
HOUSE BILL 1818

State of Washington 62nd Legislature 2011 Regular Session

By Representatives Hunter, Hudgins, and Frockt

Read first time 02/03/11. Referred to Committee on Local Government.

1 AN ACT Relating to the publishing of legal or official notices
2 within an online database; amending RCW 36.72.071, 36.22.020,
3 36.29.010, 36.32.120, 36.32.235, 36.32.245, 36.32.250, 36.34.020,
4 36.34.090, 36.34.090, 36.34.160, 36.34.170, 36.35.120, 36.35.180,
5 36.36.020, 36.38.030, 36.40.060, 36.40.100, 36.40.140, 36.55.040,
6 36.58.090, 36.58.110, 36.58A.020, 36.60.020, 36.60.120, 36.61.040,
7 36.61.100, 36.61.190, 36.68.440, 36.68.470, 36.69.040, 36.69.230,
8 36.69.280, 36.70.390, 36.70.430, 36.70.440, 36.70.590, 36.70A.035,
9 36.70A.367, 36.73.050, 36.75.270, 36.81.070, 36.82.190, 36.83.020,
10 36.87.050, 36.88.030, and 36.88.050; reenacting and amending RCW
11 36.70B.110 and 36.77.070; and adding a new section to chapter 43.105
12 RCW.

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

14 NEW SECTION. **Sec. 1.** A new section is added to chapter 43.105 RCW
15 to read as follows:

16 (1) The department shall establish and maintain an online database
17 for the purpose of publishing county legal or official notices required
18 by law, or by an order of a judge or court. The department shall

1 accept county legal or official notices for publication on the database
2 no sooner than sixty days after its establishment. The database shall
3 be known as the legal notice database.

4 (2) The department shall ensure that the legal notice database is
5 available for public view no less than ninety-eight percent of the time
6 on a continuous basis.

7 (3) The department shall maintain metadata records as proof of
8 publication for all notices published on the legal notice database
9 including: Creation date of each notice; date of publication on the
10 database; and name of the notice's creator.

11 (4) Funding of the legal notice database shall be shared
12 proportionate to use by all participating counties.

13 **Sec. 2.** RCW 36.72.071 and 1977 c 34 s 1 are each amended to read
14 as follows:

15 (1) All county officers shall cause all legal or official notices
16 and delinquent tax lists to be advertised in the official county
17 newspaper designated by the county legislative authority or published
18 on the legal notice database maintained by the department of
19 information services as provided in section 1 of this act.

20 (2) The county legislative authority may by ordinance authorize the
21 publication of all legal or official notices on the legal notice
22 database. The legislative authority must adopt or renew this ordinance
23 annually. County legislative authorities shall meet legal or notice
24 content and time frame requirements provided under RCW 65.16.010.

25 (3) County legislative authorities that publish legal or official
26 notices on the legal notice database shall make available copies of the
27 notices at no cost by request to persons unable to access the database.
28 The county legislative authority shall also provide a link to the
29 database on its official web site, along with a list of libraries that
30 provide free internet access within its jurisdiction.

31 **Sec. 3.** RCW 36.22.020 and 1995 c 194 s 2 are each amended to read
32 as follows:

33 It shall be the duty of the county auditor of each county, within
34 fifteen days after the adjournment of each regular session, to publish
35 a summary of the proceedings of the legislative authority at such term,
36 in any newspaper published in the county or having a general

1 circulation therein or on the legal notice database and subject to
2 publishing requirements in RCW 36.72.071, or the auditor may post
3 copies of such proceedings in three of the most public places in the
4 county. The seal of the county commissioners for each county, used by
5 the county auditor as clerk to attest the proceedings of the
6 legislative authority, shall be and remain in the custody of the county
7 auditor, and the auditor is hereby authorized to use such seal in
8 attestation of all official acts, whether as clerk of the legislative
9 authority, as auditor or recorder of deeds; and all certificates,
10 exemplifications of records, or other acts performed as county auditor,
11 certified under the seal of the county commissioners, pursuant to this
12 section, in this state, shall be as valid and legally binding as though
13 attested by a seal of office of the county auditor.

14 **Sec. 4.** RCW 36.29.010 and 2005 c 502 s 2 are each amended to read
15 as follows:

16 The county treasurer:

17 (1) Shall receive all money due the county and disburse it on
18 warrants issued and attested by the county auditor and electronic funds
19 transfer under RCW 39.58.750 as attested by the county auditor;

20 (2) Shall issue a receipt in duplicate for all money received other
21 than taxes; the treasurer shall deliver immediately to the person
22 making the payment the original receipt and the duplicate shall be
23 retained by the treasurer;

24 (3) Shall affix on the face of all paid warrants the date of
25 redemption or, in the case of proper contract between the treasurer and
26 a qualified public depository, the treasurer may consider the date
27 affixed by the financial institution as the date of redemption;

28 (4) Shall endorse, before the date of issue by the county or by any
29 taxing district for whom the county treasurer acts as treasurer, on the
30 face of all warrants for which there are not sufficient funds for
31 payment, "interest bearing warrant." When there are funds to redeem
32 outstanding warrants, the county treasurer shall give notice:

33 (a) By publication in a legal newspaper published or circulated in
34 the county or on the legal notice database and subject to publishing
35 requirements in RCW 36.72.071; or

36 (b) By posting at three public places in the county if there is no
37 such newspaper; or

1 (c) By notification to the financial institution holding the
2 warrant;

3 (5) Shall pay interest on all interest-bearing warrants from the
4 date of issue to the date of notification;

5 (6) Shall maintain financial records reflecting receipts and
6 disbursement by fund in accordance with generally accepted accounting
7 principles;

8 (7) Shall account for and pay all bonded indebtedness for the
9 county and all special districts for which the county treasurer acts as
10 treasurer;

11 (8) Shall invest all funds of the county or any special district in
12 the treasurer's custody, not needed for immediate expenditure, in a
13 manner consistent with appropriate statutes. If cash is needed to
14 redeem warrants issued from any fund in the custody of the treasurer,
15 the treasurer shall liquidate investments in an amount sufficient to
16 cover such warrant redemptions; and

17 (9) May provide certain collection services for county departments.

18 The treasurer, at the expiration of the term of office, shall make
19 a complete settlement with the county legislative authority, and shall
20 deliver to the successor all public money, books, and papers in the
21 treasurer's possession.

22 Money received by all entities for whom the county treasurer serves
23 as treasurer must be deposited within twenty-four hours in an account
24 designated by the county treasurer unless a waiver is granted by the
25 county treasurer in accordance with RCW 43.09.240.

26 **Sec. 5.** RCW 36.32.120 and 2003 c 337 s 6 are each amended to read
27 as follows:

28 The legislative authorities of the several counties shall:

29 (1) Provide for the erection and repairing of court houses, jails,
30 and other necessary public buildings for the use of the county;

31 (2) Lay out, discontinue, or alter county roads and highways within
32 their respective counties, and do all other necessary acts relating
33 thereto according to law, except within cities and towns which have
34 jurisdiction over the roads within their limits;

35 (3) License and fix the rates of ferriage; grant grocery and other
36 licenses authorized by law to be by them granted at fees set by the

1 legislative authorities which shall not exceed the costs of
2 administration and operation of such licensed activities;

3 (4) Fix the amount of county taxes to be assessed according to the
4 provisions of law, and cause the same to be collected as prescribed by
5 law;

6 (5) Allow all accounts legally chargeable against the county not
7 otherwise provided for, and audit the accounts of all officers having
8 the care, management, collection, or disbursement of any money
9 belonging to the county or appropriated to its benefit;

10 (6) Have the care of the county property and the management of the
11 county funds and business and in the name of the county prosecute and
12 defend all actions for and against the county, and such other powers as
13 are or may be conferred by law;

14 (7) Make and enforce, by appropriate resolutions or ordinances, all
15 such police and sanitary regulations as are not in conflict with state
16 law, and within the unincorporated area of the county may adopt by
17 reference Washington state statutes and recognized codes and/or
18 compilations printed in book form relating to the construction of
19 buildings, the installation of plumbing, the installation of electric
20 wiring, health, or other subjects, and may adopt such codes and/or
21 compilations or portions thereof, together with amendments thereto, or
22 additions thereto: PROVIDED, That except for Washington state
23 statutes, there shall be filed in the county auditor's office one copy
24 of such codes and compilations ten days prior to their adoption by
25 reference, and additional copies may also be filed in library or city
26 offices within the county as deemed necessary by the county legislative
27 authority: PROVIDED FURTHER, That no such regulation, code,
28 compilation, and/or statute shall be effective unless before its
29 adoption, a public hearing has been held thereon by the county
30 legislative authority of which at least ten days' notice has been
31 given. Any violation of such regulations, ordinances, codes,
32 compilations, and/or statutes or resolutions shall constitute a
33 misdemeanor or a civil violation subject to a monetary penalty:
34 PROVIDED FURTHER, That violation of a regulation, ordinance, code,
35 compilation, and/or statute relating to traffic including parking,
36 standing, stopping, and pedestrian offenses is a traffic infraction,
37 except that violation of a regulation, ordinance, code, compilation,
38 and/or statute equivalent to those provisions of Title 46 RCW set forth

1 in RCW 46.63.020 remains a misdemeanor. However, the punishment for
2 any criminal ordinance shall be the same as the punishment provided in
3 state law for the same crime and no act that is a state crime may be
4 made a civil violation. The notice must set out a copy of the proposed
5 regulations or summarize the content of each proposed regulation; or if
6 a code is adopted by reference the notice shall set forth the full
7 official title and a statement describing the general purpose of such
8 code. For purposes of this subsection, a summary shall mean a brief
9 description which succinctly describes the main points of the proposed
10 regulation. When the county publishes a summary, the publication shall
11 include a statement that the full text of the proposed regulation will
12 be mailed upon request. An inadvertent mistake or omission in
13 publishing the text or a summary of the content of a proposed
14 regulation shall not render the regulation invalid if it is adopted.
15 The notice shall also include the day, hour, and place of hearing and
16 must be given by publication in the newspaper in which legal notices of
17 the county are printed or on the legal notice database and subject to
18 publishing requirements in RCW 36.72.071;

19 (8) Have power to compound and release in whole or in part any debt
20 due to the county when in their opinion the interest of their county
21 will not be prejudiced thereby, except in cases where they or any of
22 them are personally interested;

23 (9) Have power to administer oaths or affirmations necessary in the
24 discharge of their duties and commit for contempt any witness refusing
25 to testify before them with the same power as district judges;

26 (10) Have power to declare by ordinance what shall be deemed a
27 nuisance within the county, including but not limited to "litter" and
28 "potentially dangerous litter" as defined in RCW 70.93.030; to prevent,
29 remove, and abate a nuisance at the expense of the parties creating,
30 causing, or committing the nuisance; and to levy a special assessment
31 on the land or premises on which the nuisance is situated to defray the
32 cost, or to reimburse the county for the cost of abating it. This
33 assessment shall constitute a lien against the property which shall be
34 of equal rank with state, county, and municipal taxes.

