HOUSE BILL REPORT
HB 2438

As Reported by House Committee On:
Local Government

Title: An act relating to elections for changing a municipal plan of government.

Brief Description: Revising provision for elections for changing a municipal plan of government.

Sponsors: Representatives Buck, Kessler, Schoesler, Haigh, Eickmeyer, Hatfield and Blake.

Brief History:
   Committee Activity:
      Local Government: 1/26/04, 2/4/04 [DP].

Brief Summary of Bill

· Allows a proposal for a change in the form of government of a noncharter code city to be voted upon at the next general election, and eliminates the requirement that the election take place either at a special election or within 180 days following the passage of the resolution or petition calling for such change of government plan.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: Do pass. Signed by 11 members: Representatives Romero, Chair; Simpson, D., Vice Chair; Schindler, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Ahern, Clibborn, Edwards, Ericksen, Mielke, Moeller and Upthegrove.

Staff: Thamas Osborn (786-7129).

Background:

Cities and towns are classified when they incorporate or are reorganized. Four classes of municipal government exist under Washington law: (1) first class cities; (2) second class cities; (3) towns; and (4) optional municipal code cities. Any city with a population of at least 10,000 may frame a charter for its own government according to constitutional and

statutory requirements. City and town classifications are specified in statute as follows:

·   first class cities are organized according to laws applicable to cities with populations of at least 10,000 that have adopted a home rule charter;
·   second class cities are cities with populations of at least 1,500 that have not adopted home rule charters;
·   towns have populations fewer than 1,500 and are not incorporated; and
·   optional municipal code cities may be noncharter or charter cities that have adopted the optional municipal code according to Title 35A RCW.

Optional municipal code cities (code cities) consist of two optional classes of cities, charter and noncharter. Only those code cities with populations of over 10,000 may adopt a charter, whereas any incorporated city or town may become a noncharter code city. All code cities, whether charter or noncharter, may operate with one of three different plans of government: council-manager, mayor-council, or commission. The council-manager plan consists of an elected city council serving as the legislative body and an appointed city manager responsible for city administration. The mayor-council plan includes an elected mayor serving as the city's chief administrative officer and an elected council acting as the legislative body. Under the commission plan, elected commissioners serve as the legislative authority and as city department directors.

To change the plan of government under which a noncharter code city operates requires the approval of a majority of the voters residing in the city. The requisite voter approval may be obtained via a special election or at the next general election, provided the election is held within 180 days of the passage of either the requisite legislative resolution, or the filing of the requisite voter petition, calling for the change of government plan.

Summary of Bill:

Allows a proposal for a change in the form of government of a noncharter code city to be voted upon at the next general election. Eliminates the requirement that the election take place either at a special election or within 180 days following the passage of the resolution or petition calling for such change of government plan.

Appropriation: None.

Fiscal Note: Requested on January 22, 2004.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: This bill is necessary in order to avoid needless special elections that can be expensive and time consuming. Such elections are particularly burdensome on small jurisdictions, which are least able to afford them. Last year, the city of Ocean Shores narrowly avoided holding a special election to consider a petition for a change in its form of municipal government. It turned out that a special election was not necessary because the date of the general election fell within 180 days of the filing of the petition. However, if the city had been forced to hold the special election, it would have cost the city approximately $10,000. The bill would allow an election regarding a change in the form of government of a noncharter code city to take place at the next general election.

Testimony Against: None.

Persons Testifying: Representative J. Buck, Prime Sponsor; Victoria Lincoln, Association of Washington Counties; and Jo-Ellen Thomas, City of Ocean Shores.

Persons Signed In To Testify But Not Testifying: None.