additional committee shall be established with jurisdiction over the
18 metropolitan municipal corporation function or functions, or a separate
19 committee may be established for each function, authorized by the
20 voters of the metropolitan municipal corporation under chapter 35.58
21 RCW.

22 (b) Each committee shall include members representing the county,
23 central city, other component cities, and unincorporated area of the
24 county. If the voters authorized the metropolitan municipal
25 corporation to provide water pollution abatement, the committee with
26 jurisdiction over water pollution abatement shall also include a
27 commissioner of a sewer district, or water district providing sewer
28 service, in the county that discharges sewage into the metropolitan
29 municipal corporation's water pollution abatement facilities. The

1 county shall adopt a procedure for the commissioners of these sewer and
2 water districts to select the commissioner who sits on the committee.

3 (c) The number of central city members, other component city
4 members, and unincorporated area members on each committee shall be in
5 proportion to the populations of the central city, other component
6 cities, and unincorporated area of the county. Central city members
7 shall be elected city officials of the central city selected by the
8 central city. Other component city members shall be elected city
9 officials of the other component cities who are selected using a
10 procedure established by the county that includes: (i) Dividing the
11 other component cities into separate groups equal in number to the
12 number of component city members on a committee, with each group having
13 approximately the same population and the cities included in each group
14 being located in the same general geographic area; and (ii) providing
15 for a meeting of the elected city officials of each group of cities to
16 select a city official as a member of the committee. Unincorporated
17 area members shall be selected using a procedure established by the
18 county that includes dividing the unincorporated area of the county
19 into three separate geographic areas each with approximately equal
20 population, creating an unincorporated area council for each separate
21 geographic area, and participation of the unincorporated area council
22 in the selection of any representative from that geographic area.

23 (d) Committee members shall be subject to chapter 42.17 RCW.

24 (2) Until a charter amendment is approved after the effective date
25 of this section altering the size of the county legislative authority
26 and providing for a two-thirds vote of the county legislative authority
27 on matters related to the exercise of metropolitan municipal
28 corporation functions under chapter 35.58 RCW, an ordinance,
29 resolution, or other measure adopted by the county legislative
30 authority relating to a metropolitan municipal corporation right,

1 power, function, or obligation that was assumed by the county shall be
2 approved by at least a two-thirds vote of the members of the county
3 legislative authority.

4 (3) The county shall establish a transition committee to advise the
5 county legislative authority on issues relating to the transition to
6 county performance of metropolitan municipal corporation functions.
7 The transition committee shall include members representing cities,
8 special purpose districts, and citizens with interest and expertise in
9 those functions and public administration.

10 (4) The county shall ensure that revenues and expenditures
11 authorized by state law solely for metropolitan municipal corporation
12 purposes are preserved and accounted for separate from other county
13 funds and expended solely for purposes authorized by chapter 35.58 RCW
14 or as otherwise provided by state or federal law.

15 (5) The county shall preserve the existing internal administrative
16 structure of the metropolitan municipal corporation for a period of two
17 years after assuming the powers, rights, functions, and obligations of
18 the metropolitan municipal corporation.

19 (6) The county shall consult with citizens of the unincorporated
20 areas of the county to analyze issues of governance for those areas and
21 report to the legislature and the governor proposed legislation
22 necessary to implement the conclusions of the consultation process
23 within one year after assuming the powers, rights, functions, and
24 obligations of the metropolitan municipal corporation."

25 "NEW SECTION. **Sec. 4.** A new section is added to chapter 36.56 RCW
26 to read as follows:

27 (1) As an alternative to the procedure provided in RCW 36.56.040,
28 a county may assume the rights, powers, functions, and obligations of

1 a metropolitan municipal corporation located within its boundaries as
2 provided in section 3 of this act.

3 (2) A county that has assumed a metropolitan municipal corporation
4 under section 3 of this act shall comply with all provisions of this
5 chapter other than those set forth in RCW 36.56.040."

6 "NEW SECTION. **Sec. 5.** A new section is added to chapter 35.58 RCW
7 to read as follows:

8 If OPTION 1 receives the greatest number of votes under section 2
9 of this act, the metropolitan municipal corporation is a federation and
10 the metropolitan council shall be composed of thirteen or fourteen
11 members as follows:

12 (1) Nine members representing the central city, other component
13 cities, and unincorporated areas. The nine positions are distributed
14 among the elected officials of the central city and other component
15 cities, and the residents of the unincorporated areas, in proportion to
16 the populations of the central city, other component cities, and
17 unincorporated areas. Initially, the central city, other component
18 cities, and unincorporated areas shall each have three members.

19 (a) The mayor of the central city shall select the members of the
20 metropolitan council representing the central city.