35 **Sec. 6.** RCW 36.32.235 and 2009 c 229 s 6 are each amended to read
36 as follows:

37 (1) In each county with a population of four hundred thousand or

1 more which by resolution establishes a county purchasing department,
2 the purchasing department shall enter into leases of personal property
3 on a competitive basis and purchase all supplies, materials, and
4 equipment on a competitive basis, for all departments of the county, as
5 provided in this chapter and chapter 39.04 RCW, except that the county
6 purchasing department is not required to make purchases that are paid
7 from the county road fund or equipment rental and revolving fund.

8 (2) As used in this section, "public works" has the same definition
9 as in RCW 39.04.010.

10 (3) Except as otherwise specified in this chapter or in chapter
11 36.77 RCW, all counties subject to these provisions shall contract on
12 a competitive basis for all public works after bids have been submitted
13 to the county upon specifications therefor. Such specifications shall
14 be in writing and shall be filed with the clerk of the county
15 legislative authority for public inspection.

16 (4) An advertisement shall be published in the county official
17 newspaper stating the time and place where bids will be opened, the
18 time after which bids will not be received, the character of the work
19 to be done, the materials and equipment to be furnished, and that
20 specifications therefor may be seen at the office of the clerk of the
21 county legislative authority. An advertisement shall also be published
22 in a legal newspaper of general circulation in or as near as possible
23 to that part of the county in which such work is to be done. If the
24 county official newspaper is a newspaper of general circulation
25 covering at least forty percent of the residences in that part of the
26 county in which such public works are to be done, then the publication
27 of an advertisement of the applicable specifications in the county
28 official newspaper is sufficient. Alternatively, an advertisement must
29 be published on the legal notice database and subject to publishing
30 requirements in RCW 36.72.071. Such advertisements shall be published
31 at least once at least thirteen days prior to the last date upon which
32 bids will be received.

33 (5) The bids shall be in writing, shall be filed with the clerk,
34 shall be opened and read in public at the time and place named therefor
35 in the advertisements, and after being opened, shall be filed for
36 public inspection. No bid may be considered for public work unless it
37 is accompanied by a bid deposit in the form of a surety bond, postal

1 money order, cash, cashier's check, or certified check in an amount
2 equal to five percent of the amount of the bid proposed.

3 (6) The contract for the public work shall be awarded to the lowest
4 responsible bidder. Any or all bids may be rejected for good cause.
5 The county legislative authority shall require from the successful
6 bidder for such public work a contractor's bond in the amount and with
7 the conditions imposed by law.

8 (7) If the bidder to whom the contract is awarded fails to enter
9 into the contract and furnish the contractor's bond as required within
10 ten days after notice of the award, exclusive of the day of notice, the
11 amount of the bid deposit shall be forfeited to the county and the
12 contract awarded to the next lowest and best bidder. The bid deposit
13 of all unsuccessful bidders shall be returned after the contract is
14 awarded and the required contractor's bond given by the successful
15 bidder is accepted by the county legislative authority. Immediately
16 after the award is made, the bid quotations obtained shall be recorded
17 and open to public inspection and shall be available by telephone
18 inquiry.

19 (8) As limited by subsection (10) of this section, a county subject
20 to these provisions may have public works performed by county employees
21 in any annual or biennial budget period equal to a dollar value not
22 exceeding ten percent of the public works construction budget,
23 including any amount in a supplemental public works construction
24 budget, over the budget period.

25 Whenever a county subject to these provisions has had public works
26 performed in any budget period up to the maximum permitted amount for
27 that budget period, all remaining public works except emergency work
28 under subsection (12) of this section within that budget period shall
29 be done by contract pursuant to public notice and call for competitive
30 bids as specified in subsection (3) of this section. The state auditor
31 shall report to the state treasurer any county subject to these
32 provisions that exceeds this amount and the extent to which the county
33 has or has not reduced the amount of public works it has performed by
34 public employees in subsequent years.

35 (9) If a county subject to these provisions has public works
36 performed by public employees in any budget period that are in excess
37 of this ten percent limitation, the amount in excess of the permitted
38 amount shall be reduced from the otherwise permitted amount of public

1 works that may be performed by public employees for that county in its
2 next budget period. Ten percent of the motor vehicle fuel tax
3 distributions to that county shall be withheld if two years after the
4 year in which the excess amount of work occurred, the county has failed
5 to so reduce the amount of public works that it has performed by public
6 employees. The amount withheld shall be distributed to the county when
7 it has demonstrated in its reports to the state auditor that the amount
8 of public works it has performed by public employees has been reduced
9 as required.

10 (10) In addition to the percentage limitation provided in
11 subsection (8) of this section, counties subject to these provisions
12 containing a population of four hundred thousand or more shall not have
13 public employees perform a public works project in excess of ninety
14 thousand dollars if more than a single craft or trade is involved with
15 the public works project, or a public works project in excess of forty-
16 five thousand dollars if only a single craft or trade is involved with
17 the public works project. A public works project means a complete
18 project. The restrictions in this subsection do not permit the
19 division of the project into units of work or classes of work to avoid
20 the restriction on work that may be performed by public employees on a
21 single project.

22 The cost of a separate public works project shall be the costs of
23 materials, supplies, equipment, and labor on the construction of that
24 project. The value of the public works budget shall be the value of
25 all the separate public works projects within the budget.

26 (11) In addition to the accounting and recordkeeping requirements
27 contained in chapter 39.04 RCW, any county which uses public employees
28 to perform public works projects under RCW 36.32.240(1) shall prepare
29 a year-end report to be submitted to the state auditor indicating the
30 total dollar amount of the county's public works construction budget
31 and the total dollar amount for public works projects performed by
32 public employees for that year.

33 The year-end report submitted pursuant to this subsection to the
34 state auditor shall be in accordance with the standard form required by
35 RCW 43.09.205.

36 (12) Notwithstanding any other provision in this section, counties
37 may use public employees without any limitation for emergency work
38 performed under an emergency declared pursuant to RCW 36.32.270, and

1 any such emergency work shall not be subject to the limitations of this
2 section. Publication of the description and estimate of costs relating
3 to correcting the emergency may be made within seven days after the
4 commencement of the work. Within two weeks of the finding that such an
5 emergency existed, the county legislative authority shall adopt a
6 resolution certifying the damage to public facilities and costs
7 incurred or anticipated relating to correcting the emergency.
8 Additionally this section shall not apply to architectural and
9 engineering or other technical or professional services performed by
10 public employees in connection with a public works project.

11 (13) In lieu of the procedures of subsections (3) through (11) of
12 this section, a county may let contracts using the small works roster
13 process provided in RCW 39.04.155.

14 Whenever possible, the county shall invite at least one proposal
15 from a minority or woman contractor who shall otherwise qualify under
16 this section.

17 (14) The allocation of public works projects to be performed by
18 county employees shall not be subject to a collective bargaining
19 agreement.

20 (15) This section does not apply to performance-based contracts, as
21 defined in RCW 39.35A.020(4), that are negotiated under chapter 39.35A
22 RCW.

23 (16) Nothing in this section prohibits any county from allowing for
24 preferential purchase of products made from recycled materials or
25 products that may be recycled or reused.

26 (17) This section does not apply to contracts between the public
27 stadium authority and a team affiliate under RCW 36.102.060(4), or
28 development agreements between the public stadium authority and a team
29 affiliate under RCW 36.102.060(7) or leases entered into under RCW
30 36.102.060(8).

31 **Sec. 7.** RCW 36.32.245 and 2007 c 88 s 1 are each amended to read
32 as follows:

33 (1) No contract for the purchase of materials, equipment, or
34 supplies may be entered into by the county legislative authority or by
35 any elected or appointed officer of the county until after bids have
36 been submitted to the county. Bid specifications shall be in writing
37 and shall be filed with the clerk of the county legislative authority

1 for public inspection. An advertisement shall be published in the
2 official newspaper of the county, or on the legal notice database and
3 subject to publishing requirements in RCW 36.72.071, stating the time
4 and place where bids will be opened, the time after which bids will not
5 be received, the materials, equipment, supplies, or services to be
6 purchased, and that the specifications may be seen at the office of the
7 clerk of the county legislative authority. The advertisement shall be
8 published at least once at least thirteen days prior to the last date
9 upon which bids will be received.

10 (2) The bids shall be in writing and filed with the clerk. The
11 bids shall be opened and read in public at the time and place named in
12 the advertisement. Contracts requiring competitive bidding under this
13 section may be awarded only to the lowest responsible bidder.
14 Immediately after the award is made, the bid quotations shall be
15 recorded and open to public inspection and shall be available by
16 telephone inquiry. Any or all bids may be rejected for good cause.

17 (3) For advertisement and formal sealed bidding to be dispensed
18 with as to purchases between five thousand and twenty-five thousand
19 dollars, the county legislative authority must use the uniform process
20 to award contracts as provided in RCW 39.04.190. Advertisement and
21 formal sealed bidding may be dispensed with as to purchases of less
22 than five thousand dollars upon the order of the county legislative
23 authority.

