

2 **HB 1707** - S AMD TO GO COMM AMD (S-5272.3/96)-210
3 By Senators Winsley and Haugen

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5 On page 1, after line 17 of the amendment, insert the following:

6 "Sec. 3. RCW 35.02.130 and 1994 c 154 s 308 are each amended to
7 read as follows:

8 The city or town officially shall become incorporated at a date
9 from one hundred eighty days to three hundred sixty days after the date
10 of the election on the question of incorporation. An interim period
11 shall exist between the time the newly elected officials have been
12 elected and qualified and this official date of incorporation. During
13 this interim period, the newly elected officials are authorized to
14 adopt ordinances and resolutions which shall become effective on or
15 after the official date of incorporation, and to enter into contracts
16 and agreements to facilitate the transition to becoming a city or town
17 and to ensure a continuation of governmental services after the
18 official date of incorporation. Periods of time that would be required
19 to elapse between the enactment and effective date of such ordinances,
20 including but not limited to times for publication or for filing
21 referendums, shall commence upon the date of such enactment as though
22 the city or town were officially incorporated.

23 During this interim period, the city or town governing body may
24 adopt rules establishing policies and procedures under the state
25 environmental policy act, chapter 43.21C RCW, and may use these rules
26 and procedures in making determinations under the state environmental
27 policy act, chapter 43.21C RCW.

28 During this interim period, the newly formed city or town and its
29 governing body shall be subject to the following as though the city or
30 town were officially incorporated: RCW 4.24.470 relating to immunity;
31 chapter 42.17 RCW relating to open government; chapter 40.14 RCW
32 relating to the preservation and disposition of public records;
33 chapters 42.20 and 42.23 RCW relating to ethics and conflicts of
34 interest; chapters 42.30 and 42.32 RCW relating to open public meetings
35 and minutes; RCW 35.22.288, ((35.23.310, 35.24.220)) 35.23.221,
36 35.27.300, 35A.12.160, as appropriate, and chapter 35A.65 RCW relating

1 to the publication of notices and ordinances; RCW 35.21.875 and
2 35A.21.230 relating to the designation of an official newspaper; RCW
3 36.16.138 relating to liability insurance; RCW 35.22.620, 35.23.352,
4 and 35A.40.210, as appropriate, and statutes referenced therein
5 relating to public contracts and bidding; and chapter 39.34 RCW
6 relating to interlocal cooperation. Tax anticipation or revenue
7 anticipation notes or warrants and other short-term obligations may be
8 issued and funds may be borrowed on the security of these instruments
9 during this interim period, as provided in chapter 39.50 RCW. Funds
10 also may be borrowed from federal, state, and other governmental
11 agencies in the same manner as if the city or town were officially
12 incorporated.

13 RCW 84.52.020 and 84.52.070 shall apply to the extent that they may
14 be applicable, and the governing body of such city or town may take
15 appropriate action by ordinance during the interim period to adopt the
16 property tax levy for its first full calendar year following the
17 interim period.

18 The governing body of the new city or town may acquire needed
19 facilities, supplies, equipment, insurance, and staff during this
20 interim period as if the city or town were in existence. An interim
21 city manager or administrator, who shall have such administrative
22 powers and duties as are delegated by the governing body, may be
23 appointed to serve only until the official date of incorporation.
24 After the official date of incorporation the governing body of such a
25 new city organized under the council manager form of government may
26 extend the appointment of such an interim manager or administrator with
27 such limited powers as the governing body determines, for up to ninety
28 days. This governing body may submit ballot propositions to the voters
29 of the city or town to authorize taxes to be collected on or after the
30 official date of incorporation, or authorize an annexation of the city
31 or town by a fire protection district or library district to be
32 effective immediately upon the effective date of the incorporation as
33 a city or town.

