

2 **SSB 5044** - H COMM AMD **ADOPTED 4-16-93**

3 By Committee on Local Government

4

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

7 "Sec. 1. RCW 35.02.010 and 1986 c 234 s 2 are each amended to read  
8 as follows:

9 Any contiguous area containing not less than (~~three hundred~~) one  
10 thousand inhabitants lying outside the limits of an incorporated city  
11 or town may become incorporated as a city or town operating under Title  
12 35 or 35A RCW as provided in this chapter: PROVIDED, That no area  
13 which lies within five air miles of the boundary of any city having a  
14 population of fifteen thousand or more shall be incorporated which  
15 contains less than three thousand inhabitants.

16 **Sec. 2.** RCW 35.02.020 and 1986 c 234 s 3 are each amended to read  
17 as follows:

18 A petition for incorporation must be signed by (~~qualified~~)  
19 registered voters resident within the limits of the proposed city or  
20 town equal in number to ten percent of the (~~votes cast~~) voters voting  
21 at the last state general election and presented to the auditor of the  
22 county in which all, or the largest portion of, the proposed city or  
23 town is located.

24 **Sec. 3.** RCW 35.02.090 and 1986 c 234 s 12 are each amended to read  
25 as follows:

26 The elections on the proposed incorporation and for the nomination  
27 and election of the initial elected officials shall be conducted in  
28 accordance with the general election laws of the state, except as  
29 provided in this chapter. No person is entitled to vote (~~thereat~~)  
30 unless he or she is a (~~qualified elector~~) registered voter of the  
31 county, or any of the counties in which the proposed city or town is  
32 located, and has resided within the limits of the proposed city or town  
33 for at least thirty days next preceding the date of election.

1        NEW SECTION.    **Sec. 4.**    A new section is added to chapter 35.02 RCW  
2 to read as follows:

3        At the first municipal general election that occurs one year or  
4 more after the official date of incorporating a new city or town, an  
5 election shall be held to elect city or town elected officials.  
6 Candidates for council or commission positions shall run for specific  
7 positions.

8        The staggering of terms of office for councilmembers shall occur at  
9 this election, where a simple majority of the persons who are elected  
10 receiving the greatest numbers of votes shall be elected to four-year  
11 terms of office and the remaining persons who are elected shall be  
12 elected to two-year terms of office. Their successors shall be elected  
13 to four-year terms of office.

14        All city or town elected officials shall serve until their  
15 successors are elected and qualified and assume office in accordance  
16 with RCW 29.04.170.

17        NEW SECTION.    **Sec. 5.**    A new section is added to chapter 35.02 RCW  
18 to read as follows:

19        City or town councilmembers in a newly incorporated town or city  
20 incorporated under this title shall receive compensation based upon the  
21 population of the newly incorporated city or town, as provided in RCW  
22 35A.12.070 and 35A.13.040 for the councilmembers of newly incorporated  
23 code cities.

24        Whenever a commission form of government has been selected for a  
25 newly incorporated noncode city with a population of from two thousand  
26 to less than thirty thousand, each commissioner shall receive  
27 compensation at the same rate that a councilmember would receive  
28 compensation under RCW 35A.12.070 based upon the population of the  
29 newly incorporated city, but the commissioner who is designated the  
30 mayor shall not receive the compensation under RCW 35A.12.070 that is  
31 provided for the mayor.

32        NEW SECTION.    **Sec. 6.**    A new section is added to chapter 35.02 RCW  
33 to read as follows:

34        No city or town in a county in which urban growth areas have been  
35 designated under RCW 36.70A.110 may incorporate if the proposed  
36 incorporation includes territory located beyond an urban growth area.

1       **Sec. 7.** RCW 35A.12.070 and 1971 ex.s. c 251 s 5 are each amended  
2 to read as follows:

3       (~~The salaries of~~) Compensation for the mayor and the  
4 (~~councilmen~~) councilmembers shall be fixed by ordinance and may be  
5 revised from time to time by ordinance(~~, but any increase in the~~  
6 ~~compensation attaching to an office shall not be applicable to the term~~  
7 ~~then being served by the incumbent if such incumbent is a member of the~~  
8 ~~city legislative body fixing his own compensation or as mayor in a~~  
9 ~~mayor-council code city casts a tie-breaking vote relating to such~~  
10 ~~ordinance: PROVIDED, That~~). Compensation for the mayor may be  
11 increased during the mayor's current term of office if the mayor of  
12 such a city does not cast (such) a tie-breaking vote(, his salary  
13 may be increased during his term of office) to adopt the ordinance  
14 revising the compensation for the mayor.

15       Until the first elective officers of a newly organized code city  
16 under this mayor-council plan of government may lawfully be paid the  
17 compensation provided by (~~such salary~~) an ordinance establishing  
18 different levels of compensation, such officers shall be entitled to be  
19 compensated in the same manner and in the same amount as the  
20 compensation paid to officers of such city performing comparable  
21 services immediately prior to adoption of this mayor-council plan.

