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SENATE BILL 5300

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State of Washington

56th Legislature

1999 Regular Session

By Senators Patterson, Horn, Haugen, Gardner and Honeyford

Read first time 01/19/1999. Referred to Committee on State & Local Government.

1 AN ACT Relating to cities and towns; amending RCW 41.04.190,  
2 35.33.075, 35.34.120, 35.34.130, 35A.33.075, 35A.34.120, 35A.34.130,  
3 35.23.181, 35A.12.110, 35A.14.299, 35A.14.020, 35A.63.110, 82.29A.090,  
4 and 65.04.045; and adding a new section to chapter 43.21C RCW.

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

6 **Sec. 1.** RCW 41.04.190 and 1996 c 230 s 1610 are each amended to  
7 read as follows:

8 The cost of a policy or plan to a public agency or body is not  
9 additional compensation to the employees or elected officials covered  
10 thereby. The elected officials to whom this section applies include  
11 but are not limited to commissioners elected under chapters 28A.315,  
12 52.14, 53.12, 54.12, 57.12, 70.44, and 87.03 RCW, as well as any county  
13 elected officials who are provided insurance coverage under RCW  
14 41.04.180, and city officials elected under chapters 35.17, 35.22,  
15 35.23, 35.27, 35A.12, and 35A.13 RCW. Any officer authorized to  
16 disburse such funds may pay in whole or in part to an insurance carrier  
17 or health care service contractor the amount of the premiums due under  
18 the contract.

1       **Sec. 2.** RCW 35.33.075 and 1995 c 301 s 41 are each amended to read  
2 as follows:

3       Following conclusion of the hearing, and prior to the beginning of  
4 the fiscal year, the legislative body shall make such adjustments and  
5 changes as it deems necessary or proper and after determining the  
6 allowance in each item, department, classification and fund, and shall  
7 by ordinance, adopt the budget in its final form and content.  
8 Appropriations shall be limited to the total estimated revenues  
9 contained therein including the amount to be raised by ad valorem taxes  
10 and the unencumbered fund balances estimated to be available at the  
11 close of the current fiscal year. Such ordinances may adopt the final  
12 budget by reference: PROVIDED, That the ordinance adopting such budget  
13 shall set forth in summary form the totals of estimated revenues and  
14 appropriations for each separate fund and the aggregate totals for all  
15 such funds combined.

16       A complete copy of the final budget as adopted shall be transmitted  
17 to the (~~association of Washington cities~~) municipal research council  
18 or its designee.

19       **Sec. 3.** RCW 35.34.120 and 1995 c 301 s 45 are each amended to read  
20 as follows:

21       Following conclusion of the hearing, and prior to the beginning of  
22 the fiscal biennium, the legislative body shall make such adjustments  
23 and changes as it deems necessary or proper and, after determining the  
24 allowance in each item, department, classification, and fund, shall by  
25 ordinance adopt the budget in its final form and content.  
26 Appropriations shall be limited to the total estimated revenues  
27 contained therein including the amount to be raised by ad valorem taxes  
28 and the unencumbered fund balances estimated to be available at the  
29 close of the current fiscal biennium. Such ordinances may adopt the  
30 final budget by reference. However, the ordinance adopting the budget  
31 shall set forth in summary form the totals of estimated revenues and  
32 appropriations for each separate fund and the aggregate totals for all  
33 such funds combined.

34       A complete copy of the final budget as adopted shall be transmitted  
35 to the state auditor and to the (~~association of Washington cities~~)  
36 municipal research council or its designee.

1       **Sec. 4.** RCW 35.34.130 and 1995 c 301 s 46 are each amended to read  
2 as follows:

3       The legislative authority of a city or town having adopted the  
4 provisions of this chapter shall provide by ordinance for a mid-  
5 biennial review and modification of the biennial budget. The ordinance  
6 shall provide that such review and modification shall occur no sooner  
7 than eight months after the start nor later than conclusion of the  
8 first year of the fiscal biennium. The chief administrative officer  
9 shall prepare the proposed budget modification and shall provide for  
10 publication of notice of hearings consistent with publication of  
11 notices for adoption of other city or town ordinances. City or town  
12 ordinances providing for a mid-biennium review and modification shall  
13 establish procedures for distribution of the proposed modification to  
14 members of the city or town legislative authority, procedures for  
15 making copies available to the public, and shall provide for public  
16 hearings on the proposed budget modification. The budget modification  
17 shall be by ordinance approved in the same manner as are other  
18 ordinances of the city or town.