24 (4) This section does not apply to performance-based contracts, as
25 defined in RCW 39.35A.020(4), that are negotiated under chapter 39.35A
26 RCW; or contracts and purchases for the printing of election ballots,
27 voting machine labels, and all other election material containing the
28 names of candidates and ballot titles.

29 (5) Nothing in this section shall prohibit the legislative
30 authority of any county from allowing for preferential purchase of
31 products made from recycled materials or products that may be recycled
32 or reused.

33 (6) This section does not apply to contracting for public defender
34 services by a county.

35 **Sec. 8.** RCW 36.32.250 and 2009 c 229 s 8 are each amended to read
36 as follows:

37 No contract for public works may be entered into by the county

1 legislative authority or by any elected or appointed officer of the
2 county until after bids have been submitted to the county upon
3 specifications therefor. Such specifications shall be in writing and
4 shall be filed with the clerk of the county legislative authority for
5 public inspection. An advertisement shall be published in the county
6 official newspaper stating the time and place where bids will be
7 opened, the time after which bids will not be received, the character
8 of the work to be done, the materials and equipment to be furnished,
9 and that specifications therefor may be seen at the office of the clerk
10 of the county legislative authority. An advertisement shall also be
11 published in a legal newspaper of general circulation in or as near as
12 possible to that part of the county in which such work is to be done.
13 If the county official newspaper is a newspaper of general circulation
14 covering at least forty percent of the residences in that part of the
15 county in which such public works are to be done, then the publication
16 of an advertisement of the applicable specifications in the county
17 official newspaper shall be sufficient. Alternatively, an
18 advertisement must be published on the legal notice database and
19 subject to publishing requirements in RCW 36.72.071. Such
20 advertisements shall be published at least once at least thirteen days
21 prior to the last date upon which bids will be received. The bids
22 shall be in writing, shall be filed with the clerk, shall be opened and
23 read in public at the time and place named therefor in the
24 advertisements, and after being opened, shall be filed for public
25 inspection. No bid may be considered for public work unless it is
26 accompanied by a bid deposit in the form of a surety bond, postal money
27 order, cash, cashier's check, or certified check in an amount equal to
28 five percent of the amount of the bid proposed. The contract for the
29 public work shall be awarded to the lowest responsible bidder. Any or
30 all bids may be rejected for good cause. The county legislative
31 authority shall require from the successful bidder for such public work
32 a contractor's bond in the amount and with the conditions imposed by
33 law. If the bidder to whom the contract is awarded fails to enter into
34 the contract and furnish the contractor's bond as required within ten
35 days after notice of the award, exclusive of the day of notice, the
36 amount of the bid deposit shall be forfeited to the county and the
37 contract awarded to the next lowest and best bidder. A low bidder who
38 claims error and fails to enter into a contract is prohibited from

1 bidding on the same project if a second or subsequent call for bids is
2 made for the project. The bid deposit of all unsuccessful bidders
3 shall be returned after the contract is awarded and the required
4 contractor's bond given by the successful bidder is accepted by the
5 county legislative authority. In the letting of any contract for
6 public works involving less than forty thousand dollars, advertisement
7 and competitive bidding may be dispensed with on order of the county
8 legislative authority. Immediately after the award is made, the bid
9 quotations obtained shall be recorded and open to public inspection and
10 shall be available by telephone inquiry.

11 As an alternative to requirements under this section, a county may
12 let contracts using the small works roster process under RCW 39.04.155.

13 This section does not apply to performance-based contracts, as
14 defined in RCW 39.35A.020(4), that are negotiated under chapter 39.35A
15 RCW.

16 **Sec. 9.** RCW 36.34.020 and 1991 c 363 s 66 are each amended to read
17 as follows:

18 Whenever the county legislative authority desires to dispose of any
19 county property except:

- 20 (1) When selling to a governmental agency;
- 21 (2) When personal property to be disposed of is to be traded in
22 upon the purchase of a like article;
- 23 (3) When the value of the property to be sold is less than two
24 thousand five hundred dollars;
- 25 (4) When the county legislative authority by a resolution setting
26 forth the facts has declared an emergency to exist;
27 it shall publish notice of its intention so to do once each week during
28 two successive weeks in a legal newspaper of general circulation in the
29 county or on the legal notice database and subject to publishing
30 requirements in RCW 36.72.071.

31 **Sec. 10.** RCW 36.34.090 and 1997 c 393 s 5 are each amended to read
32 as follows:

33 Whenever county property is to be sold at public auction,
34 consignment auction, or sealed bid, the county treasurer or the county
35 treasurer's designee shall publish notice thereof once during each of
36 two successive calendar weeks in a newspaper of general circulation in

1 the county or on the legal notice database and subject to publishing
2 requirements in RCW 36.72.071. Notice thereof must also be posted in
3 a conspicuous place in the courthouse. The posting and date of first
4 publication must be at least ten days before the day fixed for the
5 sale.

6 **Sec. 11.** RCW 36.34.090 and 1997 c 393 s 5 are each amended to read
7 as follows:

8 Whenever county property is to be sold at public auction,
9 consignment auction, or sealed bid, the county treasurer or the county
10 treasurer's designee shall publish notice thereof once during each of
11 two successive calendar weeks in a newspaper of general circulation in
12 the county or on the legal notice database and subject to publishing
13 requirements in RCW 36.72.071. Notice thereof must also be posted in
14 a conspicuous place in the courthouse. The posting and date of first
15 publication must be at least ten days before the day fixed for the
16 sale.

17 **Sec. 12.** RCW 36.34.160 and 1963 c 4 s 36.34.160 are each amended
18 to read as follows:

19 When, in the judgment of the board of county commissioners, it is
20 found desirable to lease the land applied for, it shall first give
21 notice of its intention to make such lease by publishing a notice in a
22 legal newspaper, or on the legal notice database and subject to
23 publishing requirements in RCW 36.72.071, at least once a week for the
24 term of three weeks, and shall also post a notice of such intention in
25 a conspicuous place in the courthouse for the same length of time. The
26 notice so published and posted shall designate and describe the
27 property which is proposed to be leased, together with the improvements
28 thereon and appurtenances thereto, and shall contain a notice that the
29 board of county commissioners will meet at the county courthouse on a
30 day and at an hour designated in the notice, for the purpose of leasing
31 the property which day and hour shall be at a time not more than a week
32 after the expiration of the time required for the publication of the
33 notice.

34 **Sec. 13.** RCW 36.34.170 and 1963 c 4 s 36.34.170 are each amended
35 to read as follows:

1 Any person may appear at the meeting of the county commissioners or
2 any adjourned meeting thereof, and make objection to the leasing of the
3 property, which objection shall be stated in writing. In passing upon
4 objections the board of county commissioners shall, in writing, briefly
5 give its reasons for accepting or rejecting the same, and such
6 objections, and the reasons for accepting or refusing the application,
7 shall be published by the board in the next subsequent weekly issue of
8 the newspaper in which the notice of hearing was published or on the
9 legal notice database and subject to publishing requirements in RCW
10 36.72.071.

11 **Sec. 14.** RCW 36.35.120 and 2001 c 299 s 10 are each amended to
12 read as follows:

13 Real property acquired by any county of this state by foreclosure
14 of delinquent taxes may be sold by order of the county legislative
15 authority of the county when in the judgment of the county legislative
16 authority it is deemed in the best interests of the county to sell the
17 real property.

18 When the legislative authority desires to sell any such property it
19 may, if deemed advantageous to the county, combine any or all of the
20 several lots and tracts of such property in one or more units, and may
21 reserve from sale coal, oil, gas, gravel, minerals, ores, fossils,
22 timber, or other resources on or in the lands, and the right to mine
23 for and remove the same, and it shall then enter an order on its
24 records fixing the unit or units in which the property shall be sold
25 and the minimum price for each of such units, and whether the sale will
26 be for cash or whether a contract will be offered, and reserving from
27 sale such of the resources as it may determine and from which units
28 such reservations shall apply, and directing the county treasurer to
29 sell such property in the unit or units and at not less than the price
30 or prices and subject to such reservations so fixed by the county
31 legislative authority. The order shall be subject to the approval of
32 the county treasurer if several lots or tracts of land are combined in
33 one unit.

34 Except in cases where the sale is to be by direct negotiation as
35 provided in RCW 36.35.150, it shall be the duty of the county treasurer
36 upon receipt of such order to publish once a week for three consecutive
37 weeks a notice of the sale of such property in a newspaper of general

1 circulation in the county where the land is situated or on the legal
2 notice database and subject to publishing requirements in RCW
3 36.72.071. The notice shall describe the property to be sold, the unit
4 or units, the reservations, and the minimum price fixed in the order,
5 together with the time and place and terms of sale, in the same manner
6 as foreclosure sales as provided by RCW 84.64.080.

7 The person making the bid shall state whether he or she will pay
8 cash for the amount of his or her bid or accept a real estate contract
9 of purchase in accordance with the provisions hereinafter contained.
10 The person making the highest bid shall become the purchaser of the
11 property. If the highest bidder is a contract bidder the purchaser
12 shall be required to pay thirty percent of the total purchase price at
13 the time of the sale and shall enter into a contract with the county as
14 vendor and the purchaser as vendee which shall obligate and require the
15 purchaser to pay the balance of the purchase price in ten equal annual
16 installments commencing November 1st and each year following the date
17 of the sale, and shall require the purchaser to pay twelve percent
18 interest on all deferred payments, interest to be paid at the time the
19 annual installment is due; and may contain a provision authorizing the
20 purchaser to make payment in full at any time of any balance due on the
21 total purchase price plus accrued interest on such balance. The
22 contract shall contain a provision requiring the purchaser to pay
23 before delinquency all subsequent taxes and assessments that may be
24 levied or assessed against the property subsequent to the date of the
25 contract, and shall contain a provision that time is of the essence of
26 the contract and that in event of a failure of the vendee to make
27 payments at the time and in the manner required and to keep and perform
28 the covenants and conditions therein required of him or her that the
29 contract may be forfeited and terminated at the election of the vendor,
30 and that in event of the election all sums theretofore paid by the
31 vendee shall be forfeited as liquidated damages for failure to comply
32 with the provisions of the contract; and shall require the vendor to
33 execute and deliver to the vendee a deed of conveyance covering the
34 property upon the payment in full of the purchase price, plus accrued
35 interest.

