

# HOUSE BILL REPORT

## SSB 5044

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As Passed House - Amended  
April 16, 1993

**Title:** An act relating to city and town incorporations.

**Brief Description:** Revising incorporation procedures for cities and towns.

**Sponsors:** Senate Committee on Government Operations  
(originally sponsored by Senators Haugen and Winsley).

**Brief History:**

Reported by House Committee on:  
Local Government, April 2, 1993, DPA;  
Passed House - Amended, April 16, 1993, 91-0.

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### HOUSE COMMITTEE ON LOCAL GOVERNMENT

**Majority Report:** Do pass as amended. Signed by 12 members: Representatives H. Myers, Chair; Bray, Vice Chair; Edmondson, Ranking Minority Member; Reams, Assistant Ranking Minority Member; Dunshee; R. Fisher; Horn; Rayburn; Romero; Springer; Van Luven; and Zellinsky.

**Staff:** Steve Lundin (786-7127).

**Background:** Contiguous areas located outside of a city or town may incorporate as a city or town if the population of the area is at least 300. This minimum population figure was established initially in 1890. However, no area may incorporate as a city or town that is located within five air miles of a city with a population of 15,000 or more unless the newly incorporated city or town has a population of 3,000 or more.

The Growth Management Act was enacted in 1990 and 1991. Among other requirements, each county that plans under all the requirements of that act must designate urban growth areas in the county in which urban growth occurs and outside of which non-urban growth occurs. Every city and town in such a county is included within an urban growth area. Other areas may be included in urban growth areas. A city or town may not annex territory in such a county beyond an urban growth area. No restrictions exist on the incorporation of a city or town in such a county outside of an urban growth area.

The incorporation of a city or town involves several steps over an extended period of time as follows: (1) A petition is filed calling for the incorporation that has been signed by voters residing in the area proposed to be incorporated; (2) a ballot proposition authorizing the incorporation is submitted to voters residing in the area proposed to be incorporated; (3) if approved, special elections are held to nominate candidates for the elected offices, if needed, and to elect the initial elected officials; (4) the initial elected officials assume office upon their election and provide for a transition of the area into a city or town; and (5) the city or town is officially incorporated after the transition period.

The next set of elected officials for the new city or town is elected at the first municipal general election that occurs one or more years after the official date the city or town is incorporated. It is not clear precisely how the terms of the members of a city or town council are staggered at that election.

A variety of different types of cities and towns may incorporate, including code cities, non-code cities, and towns. A city or town council sets the salaries of any city or town officials. However, a statute sets the initial salaries of council members and the mayor of a newly incorporated code city. Similar statutes do not exist establishing the salaries in newly incorporated non-code cities and towns.

The state constitution prohibits officials who have the authority to set their own salaries from increasing their salaries during their current terms of office.

**Summary of Bill:** The minimum population of an area that may incorporate a city or town is increased from 300 to 1,000 and the restriction is retained that a newly incorporated city or town must have a population of 3,000 if it is within five air miles of a city with a population of 15,000 or more.

A city or town may not incorporate outside of an urban growth area in a county that plans under all the requirements of the Growth Management Act.

The number of signatures of voters who reside in an area proposed to be incorporated as a city or town that is necessary on a petition to initiate the incorporation process is corrected, from a number of such voters equal in number to at least 10 percent of the number of votes cast in that area at the last state general election, to at least 10

percent of the number of such voters who voted in that area at the last state general election.

The staggering of terms of office of the council members on a new city or town is clarified. A simple majority of persons elected as council members at the first municipal general election occurring at least one year after the official date of incorporating are elected to four-year terms of office and the remainder are elected to two-year terms of office. Their successors are elected to four-year terms of office.

Compensation for council members or commissioners of a newly incorporated non-code city or town is the same as is currently established for council members of a newly incorporated code city with the same population.

After a petition has been filed proposing the incorporation of a city or town, no petition or resolution proposing an annexation of all or a portion of the same area, or incorporation of all or a portion of the same area, shall be considered pending the final disposition of the original incorporation petition.

**Fiscal Note:** Not requested.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** This is primarily a technical bill. Needed changes are made.

**Testimony Against:** None.

**Witnesses:** (Pro): Stan Finkelstein, Association of Washington Cities; K.O. Rosenberg, Northeast Tri Counties; Alda Wilkinson, Washington State Association of Boundary Review Boards; and Dick Schoon, State Boundary Review Boards.