19       A complete copy of the budget modification as adopted shall be  
20 transmitted to the state auditor and to the (~~association of Washington~~  
21 ~~cities~~) municipal research council or its designee.

22       **Sec. 5.** RCW 35A.33.075 and 1995 c 301 s 53 are each amended to  
23 read as follows:

24       Following conclusion of the hearing, and prior to the beginning of  
25 the fiscal year, the legislative body shall make such adjustments and  
26 changes as it deems necessary or proper and after determining the  
27 allowance in each item, department, classification and fund, and shall  
28 by ordinance, adopt the budget in its final form and content.  
29 Appropriations shall be limited to the total estimated revenues  
30 contained therein including the amount to be raised by ad valorem taxes  
31 and the unencumbered fund balances estimated to be available at the  
32 close of the current fiscal year. Such ordinances may adopt the final  
33 budget by reference: PROVIDED, That the ordinance adopting such budget  
34 shall set forth in summary form the totals of estimated revenues and  
35 appropriations for each separate fund and the aggregate totals for all  
36 such funds combined.

1 A complete copy of the final budget as adopted shall be transmitted  
2 to the state auditor(~~(7)~~) and to the (~~association of Washington~~  
3 ~~cities~~) municipal research council or its designee.

4 **Sec. 6.** RCW 35A.34.120 and 1995 c 301 s 57 are each amended to  
5 read as follows:

6 Following conclusion of the hearing, and prior to the beginning of  
7 the fiscal biennium, the legislative body shall make such adjustments  
8 and changes as it deems necessary or proper and, after determining the  
9 allowance in each item, department, classification, and fund, shall by  
10 ordinance adopt the budget in its final form and content.  
11 Appropriations shall be limited to the total estimated revenues  
12 contained therein including the amount to be raised by ad valorem taxes  
13 and the unencumbered fund balances estimated to be available at the  
14 close of the current fiscal biennium. Such ordinances may adopt the  
15 final budget by reference. However, the ordinance adopting the budget  
16 shall set forth in summary form the totals of estimated revenues and  
17 appropriations for each separate fund and the aggregate totals for all  
18 such funds combined.

19 A complete copy of the final budget as adopted shall be transmitted  
20 to the state auditor and to the (~~association of Washington cities~~)  
21 municipal research council or its designee.

22 **Sec. 7.** RCW 35A.34.130 and 1995 c 301 s 58 are each amended to  
23 read as follows:

24 The legislative authority of a city having adopted the provisions  
25 of this chapter shall provide by ordinance for a mid-biennial review  
26 and modification of the biennial budget. The ordinance shall provide  
27 that such review and modification shall occur no sooner than eight  
28 months after the start nor later than conclusion of the first year of  
29 the fiscal biennium. The chief administrative officer shall prepare  
30 the proposed budget modification and shall provide for publication of  
31 notice of hearings consistent with publication of notices for adoption  
32 of other city ordinances. City ordinances providing for a mid-biennium  
33 review and modification shall establish procedures for distribution of  
34 the proposed modification to members of the city legislative authority,  
35 procedures for making copies available to the public, and shall provide  
36 for public hearings on the proposed budget modification. The budget

1 modification shall be by ordinance approved in the same manner as are  
2 other ordinances of the city.

3 A complete copy of the budget modification as adopted shall be  
4 transmitted to the state auditor and to the (~~association of Washington~~  
5 ~~cities~~) municipal research council or its designee.

6 **Sec. 8.** RCW 35.23.181 and 1993 c 199 s 2 are each amended to read  
7 as follows:

8 The city council and mayor shall meet in January next succeeding  
9 the date of each general municipal election, and shall take the oath of  
10 office, and shall hold regular meetings at least once during each month  
11 but not to exceed one regular meeting in each week, at such times as  
12 may be fixed by ordinance.

13 Special meetings may be called by the mayor or by a majority of the  
14 members of the city council by written notice as provided in RCW  
15 42.30.080. No ordinances shall be passed or contract let or entered  
16 into, or bill for the payment of money allowed at any special meeting.

17 All meetings of the city council shall be held at such place as may  
18 be designated by the city council. All final actions on resolutions  
19 and ordinances must take place within the corporate limits of the city.  
20 All meetings of the city council must be public.