21 (b) The other component cities shall establish a procedure to
22 select metropolitan council members representing the other component
23 cities that includes: (i) Dividing the other component cities into a
24 group for each position on the metropolitan council distributed to
25 other component cities with each group having approximately the same
26 population and the cities included in each group located in the same
27 general geographic area; (ii) providing that elected city officials of
28 cities within each group meet every two years; and (iii) providing that
29 the elected city officials of each group select a city elected official

1 from the group to represent on the metropolitan council the other
2 component cities of that group. The procedure may include weighing the
3 votes of the city elected officials in relation to the population of
4 the city from which they are selected.

5 (c) The members from the unincorporated areas shall be residents of
6 an unincorporated area who are selected using a procedure established
7 by the county. The procedure shall include: (i) Dividing the
8 unincorporated areas into separate geographic areas equal to the number
9 of positions distributed to the residents of the unincorporated areas,
10 with each area having approximately the same population; (ii) creating
11 an unincorporated area council for each geographic area; and (iii)
12 participation of the unincorporated area council in the selection of a
13 representative from that area.

14 (2) For a metropolitan municipal corporation that is authorized to
15 perform the function of water pollution abatement, one additional
16 member who is a commissioner of a sewer district or a water district
17 that is operating a sewer system and that is a component part of the
18 metropolitan municipal corporation. The member shall participate only
19 in those council actions that relate to the performance of the function
20 of water pollution abatement. The commissioners of all sewer districts
21 and water districts that are component parts of the metropolitan
22 municipal corporation shall meet on the second Tuesday of June of each
23 even-numbered year at seven o'clock p.m. at the office of the board of
24 county commissioners or county council of the central county. After
25 election of a chairperson, the commissioners shall make nominations to
26 select a member to serve on the metropolitan council and take
27 successive ballots for each candidate until one receives a majority of
28 votes cast.

29 (3)(a) The county executive shall be a member.

1 (b) The county executive shall appoint three members of the county
2 council as members. Before appointment of the members under this
3 subsection (3)(b) in a county with a county council having nine
4 councilmembers nominated from separate council districts, the county
5 executive shall identify three groups of three council districts: One
6 primarily representing the population in the central city; one
7 primarily representing other component cities; and one primarily
8 representing unincorporated areas. The county executive shall appoint
9 one councilmember from each of the district groups. Such district
10 groups may be adjusted from time to time to ensure equal
11 representation. Members selected under this subsection (3)(b) shall
12 serve for four year terms or until leaving the office of county
13 councilmember, whichever is shorter, and may be reappointed.

14 (4) One of the members shall be chairperson of the metropolitan
15 council and selected by the other members of the council. The
16 chairperson shall hold office until the second Tuesday in July of each
17 even-numbered year and may serve more than one term."

18 "NEW SECTION. **Sec. 6.** A new section is added to chapter 35.58 RCW
19 to read as follows:

20 A vacancy in the office of a member of the metropolitan council
21 shall be filled in the same manner as provided for the original
22 selection of the member."

23 "NEW SECTION. **Sec. 7.** A new section is added to chapter 35.58 RCW
24 to read as follows:

25 (1) The metropolitan council shall redistribute the nine positions
26 on the metropolitan council selected under section 5(1) of this act
27 among the central city, other component cities, and unincorporated
28 areas of the county in proportion to the respective populations of each

1 area whenever population changes warrant a change to insure
2 proportionate representation. The council shall review the
3 distribution at least once every ten years after the release of the
4 federal decennial census data.

5 (2) The metropolitan council shall adjust the number of groups of
6 other component cities when appropriate in response to population
7 changes and shall adjust other component cities within a group of
8 cities when appropriate to keep the populations of each group of
9 component cities approximately equal.

10 (3) The metropolitan council shall adjust the number of separate
11 geographic areas in the unincorporated area of the county when
12 appropriate in response to population changes and shall adjust the
13 separate geographic areas when appropriate to keep the populations of
14 each separate geographic area approximately equal."

15 "NEW SECTION. Sec. 8. If any provision of this act or its
16 application to any person or circumstance is held invalid, the
17 remainder of the act or the application of the provision to other
18 persons or circumstances is not affected."

19 "NEW SECTION. Sec. 9. (1) Sections 1 and 2 of this act are
20 necessary for the immediate preservation of the public peace, health,
21 or safety, or support of the state government and its existing public
22 institutions, and shall take effect immediately.

23 (2) Sections 3 through 7 of this act shall take effect January 1,
24 1993."

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4 On page 1, line 1 of the title, after "corporations;" strike the
5 remainder of the title and insert "adding new sections to chapter 36.56
6 RCW; adding new sections to chapter 35.58 RCW; creating new sections;
7 providing an effective date; and declaring an emergency."