36 The county legislative authority may, by order entered in its
37 records, direct the coal, oil, gas, gravel, minerals, ores, timber, or
38 other resources sold apart from the land, such sale to be conducted in

1 the manner hereinabove prescribed for the sale of the land. Any such
2 reserved minerals or resources not exceeding two hundred dollars in
3 value may be sold, when the county legislative authority deems it
4 advisable, either with or without such publication of the notice of
5 sale, and in such manner as the county legislative authority may
6 determine will be most beneficial to the county.

7 **Sec. 15.** RCW 36.35.180 and 2009 c 549 s 4075 are each amended to
8 read as follows:

9 Upon filing a copy of the summons and notice in the office of the
10 county clerk, service thereof as against every interest in and claim
11 against any and every part of the property described in such summons
12 and notice, and every person, firm, or corporation, except one who is
13 in the actual, open and notorious possession of any of the properties,
14 shall be had by publication in the official county newspaper, or on the
15 legal notice database and subject to publishing requirements in RCW
16 36.72.071, for six consecutive weeks; and no affidavit for publication
17 of such summons and notice shall be required. In case special
18 assessments imposed by a city or town against any of the real property
19 described in the summons and notice remain outstanding, a copy of the
20 same shall be served on the treasurer of the city or town within which
21 such real property is situated within five days after such summons and
22 notice is filed.

23 The summons and notice in such action shall contain the title of
24 the court; specify in general terms the years for which the taxes were
25 levied and the amount of the taxes and the costs for which each tract
26 of land was sold; give the legal description of each tract of land
27 involved, and the tax record owner thereof during the years in which
28 the taxes for which the property was sold were levied; state that the
29 purpose of the action is to foreclose all adverse claims of every
30 nature in and to the property described, and to have the title of
31 existing liens and claims of every nature against the described real
32 property, except that of the county, forever barred.

33 The summons and notice shall also summon all persons, firms and
34 corporations claiming any right, title and interest in and to the
35 described real property to appear within sixty days after the date of
36 the first publication, specifying the day and year, and state in
37 writing what right, title and interest they have or claim to have in

1 and to the property described, and file the same with the clerk of the
2 court above named; and shall notify them that in case of their failure
3 so to do, judgment will be rendered determining that the title to the
4 real property is in the county free from all existing adverse
5 interests, rights or claims whatsoever: PROVIDED, That in case any of
6 the lands involved is in the actual, open and notorious possession of
7 anyone at the time the summons and notice is filed, as herein provided,
8 a copy of the same modified as herein specified shall be served
9 personally upon such person in the same manner as summons is served in
10 civil actions generally. The summons shall be substantially in the
11 form above outlined, except that in lieu of the statement relative to
12 the date and day of publication it shall require the person served to
13 appear within twenty days after the day of service, exclusive of the
14 date of service, and that the day of service need not be specified
15 therein, and except further that the recitals regarding the amount of
16 the taxes and costs and the years the same were levied, the legal
17 description of the land and the tax record owner thereof may be omitted
18 except as to the land occupied by the persons served.

19 Every summons and notice provided for in RCW 36.35.160 through
20 36.35.270 shall be subscribed by the prosecuting attorney of the
21 county, or by any successor or assign of the county or his or her
22 attorney, as the case may be, followed by the post office address of
23 the successor or assign.

24 **Sec. 16.** RCW 36.36.020 and 1985 c 425 s 2 are each amended to read
25 as follows:

26 The county legislative authority of a county may create one or more
27 aquifer protection areas for the purpose of funding the protection,
28 preservation, and rehabilitation of subterranean water.

29 When a county legislative authority proposes to create an aquifer
30 protection area it shall conduct a public hearing on the proposal.
31 Notice of the public hearing shall be published at least once, not less
32 than ten days prior to the hearing, in a newspaper of general
33 circulation within the proposed aquifer protection area or on the legal
34 notice database and subject to publishing requirements in RCW
35 36.72.071. The public hearing may be continued to other times, dates,
36 and places announced at the public hearing, without publication of the

1 notice. At the public hearing, the county legislative authority shall
2 hear objections and comments from anyone interested in the proposed
3 aquifer protection area.

4 After the public hearing, the county legislative authority may
5 adopt a resolution causing a ballot proposition to be submitted to the
6 registered voters residing within the proposed aquifer protection area
7 to authorize the creation of the aquifer protection area, if the county
8 legislative authority finds that the creation of the aquifer protection
9 area would be in the public interest. The resolution shall: (1)
10 Describe the boundaries of the proposed aquifer protection area; (2)
11 find that its creation is in the public interest; (3) state the maximum
12 level of fees for the withdrawal of water, or on-site sewage disposal,
13 occurring in the aquifer protection area, or both; and (4) describe the
14 uses for the fees.

15 An aquifer protection area shall be created by ordinances of the
16 county if the voters residing in the proposed aquifer protection area
17 approve the ballot proposition by a simple majority vote. The ballot
18 proposition shall be in substantially the following form:

19 "Shall the . . . (insert the name) aquifer protection area be
20 created and authorized to impose monthly fees on . . . (insert
21 "the withdrawal of water" or "on-site sewage disposal") of not
22 to exceed . . . (insert a dollar amount) per household unit for
23 up to . . . (insert a number of years) to finance . . . (insert
24 the type of activities proposed to be financed)?
25 Yes
26 No"

27 If both types of monthly fees are proposed to be imposed, maximum rates
28 for each shall be included in the ballot proposition.

29 An aquifer protection area may not include territory located within
30 a city or town without the approval of the city or town governing body,
31 nor may it include territory located in the unincorporated area of
32 another county without the approval of the county legislative authority
33 of that county.

34 **Sec. 17.** RCW 36.38.030 and 1963 c 4 s 36.38.030 are each amended
35 to read as follows:

36 The ordinance levying and fixing the tax shall be headed by a title

1 expressing the subject thereof, and the style of the ordinance shall
2 be: "Be it ordained by the Board of County Commissioners of
3 County, State of Washington." The ordinance shall be
4 enacted by a majority vote of the board at a regular meeting thereof,
5 and only after the form of such ordinance as ultimately enacted has
6 been on file with the clerk of the board and open to public inspection
7 for not less than ten days. The ordinance shall not become effective
8 until thirty days following its enactment, and within five days
9 following its enactment it shall be printed and published in a
10 newspaper of general circulation in the county or on the legal notice
11 database and subject to publishing requirements in RCW 36.72.071. The
12 ordinance shall be signed by a majority of the board, attested by the
13 clerk of the board, and shall be duly entered and recorded in the book
14 wherein orders of the board are entered and recorded. The ordinance
15 may be at any time amended or repealed by an ordinance enacted,
16 published, and recorded in the same manner.

17 **Sec. 18.** RCW 36.40.060 and 1985 c 469 s 47 are each amended to
18 read as follows:

19 The county legislative authority shall then publish a notice
20 stating that it has completed and placed on file its preliminary budget
21 for the county for the ensuing fiscal year, a copy of which will be
22 furnished any citizen who will call at its office for it, and that it
23 will meet on the first Monday in October thereafter for the purpose of
24 fixing the final budget and making tax levies, designating the time and
25 place of the meeting, and that any taxpayer may appear thereat and be
26 heard for or against any part of the budget. The notice shall be
27 published once each week for two consecutive weeks immediately
28 following adoption of the preliminary budget in the official newspaper
29 of the county or on the legal notice database and subject to publishing
30 requirements in RCW 36.72.071. The county legislative authority shall
31 provide a sufficient number of copies of the detailed and comparative
32 preliminary budget to meet the reasonable demands of taxpayers therefor
33 and the same shall be available for distribution not later than two
34 weeks immediately preceding the first Monday in October.

35 **Sec. 19.** RCW 36.40.100 and 1985 c 469 s 48 are each amended to
36 read as follows:

1 The estimates of expenditures itemized and classified as required
2 in RCW 36.40.040 and as finally fixed and adopted in detail by the
3 board of county commissioners shall constitute the appropriations for
4 the county for the ensuing fiscal year; and every county official shall
5 be limited in the making of expenditures or the incurring of
6 liabilities to the amount of the detailed appropriation items or
7 classes respectively: PROVIDED, That upon a resolution formally
8 adopted by the board at a regular or special meeting and entered upon
9 the minutes, transfers or revisions within departments, or supplemental
10 appropriations to the budget from unanticipated federal or state funds
11 may be made: PROVIDED FURTHER, That the board shall publish notice of
12 the time and date of the meeting at which the supplemental
13 appropriations resolution will be adopted, and the amount of the
14 appropriation, once each week, for two consecutive weeks prior to the
15 meeting in the official newspaper of the county or on the legal notice
16 database and subject to publishing requirements in RCW 36.72.071.

17 **Sec. 20.** RCW 36.40.140 and 1969 ex.s. c 185 s 3 are each amended
18 to read as follows:

19 When a public emergency, other than such as are specifically
20 described in RCW 36.40.180, and which could not reasonably have been
21 foreseen at the time of making the budget, requires the expenditure of
22 money not provided for in the budget, the board of county commissioners
23 by majority vote of the commissioners at any meeting the time and place
24 of which all the commissioners have had reasonable notice, shall adopt
25 and enter upon its minutes a resolution stating the facts constituting
26 the emergency and the estimated amount of money required to meet it,
27 and shall publish the same, together with a notice that a public
28 hearing thereon will be held at the time and place designated therein,
29 which shall not be less than one week after the date of publication, at
30 which any taxpayer may appear and be heard for or against the
31 expenditure of money for the alleged emergency. The resolution and
32 notice shall be published once in the official county newspaper, (~~or~~
33 ~~if there is none,~~) in a legal newspaper in the county, or on the legal
34 notice database and subject to publishing requirements in RCW
35 36.72.071. Upon the conclusion of the hearing, if the board of county
36 commissioners approves it, an order shall be made and entered upon its
37 official minutes by a majority vote of all the members of the board

1 setting forth the facts constituting the emergency, together with the
2 amount of expenditure authorized, which order, so entered, shall be
3 lawful authorization to expend said amount for such purpose unless a
4 review is applied for within five days thereafter.