21 **Sec. 9.** RCW 35A.12.110 and 1993 c 199 s 3 are each amended to read  
22 as follows:

23 The city council and mayor shall meet regularly, at least once a  
24 month, at a place and at such times as may be designated by the city  
25 council. All final actions on resolutions and ordinances must take  
26 place within the corporate limits of the city. Special meetings may be  
27 called by the mayor or (~~any three~~) by a majority of the members of  
28 the council by written notice delivered to each member of the council  
29 at least twenty-four hours before the time specified for the proposed  
30 meeting. All actions that have heretofore been taken at special  
31 council meetings held pursuant to this section, but for which the  
32 number of hours of notice given has been at variance with requirements  
33 of RCW 42.30.080, are hereby validated. All council meetings shall be  
34 open to the public except as permitted by chapter 42.30 RCW. No  
35 ordinance or resolution shall be passed, or contract let or entered  
36 into, or bill for the payment of money allowed at any meeting not open  
37 to the public, nor at any public meeting the date of which is not fixed

1 by ordinance, resolution, or rule, unless public notice of such meeting  
2 has been given by such notice to each local newspaper of general  
3 circulation and to each local radio or television station, as provided  
4 in RCW 42.30.080 as now or hereafter amended. Meetings of the council  
5 shall be presided over by the mayor, if present, or otherwise by the  
6 mayor pro tempore, or deputy mayor if one has been appointed, or by a  
7 member of the council selected by a majority of the council members at  
8 such meeting. Appointment of a council member to preside over the  
9 meeting shall not in any way abridge his right to vote on matters  
10 coming before the council at such meeting. In the absence of the  
11 clerk, a deputy clerk or other qualified person appointed by the clerk,  
12 the mayor, or the council, may perform the duties of clerk at such  
13 meeting. A journal of all proceedings shall be kept, which shall be a  
14 public record.

15 **Sec. 10.** RCW 35A.14.299 and 1967 ex.s. c 119 s 35A.14.299 are each  
16 amended to read as follows:

17 Such annexation ordinance as provided for in RCW 35A.14.297 shall  
18 be subject to referendum for forty-five days after the passage thereof.  
19 Upon the filing of a timely and sufficient referendum petition with the  
20 legislative body, signed by (~~qualified electors~~) registered voters in  
21 number equal to not less than ten percent of the votes cast in the last  
22 general state election in the area to be annexed, the question of  
23 annexation shall be submitted to the voters of such area in a general  
24 election if one is to be held within ninety days or at a special  
25 election called for that purpose not less than forty-five days nor more  
26 than ninety days after the filing of the referendum petition. Notice  
27 of such election shall be given as provided in RCW 35A.14.070 (~~and the~~  
28 ~~election shall be conducted as provided in RCW 35A.14.060~~). The  
29 annexation shall be deemed approved by the voters unless a majority of  
30 the votes cast on the proposition are in opposition thereto.

31 After the expiration of the forty-fifth day from but excluding the  
32 date of passage of the annexation ordinance, if no timely and  
33 sufficient referendum petition has been filed, the area annexed shall  
34 become a part of the code city upon the date fixed in the ordinance of  
35 annexation. From and after such date, if the ordinance so provided,  
36 property in the annexed area shall be subject to the proposed zoning  
37 regulation prepared and filed for such area as provided in RCW  
38 35A.14.330 and 35A.14.340. If the ordinance so provided, all property

1 within the area annexed shall be assessed and taxed at the same rate  
2 and on the same basis as the property of such annexing code city is  
3 assessed and taxed to pay for any then outstanding indebtedness of such  
4 city contracted prior to, or existing at, the date of annexation.

5 **Sec. 11.** RCW 35A.14.020 and 1989 c 351 s 4 are each amended to  
6 read as follows:

7 When a petition is sufficient under the rules set forth in RCW  
8 35A.01.040, calling for an election to vote upon the annexation of  
9 unincorporated territory contiguous to a code city, describing the  
10 boundaries of the area proposed to be annexed, stating the number of  
11 voters therein as nearly as may be, and signed by (~~qualified~~  
12 ~~electors~~) registered voters resident in such territory equal in number  
13 to ten percent of the votes cast at the last state general election  
14 therein, it shall be filed with the auditor of the county in which all,  
15 or the greatest portion, of the territory is located, and a copy of the  
16 petition shall be filed with the legislative body of the code city. If  
17 the territory is located in more than a single county, the auditor of  
18 the county with whom the petition is filed shall act as the lead  
19 auditor and transmit a copy of the petition to the auditor of each  
20 other county within which a portion of the territory is located. The  
21 auditor or auditors shall examine the petition, and the auditor or lead  
22 auditor shall certify the sufficiency of the petition to the  
23 legislative authority of the code city.

