SENATE BILL 5057

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State of Washington   **57th Legislature**   **2001 Regular Session**

By Senators Gardner, Hale, Haugen, Horn, Spanel, Patterson, Costa, Kline and McCaslin

Read first time 01/10/2001.   Referred to Committee on State & Local Government.

1   AN ACT Relating to cities and towns changing plans of government;
2 amending RCW 35A.06.030, 35A.06.060, and 35A.08.030; and reenacting and
3 amending RCW 35A.01.070.

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

5   **Sec. 1.** RCW 35A.01.070 and 1994 c 223 s 24 and 1994 c 81 s 66 are
6 each reenacted and amended to read as follows:
7   Where used in this title with reference to procedures established
8 by this title in regard to a change of plan or classification of
9 government, unless a different meaning is plainly required by the
10 context:
11   (1) "Classify" means a change from a city of the first or second
12 class, an unclassified city, or a town, to a code city.
13   (2) "Classification" means either that portion of the general law
14 under which a city or a town operates under Title 35 RCW as a first or
15 second class city, unclassified city, or town, or otherwise as a code
16 city.
17   (3) "Organize" means to provide for officers after becoming a code
18 city, under the same general plan of government under which the city
19 operated prior to becoming a code city, pursuant to RCW 35A.02.055.

1   (4) "Organization" means the general plan of government under which
2   a city operates.
3   (5) "Plan of government" means a mayor-council form of government
4   under chapter 35A.12 RCW, council-manager form of government under
5   chapter 35A.13 RCW, or a mayor-council, council-manager, or commission
6   form of government in general that is retained by a noncharter code
7   city as provided in RCW 35A.02.130, without regard to variations in the
8   number of elective offices or whether officers are elective or
9   appointive.
10   (6) "Reclassify" means changing from a code city to the
11   classification, if any, held by such a city immediately prior to
12   becoming a code city.
13   (7) "Reclassification" means changing from city or town operating
14   under Title 35 RCW to a city operating under Title 35A RCW, or vice
15   versa; a change in classification.
16   (8) "Reorganize" means changing the plan of government under which
17   a city or town operates to a different general plan of government((~
18   for which an election of new officers under RCW 35A.02.050 is
19   required)). A city or town shall not be deemed to have reorganized
20   simply by increasing or decreasing the number of members of its
21   legislative body.
22   (9) "Reorganization" means a change in general plan of government
23   ((where an election of all new officers is required in order to
24   accomplish this change)) under which a city operates, but an increase
25   or decrease in the number of members of its legislative body shall not
26   be deemed to constitute a reorganization.

27   **Sec. 2.** RCW 35A.06.030 and 1994 c 223 s 28 are each amended to
28   read as follows:
29   By use of the resolution for election or petition for election
30   methods described in RCW 35A.06.040, any noncharter code city which has
31   operated for more than six consecutive years under one of the optional
32   plans of government authorized by this title, or for more than a
33   combined total of six consecutive years under a particular plan of
34   government both as a code city and under the same general plan under
35   Title 35 RCW immediately prior to becoming a code city, may abandon
36   such organization and may reorganize and adopt another plan of
37   government authorized for noncharter code cities, but only after having
38   been a noncharter code city for more than one year or a city after

1 operating for more than six consecutive years under a particular plan
2 of government as a noncharter code city: PROVIDED, That these
3 limitations shall not apply to a city seeking to adopt a charter.
4   In reorganization under a different general plan of government as
5 a noncharter code city, officers shall ((all be elected as provided in
6 RCW 35A.02.050)) serve the remainder of their terms. If a city with a
7 mayor-council plan of government is reorganized with a council-manager
8 plan of government, the mayor shall serve as a councilmember for the
9 remainder of his or her term. If a city with a council-manager plan of
10 government is reorganized with a mayor-council plan of government, the
11 mayor shall be elected as provided in RCW 35A.02.050. When a
12 noncharter code city adopts a plan of government other than those
13 authorized under Title 35A RCW, such city ceases to be governed under
14 this optional municipal code ((and)), shall be classified as a city or
15 town of the class selected in the proceeding for adoption of such new
16 plan, with the powers granted to such class under the general law, and
17 shall elect officers as provided in RCW 35A.02.050.

18   **Sec. 3.** RCW 35A.06.060 and 1979 ex.s. c 18 s 16 are each amended
19 to read as follows:
20   If a majority of votes cast at the election favor abandonment of
21 the general plan of government under which the noncharter code city is
22 then organized and reorganization under the different general plan
23 proposed in the resolution or petition, the officers to be elected
24 shall be those prescribed by the plan of government so adopted, and
25 they shall be elected as provided in RCW ((35A.02.050)) 35A.06.030. If
26 the city is ((to remain a noncharter code city, or if the city is
27 abandoning optional municipal code status, they)) adopting a plan of
28 government other than those authorized under this title, the officers
29 shall be elected at the next succeeding general municipal election.
30 Upon the election, qualification, and assumption of office by such
31 officers the reorganization of the government of such municipality
32 shall be complete and such municipality shall thereafter be governed
33 under such plan. If the plan so adopted is not a plan authorized for
34 noncharter code cities, upon the election, qualification, and
35 assumption of office by such officers the municipality shall cease to
36 be a noncharter code city governed under the provisions of this
37 optional municipal code and shall revert to the classification selected
38 and shall be governed by the general laws relating to municipalities of

1 such class with the powers conferred by law upon municipalities of such
2 class.   Such change of classification shall not affect the then
3 existing property rights or liabilities of the municipal corporation.

4   **Sec. 4.** RCW 35A.08.030 and 1967 ex.s. c 119 s 35A.08.030 are each
5 amended to read as follows:
6   The legislative body of any city having ten thousand or more
7 inhabitants may, by resolution, provide for submission to the voters of
8 the question whether the city shall become a charter code city and be
9 governed in accordance with a charter to be adopted by the voters under
10 the provisions of this title.   The legislative body must provide for
11 such an election upon receipt of a sufficient petition therefor signed
12 by qualified electors in number equal to not less than ten percent of
13 the votes cast at the last general municipal election therein.   The
14 question may be submitted to the voters at the next general municipal
15 election if one is to be held within one hundred and eighty days or at
16 a special election held for that purpose not less than ninety nor more
17 than one hundred and eighty days after the passage of the resolution or
18 the filing of the certificate of sufficiency of the petition. At such
19 election provision shall also be made for the election of fifteen
20 freeholders who, upon a favorable vote on the question, shall
21 constitute the charter commission charged with the duty of framing a
22 charter for submission to the voters. If the vote in favor of adopting
23 a charter receives forty percent or less of the total vote on the
24 question of charter adoption, no new election on the question of
25 charter adoption may be held for a period of two years from the date of
26 the election in which the charter proposal failed.

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