5 **Sec. 21.** RCW 36.55.040 and 1985 c 469 s 49 are each amended to
6 read as follows:

7 On application being made to the county legislative authority for
8 franchise, it shall fix a time and place for hearing the same, and
9 shall cause the county auditor to give public notice thereof at the
10 expense of the applicant, by posting notices in three public places in
11 the county seat of the county at least fifteen days before the day
12 fixed for the hearing. The county legislative authority shall also
13 publish a like notice two times in the official newspaper of the county
14 or on the legal notice database and subject to publishing requirements
15 in RCW 36.72.071, the last publication to be not less than five days
16 before the day fixed for the hearing. The notice shall state the name
17 or names of the applicant or applicants, a description of the county
18 roads by reference to section, township and range in which the county
19 roads or portions thereof are physically located, to be included in the
20 franchise for which the application is made, and the time and place
21 fixed for the hearing.

22 **Sec. 22.** RCW 36.58.090 and 1992 c 131 s 4 are each amended to read
23 as follows:

24 (1) Notwithstanding the provisions of any county charter or any law
25 to the contrary, and in addition to any other authority provided by
26 law, the legislative authority of a county may contract with one or
27 more vendors for one or more of the design, construction, or operation
28 of, or other service related to, the solid waste handling systems,
29 plants, sites, or other facilities in accordance with the procedures
30 set forth in this section. When a contract for design services is
31 entered into separately from other services permitted under this
32 section, procurement shall be in accord with chapter 39.80 RCW. For
33 the purpose of this chapter, the term "legislative authority" shall
34 mean the board of county commissioners or, in the case of a home rule
35 charter county, the official, officials, or public body designated by
36 the charter to perform the functions authorized therein.

1 (2) If the legislative authority of the county decides to proceed
2 with the consideration of qualifications or proposals for services from
3 vendors, the county shall publish notice of its requirements and
4 request submission of qualifications statements or proposals. The
5 notice shall be published in the official newspaper of the county or on
6 the legal notice database and subject to publishing requirements in RCW
7 36.72.071 at least once a week for two weeks not less than sixty days
8 before the final date for the submission of qualifications statements
9 or proposals. The notice shall state in summary form (a) the general
10 scope and nature of the design, construction, operation, or other
11 service, (b) the name and address of a representative of the county who
12 can provide further details, (c) the final date for the submission of
13 qualifications statements or proposals, (d) an estimated schedule for
14 the consideration of qualifications, the selection of vendors, and the
15 negotiation of a contract or contracts for services, (e) the location
16 at which a copy of any request for qualifications or request for
17 proposals will be made available, and (f) the criteria established by
18 the legislative authority to select a vendor or vendors, which may
19 include but shall not be limited to the vendor's prior experience,
20 including design, construction, or operation of other similar
21 facilities; respondent's management capability, schedule availability
22 and financial resources; cost of the services, nature of facility
23 design proposed by the vendor; system reliability; performance
24 standards required for the facilities; compatibility with existing
25 service facilities operated by the public body or other providers of
26 service to the public; project performance guarantees; penalty and
27 other enforcement provisions; environmental protection measures to be
28 used; consistency with the applicable comprehensive solid waste
29 management plan; and allocation of project risks.

30 (3) If the legislative authority of the county decides to proceed
31 with the consideration of qualifications or proposals, it may designate
32 a representative to evaluate the vendors who submitted qualifications
33 statements or proposals and conduct discussions regarding
34 qualifications or proposals with one or more vendors. The legislative
35 authority or representative may request submission of qualifications
36 statements and may later request more detailed proposals from one or
37 more vendors who have submitted qualifications statements, or the
38 representative may request detailed proposals without having first

1 received and evaluated qualifications statements. The representative
2 shall evaluate the qualifications or proposals, as applicable. If two
3 or more vendors submit qualifications or proposals that meet the
4 criteria established by the legislative authority of the county,
5 discussions and interviews shall be held with at least two vendors.
6 Any revisions to a request for qualifications or request for proposals
7 shall be made available to all vendors then under consideration by the
8 city or town and shall be made available to any other person who has
9 requested receipt of that information.

10 (4) Based on criteria established by the legislative authority of
11 the county, the representative shall recommend to the legislative
12 authority a vendor or vendors that are initially determined to be the
13 best qualified to provide one or more of the design, construction, or
14 operation of, or other service related to, the proposed project or
15 services. The legislative authority may select one or more qualified
16 vendors for one or more of the design, construction, or operation of,
17 or other service related to, the proposed project or services.

18 (5) The legislative authority or its representative may attempt to
19 negotiate a contract with the vendor or vendors selected for one or
20 more of the design, construction, or operation of, or other service
21 related to, the proposed project or services on terms that the
22 legislative authority determines to be fair and reasonable and in the
23 best interest of the county. If the legislative authority or its
24 representative is unable to negotiate such a contract with any one or
25 more of the vendors first selected on terms that it determines to be
26 fair and reasonable and in the best interest of the county,
27 negotiations with any one or more of the vendors shall be terminated or
28 suspended and another qualified vendor or vendors may be selected in
29 accordance with the procedures set forth in this section. If the
30 legislative authority decides to continue the process of selection,
31 negotiations shall continue with a qualified vendor or vendors in
32 accordance with this section at the sole discretion of the legislative
33 authority until an agreement is reached with one or more qualified
34 vendors, or the process is terminated by the legislative authority.
35 The process may be repeated until an agreement is reached.

36 (6) Prior to entering into a contract with a vendor, the
37 legislative authority of the county shall make written findings, after
38 holding a public hearing on the proposal, that it is in the public

1 interest to enter into the contract, that the contract is financially
2 sound, and that it is advantageous for the county to use this method
3 for awarding contracts compared to other methods.

4 (7) Each contract shall include a project performance bond or bonds
5 or other security by the vendor that in the judgment of the legislative
6 authority of the county is sufficient to secure adequate performance by
7 the vendor.

8 (8) The provisions of chapters 39.12, 39.19, and 39.25 RCW shall
9 apply to a contract entered into under this section to the same extent
10 as if the systems and plants were owned by a public body.

11 (9) The vendor selection process permitted by this section shall be
12 supplemental to and shall not be construed as a repeal of or limitation
13 on any other authority granted by law.

14 (10) The alternative selection process provided by this section may
15 not be used in the selection of a person or entity to construct a
16 publicly owned facility for the storage or transfer of solid waste or
17 solid waste handling equipment unless the facility is either (a)
18 privately operated pursuant to a contract greater than five years, or
19 (b) an integral part of a solid waste processing facility located on
20 the same site. Instead, the applicable provisions of RCW 36.32.250 and
21 chapters 39.04 and 39.30 RCW shall be followed.

22 **Sec. 23.** RCW 36.58.110 and 1982 c 175 s 2 are each amended to read
23 as follows:

24 A county legislative authority proposing to establish a solid waste
25 disposal district or to modify or dissolve an existing solid waste
26 disposal district shall conduct a hearing at the time and place
27 specified in a notice published at least once not less than ten days
28 prior to the hearing in a newspaper of general circulation within the
29 proposed solid waste disposal district or on the legal notice database
30 and subject to publishing requirements in RCW 36.72.071. This notice
31 shall be in addition to any other notice required by law to be
32 published. Additional notice of such hearing may be given by mail,
33 posting within the proposed solid waste disposal district, or in any
34 manner local authorities deem necessary to notify affected persons.
35 All hearings shall be public and the county legislative authority shall
36 hear objections from any person affected by the formation,

1 modification, or dissolution of the solid waste disposal district and
2 make such changes in the boundaries of the district or any other
3 modifications that the county legislative authority deems necessary.

4 **Sec. 24.** RCW 36.58A.020 and 1971 ex.s. c 293 s 3 are each amended
5 to read as follows:

6 The county legislative authority proposing to establish a solid
7 waste collection district or to modify or dissolve an existing solid
8 waste collection district shall conduct a hearing at the time and place
9 specified in a notice published at least once not less than ten days
10 prior to the hearing in a newspaper of general circulation within the
11 county or on the legal notice database and subject to publishing
12 requirements in RCW 36.72.071. Additional notice of such hearing may
13 be given by mail, posting on the property, or in any manner local
14 authorities deem necessary to notify adjacent landowners and the
15 public. All hearings shall be public and the legislative authority
16 shall hear objections from any person affected by the formation of the
17 solid waste collection district and make such changes in the boundaries
18 of the district or any other modifications of plans that the
19 legislative authority deems necessary.

20 **Sec. 25.** RCW 36.60.020 and 1983 c 303 s 9 are each amended to read
21 as follows:

22 (1) A county legislative authority proposing to establish a county
23 rail district, or to modify the boundaries of an existing county rail
24 district, or to dissolve an existing county rail district, shall
25 conduct a hearing at the time and place specified in a notice published
26 at least once, not less than ten days prior to the hearing, in a
27 newspaper of general circulation within the proposed county rail
28 district or on the legal notice database and subject to publishing
29 requirements in RCW 36.72.071. This notice shall be in addition to any
30 other notice required by law to be published. Additional notice of the
31 hearing may be given by mail, posting within the proposed county rail
32 district, or in any manner the county legislative authority deems
33 necessary to notify affected persons. All hearings shall be public and
34 the county legislative authority shall hear objections from any person
35 affected by the formation, modification of the boundaries, or
36 dissolution of the county rail district.