24 If the signatures on the petition are certified as containing  
25 sufficient valid signatures, the city legislative authority shall, by  
26 resolution entered within sixty days thereafter, notify the  
27 petitioners, either by mail or by publication in the same manner notice  
28 of hearing is required by RCW 35A.14.040 to be published, of its  
29 approval or rejection of the proposed action. In approving the  
30 proposed action, the legislative body may require that there also be  
31 submitted to the electorate of the territory to be annexed, a  
32 proposition that all property within the area to be annexed shall, upon  
33 annexation, be assessed and taxed at the same rate and on the same  
34 basis as the property of such annexing city is assessed and taxed to  
35 pay for all or any portion of the then-outstanding indebtedness of the  
36 city to which said area is annexed, which indebtedness has been  
37 approved by the voters, contracted for, or incurred prior to, or  
38 existing at, the date of annexation. Only after the legislative body

1 has completed preparation and filing of a proposed zoning regulation  
2 for the area to be annexed as provided for in RCW 35A.14.330 and  
3 35A.14.340, the legislative body in approving the proposed action, may  
4 require that the proposed zoning regulation be simultaneously adopted  
5 upon the approval of annexation by the electorate of the area to be  
6 annexed. The approval of the legislative body shall be a condition  
7 precedent to further proceedings upon the petition. The costs of  
8 conducting the election called for in the petition shall be a charge  
9 against the city concerned. The proposition or questions provided for  
10 in this section may be submitted to the voter either separately or as  
11 a single proposition.

12 **Sec. 12.** RCW 35A.63.110 and 1979 ex.s. c 18 s 34 are each amended  
13 to read as follows:

14 A code city which pursuant to this chapter creates a planning  
15 agency and which has twenty-five hundred or more inhabitants, by  
16 ordinance, shall create a board of adjustment and provide for its  
17 membership, terms of office, organization, jurisdiction. A code city  
18 which pursuant to this chapter creates a planning agency and which has  
19 a population of less than twenty-five hundred may, by ordinance,  
20 similarly create a board of adjustment. In the event a code city with  
21 a population of less than twenty-five hundred creates a planning  
22 agency, but does not create a board of adjustment, the code city shall  
23 provide that the city legislative authority shall itself hear and  
24 decide the items listed in subdivisions (1), (2), and (3) of this  
25 section. The action of the board of adjustment shall be final and  
26 conclusive, unless, within (~~ten~~) twenty-one days from the date of the  
27 action, the original applicant or an adverse party makes application to  
28 the superior court for the county in which that city is located for a  
29 writ of certiorari, a writ of prohibition, or a writ of mandamus. No  
30 member of the board of adjustment shall be a member of the planning  
31 agency or the legislative body. Subject to conditions, safeguards, and  
32 procedures provided by ordinance, the board of adjustment may be  
33 empowered to hear and decide:

34 (1) Appeals from orders, recommendations, permits, decisions, or  
35 determinations made by a code city official in the administration or  
36 enforcement of the provisions of this chapter or any ordinances adopted  
37 pursuant to it.



1 (2) Applications for variances from the terms of the zoning  
2 ordinance, the official map ordinance or other land-use regulatory  
3 ordinances under procedures and conditions prescribed by city  
4 ordinance, which among other things shall provide that no application  
5 for a variance shall be granted unless the board of adjustment finds:

6 (a) the variance shall not constitute a grant of special privilege  
7 inconsistent with the limitation upon uses of other properties in the  
8 vicinity and zone in which the property on behalf of which the  
9 application was filed is located; and

10 (b) that such variance is necessary, because of special  
11 circumstances relating to the size, shape, topography, location, or  
12 surroundings of the subject property, to provide it with use rights and  
13 privileges permitted to other properties in the vicinity and in the  
14 zone in which the subject property is located; and

15 (c) that the granting of such variance will not be materially  
16 detrimental to the public welfare or injurious to the property or  
17 improvements in the vicinity and zone in which the subject property is  
18 situated.

