

---

**SUBSTITUTE HOUSE BILL 1955**

---

**State of Washington**

**53rd Legislature**

**1993 Regular Session**

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

Read first time 03/03/93.

1 AN ACT Relating to hearings related to improvement districts;  
2 amending RCW 35.44.070 and 35.43.140; and adding new sections to  
3 chapter 36.88 RCW.

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

5 **Sec. 1.** RCW 35.44.070 and 1979 ex.s. c 100 s 1 are each amended to  
6 read as follows:

7 The assessment roll for local improvements when prepared as  
8 provided by law shall be filed with the city or town clerk. The  
9 council or other legislative authority shall thereupon fix a date for  
10 a hearing thereon before such legislative authority or may direct that  
11 the hearing shall be held before a committee thereof or the legislative  
12 authority of any city (~~((having a population of 15,000 or more))~~) or town  
13 may designate an officer to conduct such hearings. The committee (~~((of~~  
14 ~~{or}~~)) or officer designated shall hold a hearing on the assessment  
15 roll and consider all objections filed following which the committee or  
16 officer shall make recommendations to such legislative authority which  
17 shall either adopt or reject the recommendations of the committee or  
18 officer. If a hearing is held before such a committee or officer it  
19 shall not be necessary to hold a hearing on the assessment roll before

1 such legislative authority(~~(:—PROVIDED, That)~~). A local ordinance  
2 shall provide for an appeal by any person protesting his or her  
3 assessment to the legislative authority of a decision made by such  
4 officer. The same procedure may if so directed by such legislative  
5 authority be followed with respect to any assessment upon the roll  
6 which is raised or changed to include omitted property. Such  
7 legislative authority shall direct the clerk to give notice of the  
8 hearing and of the time and place thereof.

9 **Sec. 2.** RCW 35.43.140 and 1989 c 243 s 2 are each amended to read  
10 as follows:

11 Any local improvement to be paid for in whole or in part by the  
12 levy and collection of assessments upon the property within the  
13 proposed improvement district may be initiated by a resolution of the  
14 city or town council or other legislative authority of the city or  
15 town, declaring its intention to order the improvement, setting forth  
16 the nature and territorial extent of the improvement, containing a  
17 statement that actual assessments may vary from assessment estimates so  
18 long as they do not exceed a figure equal to the increased true and  
19 fair value the improvement, or street lighting, adds to the property,  
20 and notifying all persons who may desire to object thereto to appear  
21 and present their objections at a time to be fixed therein.

22 In the case of trunk sewers and trunk water mains the resolution  
23 must describe the routes along which the trunk sewer, subsewer and  
24 branches of trunk water main and laterals are to be constructed.

25 In case of dikes or other structures to protect the city or town or  
26 any part thereof from overflow or to open, deepen, straighten, or  
27 enlarge watercourses, waterways and other channels the resolution must  
28 set forth the place of commencement and ending thereof and the route to  
29 be used.

30 In the case of auxiliary water systems, or extensions thereof or  
31 additions thereto for protection of the city or town or any part  
32 thereof from fire, the resolution must set forth the routes along which  
33 the auxiliary water system or extensions thereof or additions thereto  
34 are to be constructed and specifications of the structures or works  
35 necessary thereto or forming a part thereof.

36 The resolution shall be published in at least two consecutive  
37 issues of the official newspaper of the city or town, the first

1 publication to be at least fifteen days before the day fixed for the  
2 hearing.

3 The hearing herein required may be held before the city or town  
4 council, or other legislative authority, or before a committee thereof.  
5 The legislative authority of a city (~~having a population of fifteen~~  
6 ~~thousand or more~~) or town may designate an officer to conduct the  
7 hearings. The committee or hearing officer shall report  
8 recommendations on the resolution to the legislative authority for  
9 final action.

10 NEW SECTION. Sec. 3. A new section is added to chapter 36.88 RCW  
11 to read as follows:

12 In lieu of the county legislative authority holding the hearing  
13 under RCW 36.88.060 to create the road improvement district, the county  
14 legislative authority may adopt an ordinance providing for a committee  
15 of the county legislative authority or an officer to conduct the  
16 hearings. The committee or hearing officer shall report  
17 recommendations on the resolution to the full county legislative  
18 authority for final action, which need not hold a hearing on the  
19 proposed assessment role and shall either adopt or reject the  
20 recommendations.

21 NEW SECTION. Sec. 4. A new section is added to chapter 36.88 RCW  
22 to read as follows:

23 In lieu of the county legislative authority holding the hearing on  
24 assessment roll under RCW 36.88.090 as the board of equalization, the  
25 county legislative authority may adopt an ordinance providing for a  
26 committee of the county legislative authority or an officer to conduct  
27 the hearing on the assessment roll as the board of equalization.

28 A committee or an officer that sits as a board of adjustment shall  
29 conduct a hearing on the proposed assessment roll and shall make  
30 recommendations to the full county legislative authority, which need  
31 not hold a hearing on the proposed assessment roll and shall either  
32 adopt or reject the recommendations. The ordinance shall provide for  
33 an appeal procedure by which a property owner may protest his or her  
34 assessment that is proposed by the committee or officer to the full  
35 county legislative authority and the full county legislative authority

- 1 may reject or accept any appealed protested assessment and if accepted
- 2 shall modify the assessment roll accordingly.

--- END ---