1 (2) Following the hearing held under subsection (1) of this
2 section, the county legislative authority may adopt a resolution
3 providing for the submission of a proposal to establish a county rail
4 district, modify the boundaries of an existing county rail district, or
5 dissolve an existing county rail district, if the county legislative
6 authority finds the proposal to be in the public interest. The
7 resolution shall contain the boundaries of the district if applicable.

8 A proposition to create a county rail district, modify the
9 boundaries of an existing county rail district, or dissolve an existing
10 rail district shall be submitted to the affected voters at the next
11 general election held sixty or more days after the adoption of the
12 resolution providing for the submittal by the county legislative
13 authority. The resolution shall establish the boundaries of the
14 district and include a finding that the creation of the district is in
15 the public interest and that the area included within the district can
16 reasonably be expected to benefit from its creation. No portion of a
17 city may be included in such a district unless the entire city is
18 included.

19 The district shall be created upon approval of the proposition by
20 simple majority vote. The ballot proposition submitted to the voters
21 shall be in substantially the following form:

22 FORMATION OF COUNTY RAIL DISTRICT

23 Shall a county rail district be established for the area described in
24 a resolution of the legislative authority of county,
25 adopted on the day of, 19. . . ?

26 **Sec. 26.** RCW 36.60.120 and 1986 c 26 s 3 are each amended to read
27 as follows:

28 If a petition to establish, modify the boundaries, or dissolve a
29 county rail district is filed with the county legislative authority
30 that complies with the requirements specified in RCW 36.60.110, the
31 legislative authority may accept the petition, fix a date for a public
32 hearing, and publish notice of the hearing in one issue of the official
33 county newspaper or on the legal notice database and subject to
34 publishing requirements in RCW 36.72.071. The notice shall also be
35 posted in three public places within the area proposed for
36 establishment, modification, or dissolution, and shall specify the time

1 and place of hearing. The expense of publication and posting of the
2 notice shall be paid by the signers of the petition.

3 **Sec. 27.** RCW 36.61.040 and 2008 c 301 s 6 are each amended to read
4 as follows:

5 Notice of the public hearing shall be published in at least two
6 consecutive issues of a newspaper of general circulation in the
7 proposed lake or beach management district or on the legal notice
8 database and subject to publishing requirements in RCW 36.72.071, the
9 date of the first publication to be at least fifteen days prior to the
10 date fixed for the public hearing by the resolution of intention.
11 Notice of the public hearing shall also be given to the owner or
12 reputed owner of any lot, tract, parcel of land, or other property
13 within the proposed lake or beach management district by mailing the
14 notice at least fifteen days before the date fixed for the public
15 hearing to the owner or reputed owner of the property as shown on the
16 tax rolls of the county assessor at the address shown thereon. Notice
17 of the public hearing shall also be mailed to the departments of fish
18 and wildlife, natural resources, and ecology at least fifteen days
19 before the date fixed for the public hearing.

20 Notices of the public hearing shall: (1) Refer to the resolution
21 of intention; (2) designate the proposed lake or beach management
22 district by number; (3) set forth a proposed plan describing: (a) The
23 nature of the proposed lake or beach improvement or maintenance
24 activities; (b) the amount of special assessments or rates and charges
25 proposed to be raised by the lake or beach management district; (c) if
26 special assessments are proposed to be imposed, whether the special
27 assessments will be imposed annually for the duration of the lake or
28 beach management district, or the full special assessments will be
29 payable at one time, with the possibility of periodic installments
30 being paid and lake or beach management bonds being issued, or both;
31 (d) if rates and charges are proposed to be imposed, the annual amount
32 of revenue proposed to be collected and whether revenue bonds payable
33 from the rates and charges are proposed to be issued; and (e) the
34 proposed duration of the lake or beach management district; and (4)
35 indicate the date, time, and place of the public hearing designated in
36 the resolution of intention.

1 In the case of the notice sent to each owner or reputed owner by
2 mail, the notice shall set forth the estimated amount of the cost of
3 the lake or beach improvement or maintenance activities to be borne by
4 special assessment, or annual special assessments, or rates and charges
5 on the lot, tract, parcel of land, or other property owned by the owner
6 or reputed owner.

7 If the county legislative authority has designated a committee of
8 itself or an officer to hear complaints and make recommendations to the
9 full county legislative authority, as provided in RCW 36.61.060, the
10 notice shall also describe this additional step before the full county
11 legislative authority may adopt a resolution creating the lake or beach
12 management district.

13 **Sec. 28.** RCW 36.61.100 and 2008 c 301 s 12 are each amended to
14 read as follows:

15 If the proposal receives a simple majority vote in favor of
16 creating the lake or beach management district, the county legislative
17 authority shall adopt an ordinance creating the lake or beach
18 management district and may proceed with establishing the special
19 assessments or rates and charges, collecting the special assessments or
20 rates and charges, and performing the lake or beach improvement or
21 maintenance activities. If a proposed lake management district
22 includes more than one lake and its adjacent areas, the lake management
23 district may only be established if the proposal receives a simple
24 majority vote in favor of creating it by the voters on each lake and
25 its adjacent areas. The county legislative authority shall publish a
26 notice in a newspaper of general circulation in a lake or beach
27 management district or on the legal notice database and subject to
28 publishing requirements in RCW 36.72.071 indicating that such an
29 ordinance has been adopted within ten days of the adoption of the
30 ordinance.

31 The ballots shall be available for public inspection after they are
32 counted.

33 **Sec. 29.** RCW 36.61.190 and 2008 c 301 s 19 are each amended to
34 read as follows:

35 Special assessments and installments on any special assessment
36 shall be collected by the county treasurer.

1 The county treasurer shall publish a notice indicating that the
2 special assessment roll has been confirmed and that the special
3 assessments are to be collected. The notice shall indicate the
4 duration of the lake or beach management district and shall describe
5 whether the special assessments will be paid in annual payments for the
6 duration of the lake or beach management district, or whether the full
7 special assessments will be payable at one time, with the possibility
8 of periodic installments being paid and lake or beach management bonds
9 being issued, or both.

10 If the special assessments are to be payable at one time, the
11 notice additionally shall indicate that all or any portion of the
12 special assessments may be paid within thirty days from the date of
13 publication of the first notice without penalty or interest. This
14 notice shall be published in a newspaper of general circulation in the
15 lake or beach management district or on the legal notice database and
16 subject to publishing requirements in RCW 36.72.071.

17 Within ten days of the first ((~~newspaper~~)) publication, the county
18 treasurer shall notify each owner or reputed owner of property whose
19 name appears on the special assessment roll, at the address shown on
20 the special assessment roll, for each item of property described on the
21 list: (1) Whether one special assessment payable at one time or
22 special assessments payable annually have been imposed; (2) the amount
23 of the property subject to the special assessment or annual special
24 assessments; and (3) the total amount of the special assessment due at
25 one time, or annual amount of special assessments due. If the special
26 assessment is due at one time, the notice shall also describe the
27 thirty-day period during which the special assessment may be paid
28 without penalty, interest, or cost.

29 **Sec. 30.** RCW 36.68.440 and 1981 c 210 s 4 are each amended to read
30 as follows:

31 Upon accepting a petition to form a park and recreation service
32 area, or upon passage of a resolution to establish such a service area,
33 the county legislative authority shall order a full investigation for
34 the purpose or purposes of the proposed service area to determine the
35 feasibility of forming the same and to determine the estimated initial
36 costs involved in obtaining the objectives set forth in the petition or
37 resolution. The reports on the feasibility and the cost of the

1 proposed service area shall be made available to the county legislative
2 authority, and copies of such reports shall be filed with the clerk of
3 the county legislative authority not more than eighty days after the
4 county legislative authority first directs that the studies and reports
5 be undertaken. The county legislative authority shall also provide by
6 resolution that within twenty days after receiving the reports a public
7 hearing shall be held at the county seat or at some convenient location
8 within the proposed service area. At least five days before the
9 hearing, the county legislative authority shall give notice of the
10 hearing not less than twice in a legal newspaper of general circulation
11 in the county or on the legal notice database and subject to publishing
12 requirements in RCW 36.72.071. The notice shall describe the
13 boundaries of the proposed service area, the purpose or purposes of the
14 proposed service area, the estimated initial costs, indicate that the
15 reports and other materials prepared at the order of the county
16 legislative authority are available in the office of the clerk of the
17 county legislative authority for the study and review of any interested
18 party, and set the time, date and place of the hearing.

19 **Sec. 31.** RCW 36.68.470 and 1981 c 210 s 6 are each amended to read
20 as follows:

21 (1) Upon making findings under the provisions of RCW 36.68.460, the
22 county legislative authority shall, by resolution, order an election of
23 the voters of the proposed park and recreation service area to
24 determine if the service area shall be formed. The county legislative
25 authority shall in their resolution direct the county auditor to set
26 the election to be held at the next general election or at a special
27 election held for such purpose; describe the purposes of the proposed
28 service area; set forth the estimated cost of any initial improvements
29 or services to be financed by the service area should it be formed;
30 describe the method of financing the initial improvements or services
31 described in the resolution or petition; and order that notice of
32 election be published in a newspaper of general circulation in the
33 county or on the legal notice database and subject to publishing
34 requirements in RCW 36.72.071 at least twice prior to the election
35 date.

36 (2) A proposition to form a park and recreation service area shall
37 be submitted to the voters of the proposed service area. Upon approval

1 by a majority of the voters voting on the proposition, a park and
2 recreation service area shall be established. The proposition
3 submitted to the voters by the county auditor on the ballot shall be in
4 substantially the following form:

5 FORMATION OF PARK AND
6 RECREATION SERVICE AREA

7 Shall a park and recreation service area be established
8 for the area described in a resolution of the legislative
9 authority of county, adopted on the day of
10 19...., to provide financing for neighborhood park
11 facilities, improvements, and services?
12 Yes..... No.....