19 (3) Applications for conditional-use permits, unless such  
20 applications are to be heard and decided by the planning agency. A  
21 conditional use means a use listed among those classified in any given  
22 zone but permitted to locate only after review as herein provided in  
23 accordance with standards and criteria set forth in the zoning  
24 ordinance.

25 (4) Such other quasi judicial and administrative determinations as  
26 may be delegated by ordinance.

27 In deciding any of the matters referred to in subsections (1), (2),  
28 (3), and (4) of this section, the board of adjustment shall issue a  
29 written report giving the reasons for its decision. If a code city  
30 provides for a hearing examiner and vests in him the authority to hear  
31 and decide the items listed in subdivisions (1), (2), and (3) of this  
32 section pursuant to RCW 35A.63.170, then the provisions of this section  
33 shall not apply to such a city.

34 NEW SECTION. **Sec. 13.** A new section is added to chapter 43.21C  
35 RCW to read as follows:

36 (1) The disincorporation of a city or town is exempt from  
37 compliance with this chapter.

1 (2) The reduction of city or town limits is exempt from compliance  
2 with this chapter.

3 **Sec. 14.** RCW 82.29A.090 and 1981 2nd ex.s. c 4 s 9 are each  
4 amended to read as follows:

5 (1) Bimonthly the state treasurer shall make distribution from the  
6 local leasehold excise tax account to the counties and cities the  
7 amount of tax collected on behalf of each county or city.

8 (2) Earnings accrued through July 31, 1999, shall be disbursed to  
9 counties and cities proportionate to the amount of tax collected  
10 annually on behalf of each county or city.

11 (3) After July 31, 1999, bimonthly the state treasurer shall  
12 disburse earnings from the local leasehold excise tax account to the  
13 counties or cities proportionate to the amount of tax collected on  
14 behalf of each county or city.

15 (4) The state treasurer shall make the distribution under this  
16 section without appropriation.

17 **Sec. 15.** RCW 65.04.045 and 1998 c 27 s 1 are each amended to read  
18 as follows:

19 (1) When any instrument is presented to a county auditor or  
20 recording officer for recording, the first page of the instrument shall  
21 contain:

22 (a) A top margin of at least three inches and a one-inch margin on  
23 the bottom and sides, except that an instrument may be recorded if a  
24 minor portion of a notary seal, incidental writing, or minor portion of  
25 a signature extends beyond the margins;

26 (b) The top left-hand side of the page shall contain the name and  
27 address to whom the instrument will be returned;

28 (c) The title or titles, or type or types, of the instrument to be  
29 recorded indicating the kind or kinds of documents or transactions  
30 contained therein. The auditor or recording officer shall only be  
31 required to index the title or titles captioned on the document;

32 (d) Reference numbers of documents assigned or released with  
33 reference to the document page number where additional references can  
34 be found, if applicable;

35 (e) The names of the grantor(s) and grantee(s), as defined under  
36 RCW 65.04.015, with reference to the document page number where  
37 additional names are located, if applicable;

1 (f) An abbreviated legal description of the property, including  
2 lot, block, plat, or section, township, and range, and reference to the  
3 document page number where the full legal description is included, if  
4 applicable;

5 (g) The assessor's property tax parcel or account number.

6 (2) All pages of the document shall be on sheets of paper of a  
7 weight and color capable of producing a legible image that are not  
8 larger than fourteen inches long and eight and one-half inches wide  
9 with text printed or written in eight point type or larger; however,  
10 reduced illustrative exhibits, such as maps or drawings, the original  
11 of which exceeds the fourteen inch long and eight and one-half inch  
12 wide requirement, are exempt from the eight point type requirement if  
13 labeled "reduced for recording." Further, all instruments presented  
14 for recording must have a one-inch margin on the top, bottom, and sides  
15 for all pages except page one, be prepared in ink color capable of  
16 being imaged, and have all seals legible and capable of being imaged,  
17 and no attachments may be affixed to the pages.

18 The information provided on the instrument must be in substantially  
19 the following form:

20 This Space Provided for Recorder's Use

21 When Recorded Return to:

22 . . . . .

23 Document Title(s)

24 Grantor(s)

25 Grantee(s)

26 Legal Description

27 Assessor's Property Tax Parcel or Account Number

28 Reference Numbers of Documents Assigned or Released

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