34 The boundaries of a newly incorporated city or town shall be deemed
35 to be established for purposes of RCW 84.09.030 on the date that the
36 results of the initial election on the question of incorporation are
37 certified or the first day of January following the date of this
38 election if the newly incorporated city or town does not impose

1 property taxes in the same year that the voters approve the
2 incorporation.

3 The newly elected officials shall take office immediately upon
4 their election and qualification with limited powers during this
5 interim period as provided in this section. They shall acquire their
6 full powers as of the official date of incorporation and shall continue
7 in office until their successors are elected and qualified at the next
8 general municipal election after the official date of incorporation:
9 PROVIDED, That if the date of the next general municipal election is
10 less than twelve months after the date of the first election of
11 councilmembers, those initially elected councilmembers shall serve
12 until their successors are elected and qualified at the next following
13 general municipal election as provided in RCW 29.04.170. For purposes
14 of this section, the general municipal election shall be the date on
15 which city and town general elections are held throughout the state of
16 Washington, pursuant to RCW 29.13.020.

17 In any newly incorporated city that has adopted the council-manager
18 form of government, the term of office of the mayor, during the interim
19 period only, shall be set by the council, and thereafter shall be as
20 provided by law.

21 The official date of incorporation shall be on a date from one
22 hundred eighty to three hundred sixty days after the date of the
23 election on the question of incorporation, as specified in a resolution
24 adopted by the governing body during this interim period. A copy of
25 the resolution shall be filed with the county legislative authority of
26 the county in which all or the major portion of the newly incorporated
27 city or town is located. If the governing body fails to adopt such a
28 resolution, the official date of incorporation shall be three hundred
29 sixty days after the date of the election on the question of
30 incorporation. The county legislative authority of the county in which
31 all or the major portion of the newly incorporated city or town is
32 located shall file a notice with the county assessor that the city or
33 town has been authorized to be incorporated immediately after the
34 favorable results of the election on the question of incorporation have
35 been certified. The county legislative authority shall file a notice
36 with the secretary of state that the city or town is incorporated as of
37 the official date of incorporation.

1 **Sec. 4.** RCW 35.02.180 and 1986 c 234 s 17 are each amended to read
2 as follows:

3 The ownership of all county roads located within the boundaries of
4 a newly incorporated city or town shall revert to the city or town and
5 become streets as of the official date of incorporation. However, any
6 special assessments attributable to these county roads shall continue
7 to exist and be collected as if the incorporation had not occurred.
8 Property within the newly incorporated city or town shall continue to
9 be subject to any indebtedness attributable to these roads and any
10 related property tax levies.

11 The territory included within the newly incorporated city or town
12 shall be removed from the road district as of the official date of
13 incorporation. The territory included within the newly incorporated
14 city or town shall be removed from a fire protection district or
15 districts or library district or districts in which it was located, as
16 of the official date of incorporation, unless the fire protection
17 district or districts have annexed the city or town during the interim
18 period as provided in RCW (~~(52.04.160 through 52.04.200)~~) 52.04.061
19 through 52.04.101, or the library district or districts have annexed
20 the city or town during the interim period as provided in RCW
21 (~~(27.12.260 through 27.12.290)~~) 27.12.360 through 27.12.395.

22 The ownership of all assets and liabilities of any park and
23 recreation district created and governed under the provisions of
24 chapter 36.69 RCW that is located wholly within a city or town
25 incorporated after August 1, 1995, shall, upon adoption of a resolution
26 by the council of the newly incorporated city or town, revert to the
27 city or town and become assets and liabilities of the city or town as
28 of the official date of incorporation. However, any special
29 assessments attributable to the park and recreation district shall
30 continue to exist and be collected as if the incorporation had not
31 occurred. Property that was within the boundaries of the park and
32 recreation district shall continue to be subject to any indebtedness
33 attributable to the park and recreation district and any related
34 property tax levies."

35 Re-number the remaining sections consecutively and correct any
36 internal references accordingly.

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4 On page 6, line 16 of the title amendment, after "35.01.040,"
5 insert "35.02.130, 35.02.180,"

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