13 **Sec. 32.** RCW 36.69.040 and 1963 c 4 s 36.69.040 are each amended
14 to read as follows:

15 The board of county commissioners shall set a time for a hearing on
16 the petition for the formation of a park and recreation district to be
17 held not more than sixty days following the receipt of such petition.
18 Notice of hearing shall be given by publication three times, at
19 intervals of not less than one week, in a newspaper of general
20 circulation within the county or on the legal notice database and
21 subject to publishing requirements in RCW 36.72.071. Such notice shall
22 state the time and place of hearing and describe particularly the area
23 proposed to be included within the district.

24 **Sec. 33.** RCW 36.69.230 and 2009 c 549 s 4104 are each amended to
25 read as follows:

26 If such local improvement district is initiated by petition, such
27 petition shall set forth the nature and territorial extent of the
28 proposed improvement requested to be ordered and the fact that the
29 signers thereof are the owners (according to the records of the county
30 auditor) of at least fifty-one percent of the area of land within the
31 limits of the local improvement district to be created. Upon the
32 filing of such petition the board of park and recreation commissioners
33 shall determine whether it is sufficient, and the board's determination
34 thereof shall be conclusive upon all persons. No person shall withdraw
35 his or her name from the petition after it has been filed with the

1 board. If the board shall find the petition to be sufficient, it shall
2 proceed to adopt a resolution declaring its intention to order the
3 improvement petitioned for, setting forth the nature and territorial
4 extent of said improvement, designating the number of the proposed
5 local district and describing the boundaries thereof, stating the
6 estimated cost and expense of the improvement and the proportionate
7 amount thereof which will be borne by the property within the proposed
8 local district, and fixing a date, time and place for a public hearing
9 on the formation of the proposed local district.

10 The resolution of intention, whether adopted on the initiative of
11 the board or pursuant to a petition of the property owners, shall be
12 published in at least two consecutive issues of a newspaper of general
13 circulation in the proposed local district or on the legal notice
14 database and subject to publishing requirements in RCW 36.72.071, the
15 date of the first publication to be at least fifteen days prior to the
16 date fixed by such resolution for hearing before the board.

17 **Sec. 34.** RCW 36.69.280 and 1963 c 4 s 36.69.280 are each amended
18 to read as follows:

19 Before approval of the roll a notice shall be published once a week
20 for two consecutive weeks in a newspaper of general circulation in the
21 local district or on the legal notice database and subject to
22 publishing requirements in RCW 36.72.071, stating that the roll is on
23 file and open to inspection in the office of the secretary, and fixing
24 the time, not less than fifteen or more than thirty days from the date
25 of the first publication of the notice within which protests must be
26 filed with the secretary against any assessments shown thereon, and
27 fixing a time when a hearing will be held by the board of park and
28 recreation commissioners on the protests. Notice shall also be given
29 by mailing, at least fifteen days before the hearing, a similar notice
30 to the owners or reputed owners of the land in the local district as
31 they appear on the books of the treasurer of the county in which the
32 park and recreation district is located. At the hearing, or any
33 adjournment thereof, the commissioners may correct, change or modify
34 the roll, or any part thereof, or set aside the roll and order a new
35 assessment, and may then by resolution approve it. If an assessment is
36 raised a new notice similar to the first shall be given, after which
37 final approval of the roll may be made. When property has been entered

1 originally upon the roll and the assessment thereon is not raised, no
2 objection thereto shall be considered by the commissioners or by any
3 court on appeal unless the objection is made in writing at, or prior,
4 to the date fixed for the original hearing upon the roll.

5 **Sec. 35.** RCW 36.70.390 and 1963 c 4 s 36.70.390 are each amended
6 to read as follows:

7 Notice of the time, place and purpose of any public hearing shall
8 be given by one publication in a newspaper of general circulation in
9 the county and in the official gazette, if any, of the county, or on
10 the legal notice database and subject to publishing requirements in RCW
11 36.72.071, at least ten days before the hearing.

12 **Sec. 36.** RCW 36.70.430 and 1963 c 4 s 36.70.430 are each amended
13 to read as follows:

14 When it deems it to be for the public interest, or when it
15 considers a change in the recommendations of the planning agency to be
16 necessary, the board may initiate consideration of a comprehensive
17 plan, or any element or part thereof, or any change in or addition to
18 such plan or recommendation. The board shall first refer the proposed
19 plan, change or addition to the planning agency for a report and
20 recommendation. Before making a report and recommendation, the
21 commission shall hold at least one public hearing on the proposed plan,
22 change or addition. Notice of the time and place and purpose of the
23 hearing shall be given by one publication in a newspaper of general
24 circulation in the county and in the official gazette, if any, of the
25 county, or on the legal notice database and subject to publishing
26 requirements in RCW 36.72.071, at least ten days before the hearing.

27 **Sec. 37.** RCW 36.70.440 and 1963 c 4 s 36.70.440 are each amended
28 to read as follows:

29 After the receipt of the report and recommendations of the planning
30 agency on the matters referred to in RCW 36.70.430, or after the lapse
31 of the prescribed time for the rendering of such report and
32 recommendation by the commission, the board may approve by motion and
33 certify such plan, change or addition without further reference to the
34 commission: PROVIDED, That the plan, change or addition conforms
35 either to the proposal as initiated by the county or the recommendation

1 thereon by the commission: PROVIDED FURTHER, That if the planning
2 agency has failed to report within a ninety day period, the board shall
3 hold at least one public hearing on the proposed plan, change or
4 addition. Notice of the time, place and purpose of the hearing shall
5 be given by one publication in a newspaper of general circulation in
6 the county and in the official gazette, if any, of the county, or on
7 the legal notice database and subject to publishing requirements in RCW
8 36.72.071, at least ten days before the hearing. Thereafter, the board
9 may proceed to approve by motion and certify the proposed comprehensive
10 plan or any part, amendment or addition thereto.

11 **Sec. 38.** RCW 36.70.590 and 1963 c 4 s 36.70.590 are each amended
12 to read as follows:

13 Notice of the time, place and purpose of the hearing shall be given
14 by one publication in a newspaper of general circulation in the county
15 and in the official gazette, if any, of the county, or on the legal
16 notice database and subject to publishing requirements in RCW
17 36.72.071, at least ten days before the hearing. The board may
18 prescribe additional methods for providing notice.

19 **Sec. 39.** RCW 36.70A.035 and 1999 c 315 s 708 are each amended to
20 read as follows:

21 (1) The public participation requirements of this chapter shall
22 include notice procedures that are reasonably calculated to provide
23 notice to property owners and other affected and interested
24 individuals, tribes, government agencies, businesses, school districts,
25 and organizations of proposed amendments to comprehensive plans and
26 development regulation. Examples of reasonable notice provisions
27 include:

28 (a) Posting the property for site-specific proposals;

29 (b) Publishing notice in a newspaper of general circulation in the
30 county, city, or general area where the proposal is located or that
31 will be affected by the proposal or on the legal notice database and
32 subject to publishing requirements in RCW 36.72.071;

33 (c) Notifying public or private groups with known interest in a
34 certain proposal or in the type of proposal being considered;

35 (d) Placing notices in appropriate regional, neighborhood, ethnic,
36 or trade journals; and

1 (e) Publishing notice in agency newsletters or sending notice to
2 agency mailing lists, including general lists or lists for specific
3 proposals or subject areas.

4 (2)(a) Except as otherwise provided in (b) of this subsection, if
5 the legislative body for a county or city chooses to consider a change
6 to an amendment to a comprehensive plan or development regulation, and
7 the change is proposed after the opportunity for review and comment has
8 passed under the county's or city's procedures, an opportunity for
9 review and comment on the proposed change shall be provided before the
10 local legislative body votes on the proposed change.

11 (b) An additional opportunity for public review and comment is not
12 required under (a) of this subsection if:

13 (i) An environmental impact statement has been prepared under
14 chapter 43.21C RCW for the pending resolution or ordinance and the
15 proposed change is within the range of alternatives considered in the
16 environmental impact statement;

17 (ii) The proposed change is within the scope of the alternatives
18 available for public comment;

19 (iii) The proposed change only corrects typographical errors,
20 corrects cross-references, makes address or name changes, or clarifies
21 language of a proposed ordinance or resolution without changing its
22 effect;

23 (iv) The proposed change is to a resolution or ordinance making a
24 capital budget decision as provided in RCW 36.70A.120; or

25 (v) The proposed change is to a resolution or ordinance enacting a
26 moratorium or interim control adopted under RCW 36.70A.390.

27 (3) This section is prospective in effect and does not apply to a
28 comprehensive plan, development regulation, or amendment adopted before
29 July 27, 1997.

30 **Sec. 40.** RCW 36.70A.367 and 2007 c 433 s 1 are each amended to
31 read as follows:

32 (1) In addition to the major industrial development allowed under
33 RCW 36.70A.365, a county planning under RCW 36.70A.040 that meets the
34 criteria in subsection (5) of this section may establish, in
35 consultation with cities consistent with provisions of RCW 36.70A.210,
36 a process for designating a bank of no more than two master planned
37 locations for major industrial activity outside urban growth areas.

1 (2) A master planned location for major industrial developments may
2 be approved through a two-step process: Designation of an industrial
3 land bank area in the comprehensive plan; and subsequent approval of
4 specific major industrial developments through a local master plan
5 process described under subsection (3) of this section.

6 (a) The comprehensive plan must identify locations suited to major
7 industrial development due to proximity to transportation or resource
8 assets. The plan must identify the maximum size of the industrial land
9 bank area and any limitations on major industrial developments based on
10 local limiting factors, but does not need to specify a particular
11 parcel or parcels of property or identify any specific use or user
12 except as limited by this section. In selecting locations for the
13 industrial land bank area, priority must be given to locations that are
14 adjacent to, or in close proximity to, an urban growth area.

15 (b) The environmental review for amendment of the comprehensive
16 plan must be at the programmatic level and, in addition to a threshold
17 determination, must include:

18 (i) An inventory of developable land as provided in RCW 36.70A.365;
19 and

20 (ii) An analysis of the availability of alternative sites within
21 urban growth areas and the long-term annexation feasibility of sites
22 outside of urban growth areas.