22       Until (~~a salary ordinance can be passed and become effective as~~  
23 ~~to~~) elective officers of a newly incorporated code city may lawfully  
24 be paid the compensation provided by an ordinance establishing  
25 different levels of compensation, such first elective officers shall be  
26 entitled to compensation as follows: (1) In cities having less than  
27 five thousand inhabitants, the mayor shall be entitled to a salary of  
28 one hundred (~~and~~) fifty dollars per calendar month and a  
29 (~~councilman~~) councilmember shall be entitled to twenty dollars per  
30 meeting for not more than two meetings per month; (2) in cities having  
31 more than five thousand but less than fifteen thousand inhabitants, the  
32 mayor shall be entitled to a salary of three hundred (~~and~~) fifty  
33 dollars per calendar month and a (~~councilman~~) councilmember shall be  
34 entitled to one hundred (~~and~~) fifty dollars per calendar month; and  
35 (3) in cities having more than fifteen thousand inhabitants, the mayor  
36 shall be entitled to a salary of twelve hundred (~~and~~) fifty dollars  
37 per calendar month and a (~~councilman~~) councilmember shall be entitled  
38 to four hundred dollars per calendar month(~~: PROVIDED, That such~~  
39 ~~interim compensation shall remain in effect only until a salary~~

1 ordinance is passed and becomes effective as to such officers, and the  
2 amounts herein provided shall not be construed as fixing the usual  
3 salary of such officers)).

4 The mayor and ((councilmen)) councilmembers shall receive  
5 reimbursement for their actual and necessary expenses incurred in the  
6 performance of the duties of their office, or the council by ordinance  
7 may provide for a per diem allowance. Procedure for approval of claims  
8 for expenses shall be as provided by ordinance.

9 **Sec. 8.** RCW 35A.13.040 and 1979 ex.s. c 18 s 25 are each amended  
10 to read as follows:

11 ((The salaries of the councilmen)) Compensation for councilmembers,  
12 including the mayor, shall be fixed by ordinance and may be revised  
13 from time to time by ordinance((, but any increase or reduction in the  
14 compensation attaching to an office shall not become effective until  
15 the expiration of the term then being served by the incumbent:  
16 PROVIDED, That compensation of councilmen may not be increased or  
17 diminished after their election nor may the compensation of the mayor  
18 be increased or diminished after the mayor has been chosen by the  
19 council)).

20 Until ((councilmen)) councilmembers of a newly((-))organized  
21 council-manager code city may lawfully be paid as provided by  
22 ((salary)) an ordinance establishing different levels of compensation,  
23 such ((councilmen)) councilmembers shall be entitled to compensation in  
24 the same manner and in the same amount as ((councilmen)) councilmembers  
25 of such city prior to the adoption of this council-manager plan.

26 Until ((a salary ordinance can be passed and become effective as  
27 to)) elective officers of a newly incorporated code city may lawfully  
28 be paid the compensation provided by an ordinance establishing  
29 different levels of compensation, the first ((councilmen))  
30 councilmembers shall be entitled to compensation as follows: (1) In  
31 cities having less than five thousand inhabitants((-)) the  
32 councilmembers shall be entitled to compensation at a rate of twenty  
33 dollars per meeting for not more than two meetings per month; (2) in  
34 cities having more than five thousand but less than fifteen thousand  
35 inhabitants((-)) the councilmembers shall be entitled to compensation  
36 at a salary of one hundred ((and)) fifty dollars per calendar month;  
37 and (3) in cities having more than fifteen thousand inhabitants((-))  
38 the councilmembers shall be entitled to compensation at a salary of

1 four hundred dollars per calendar month. (~~(A councilman)~~) The  
2 councilmember who is occupying the position of mayor, in addition to  
3 (~~(his)~~) per day compensation or salary as a (~~(councilman)~~)  
4 councilmember, shall be entitled, while serving as mayor, to an  
5 additional amount per meeting or per calendar month, or portion  
6 thereof, equal to twenty-five percent of the per meeting compensation  
7 rate or councilmanic salary(~~(:— PROVIDED, That such interim~~  
8 ~~compensation shall remain in effect only until a salary ordinance is~~  
9 ~~passed and becomes effective as to such officers, and the compensation~~  
10 ~~provided herein shall not be construed as fixing the usual compensation~~  
11 ~~of such officers))~~).

12 (~~(Councilmen)~~) Councilmembers, including the mayor, shall receive  
13 reimbursement for their actual and necessary expenses incurred in the  
14 performance of the duties of their office, or the council by ordinance  
15 may provide for a per diem allowance. Procedure for approval of claims  
16 for expenses shall be as provided by ordinance.

17 **Sec. 9.** RCW 35.13.175 and 1973 1st ex.s. c 164 s 18 are each  
18 amended to read as follows:

19 After the filing of any petition or resolution for annexation with  
20 the (~~(board of)~~) county (~~(commissioners)~~) legislative authority, or  
21 city or town council, and pending its final disposition as provided for  
22 in this chapter, or after the filing of a petition for the  
23 incorporation of a city or town, and pending its final disposition, no  
24 other petition or resolution for annexation or petition for  
25 incorporation which embraces any of the territory included therein  
26 shall be acted upon by the county auditor or the (~~(board of)~~) county  
27 (~~(commissioners)~~) legislative authority, or by any city or town clerk,  
28 city or town council, or by any other public official or body that  
29 might otherwise be empowered to receive or act upon such a petition.

30 **Sec. 10.** RCW 35A.14.230 and 1967 ex.s. c 119 s 35A.14.230 are each  
31 amended to read as follows:

32 After the filing of any petition or resolution for annexation or  
33 for an annexation election with the (~~(board of)~~) county  
34 (~~(commissioners)~~) legislative authority, the boundary review board or  
35 the county annexation review board for the county or the legislative  
36 body of a code city and pending its final disposition as provided in  
37 this chapter, or after the filing of a petition for the incorporation

1 of a code city and pending its final disposition, no other petition or  
2 resolution for annexation, or petition for incorporation, which  
3 embraces any of the territory included therein shall be acted upon by  
4 any public official or body that might otherwise be empowered to  
5 receive or act upon such a petition or resolution."

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