23 (c) Final approval of an industrial land bank area under this
24 section must be by amendment to the comprehensive plan adopted under
25 RCW 36.70A.070, and the amendment is exempt from the limitation of RCW
26 36.70A.130(2) and may be considered at any time. Approval of a
27 specific major industrial development within the industrial land bank
28 area requires no further amendment of the comprehensive plan.

29 (3) In concert with the designation of an industrial land bank
30 area, a county shall also adopt development regulations for review and
31 approval of specific major industrial developments through a master
32 plan process. The regulations governing the master plan process shall
33 ensure, at a minimum, that:

34 (a) Urban growth will not occur in adjacent nonurban areas;

35 (b) Development is consistent with the county's development
36 regulations adopted for protection of critical areas;

37 (c) Required infrastructure is identified and provided concurrent

1 with development. Such infrastructure, however, may be phased in with
2 development;

3 (d) Transit-oriented site planning and demand management programs
4 are specifically addressed as part of the master plan approval;

5 (e) Provision is made for addressing environmental protection,
6 including air and water quality, as part of the master plan approval;

7 (f) The master plan approval includes a requirement that interlocal
8 agreements between the county and service providers, including cities
9 and special purpose districts providing facilities or services to the
10 approved master plan, be in place at the time of master plan approval;

11 (g) A major industrial development is used primarily by industrial
12 and manufacturing businesses, and that the gross floor area of all
13 commercial and service buildings or facilities locating within the
14 major industrial development does not exceed ten percent of the total
15 gross floor area of buildings or facilities in the development. The
16 intent of this provision for commercial or service use is to meet the
17 needs of employees, clients, customers, vendors, and others having
18 business at the industrial site, to attract and retain a quality
19 workforce, and to further other public objectives, such as trip
20 reduction. These uses may not be promoted to attract additional
21 clientele from the surrounding area. Commercial and service businesses
22 must be established concurrently with or subsequent to the industrial
23 or manufacturing businesses;

24 (h) New infrastructure is provided for and/or applicable impact
25 fees are paid to assure that adequate facilities are provided
26 concurrently with the development. Infrastructure may be achieved in
27 phases as development proceeds;

28 (i) Buffers are provided between the major industrial development
29 and adjacent rural areas;

30 (j) Provision is made to mitigate adverse impacts on designated
31 agricultural lands, forest lands, and mineral resource lands; and

32 (k) An open record public hearing is held before either the
33 planning commission or hearing examiner with notice published at least
34 thirty days before the hearing date and mailed to all property owners
35 within one mile of the site.

36 (4) For the purposes of this section:

37 (a) "Major industrial development" means a master planned location
38 suitable for manufacturing or industrial businesses that: (i) Requires

1 a parcel of land so large that no suitable parcels are available within
2 an urban growth area; (ii) is a natural resource-based industry
3 requiring a location near agricultural land, forest land, or mineral
4 resource land upon which it is dependent; or (iii) requires a location
5 with characteristics such as proximity to transportation facilities or
6 related industries such that there is no suitable location in an urban
7 growth area. The major industrial development may not be for the
8 purpose of retail commercial development or multitenant office parks.

9 (b) "Industrial land bank" means up to two master planned
10 locations, each consisting of a parcel or parcels of contiguous land,
11 sufficiently large so as not to be readily available within the urban
12 growth area of a city, or otherwise meeting the criteria contained in
13 (a) of this subsection, suitable for manufacturing, industrial, or
14 commercial businesses and designated by the county through the
15 comprehensive planning process specifically for major industrial use.

16 (5) This section and the termination provisions specified in
17 subsection (6) of this section apply to a county that at the time the
18 process is established under subsection (1) of this section:

19 (a) Has a population greater than two hundred fifty thousand and is
20 part of a metropolitan area that includes a city in another state with
21 a population greater than two hundred fifty thousand;

22 (b) Has a population greater than one hundred forty thousand and is
23 adjacent to another country;

24 (c) Has a population greater than forty thousand but less than
25 seventy-five thousand and has an average level of unemployment for the
26 preceding three years that exceeds the average state unemployment for
27 those years by twenty percent; and

28 (i) Is bordered by the Pacific Ocean;
29 (ii) Is located in the Interstate 5 or Interstate 90 corridor; or
30 (iii) Is bordered by Hood Canal;

31 (d) Is east of the Cascade divide; and
32 (i) Borders another state to the south; or

33 (ii) Is located wholly south of Interstate 90 and borders the
34 Columbia river to the east;

35 (e) Has an average population density of less than one hundred
36 persons per square mile as determined by the office of financial
37 management, and is bordered by the Pacific Ocean and by Hood Canal; or

38 (f) Meets all of the following criteria:

1 (i) Has a population greater than forty thousand but fewer than
2 eighty thousand;

3 (ii) Has an average level of unemployment for the preceding three
4 years that exceeds the average state unemployment for those years by
5 twenty percent; and

6 (iii) Is located in the Interstate 5 or Interstate 90 corridor.

7 (6) In order to identify and approve locations for industrial land
8 banks, the county shall take action to designate one or more industrial
9 land banks and adopt conforming regulations as provided by ((RCW
10 ~~36.70A.367~~)) subsection (2) of this section on or before the last date
11 to complete that county's next periodic review under RCW 36.70A.130(4)
12 that occurs prior to December 31, 2014. The authority to take action
13 to designate a land bank area in the comprehensive plan expires if not
14 acted upon by the county within the time frame provided in this
15 section. Once a land bank area has been identified in the county's
16 comprehensive plan, the authority of the county to process a master
17 plan or site projects within an approved master plan does not expire.

18 (7) Any county seeking to designate an industrial land bank under
19 this section must:

20 (a) Provide countywide notice, in conformity with RCW 36.70A.035,
21 of the intent to designate an industrial land bank. Notice must be
22 published in a newspaper or newspapers of general circulation
23 reasonably likely to reach subscribers in all geographic areas of the
24 county. Alternatively, an advertisement must be published on the legal
25 notice database and subject to publishing requirements in RCW
26 36.72.071. Notice must be provided not less than thirty days prior to
27 commencement of consideration by the county legislative body; and

28 (b) Make a written determination of the criteria and rationale used
29 by the legislative body as the basis for siting an industrial land bank
30 under this chapter.

31 (8) Any location included in an industrial land bank pursuant to
32 section 2, chapter 289, Laws of 1998, section 1, chapter 402, Laws of
33 1997, and section 2, chapter 167, Laws of 1996 shall remain available
34 for major industrial development according to this section as long as
35 the requirements of this section continue to be satisfied.

36 **Sec. 41.** RCW 36.70B.110 and 1997 c 429 s 48 and 1997 c 396 s 1 are
37 each reenacted and amended to read as follows:

1 (1) Not later than April 1, 1996, a local government planning under
2 RCW 36.70A.040 shall provide a notice of application to the public and
3 the departments and agencies with jurisdiction as provided in this
4 section. If a local government has made a threshold determination
5 under chapter 43.21C RCW concurrently with the notice of application,
6 the notice of application may be combined with the threshold
7 determination and the scoping notice for a determination of
8 significance. Nothing in this section prevents a determination of
9 significance and scoping notice from being issued prior to the notice
10 of application. Nothing in this section or this chapter prevents a
11 lead agency, when it is a project proponent or is funding a project,
12 from conducting its review under chapter 43.21C RCW or from allowing
13 appeals of procedural determinations prior to submitting a project
14 permit application.

15 (2) The notice of application shall be provided within fourteen
16 days after the determination of completeness as provided in RCW
17 36.70B.070 and, except as limited by the provisions of subsection
18 (4)(b) of this section, shall include the following in whatever
19 sequence or format the local government deems appropriate:

20 (a) The date of application, the date of the notice of completion
21 for the application, and the date of the notice of application;

22 (b) A description of the proposed project action and a list of the
23 project permits included in the application and, if applicable, a list
24 of any studies requested under RCW 36.70B.070 or 36.70B.090;

25 (c) The identification of other permits not included in the
26 application to the extent known by the local government;

27 (d) The identification of existing environmental documents that
28 evaluate the proposed project, and, if not otherwise stated on the
29 document providing the notice of application, such as a city land use
30 bulletin, the location where the application and any studies can be
31 reviewed;

32 (e) A statement of the public comment period, which shall be not
33 less than fourteen nor more than thirty days following the date of
34 notice of application, and statements of the right of any person to
35 comment on the application, receive notice of and participate in any
36 hearings, request a copy of the decision once made, and any appeal
37 rights. A local government may accept public comments at any time

1 prior to the closing of the record of an open record predecision
2 hearing, if any, or, if no open record predecision hearing is provided,
3 prior to the decision on the project permit;

4 (f) The date, time, place, and type of hearing, if applicable and
5 scheduled at the date of notice of the application;

6 (g) A statement of the preliminary determination, if one has been
7 made at the time of notice, of those development regulations that will
8 be used for project mitigation and of consistency as provided in RCW
9 36.70B.030(2); and

10 (h) Any other information determined appropriate by the local
11 government.

12 (3) If an open record predecision hearing is required for the
13 requested project permits, the notice of application shall be provided
14 at least fifteen days prior to the open record hearing.

15 (4) A local government shall use reasonable methods to give the
16 notice of application to the public and agencies with jurisdiction and
17 may use its existing notice procedures. A local government may use
18 different types of notice for different categories of project permits
19 or types of project actions. If a local government by resolution or
20 ordinance does not specify its method of public notice, the local
21 government shall use the methods provided for in (a) and (b) of this
22 subsection. Examples of reasonable methods to inform the public are:

23 (a) Posting the property for site-specific proposals;

24 (b) Publishing notice, including at least the project location,
25 description, type of permit(s) required, comment period dates, and
26 location where the notice of application required by subsection (2) of
27 this section and the complete application may be reviewed, in the
28 newspaper of general circulation in the general area where the proposal
29 is located or in a local land use newsletter published by the local
30 government, or on the legal notice database and subject to publishing
31 requirements in RCW 36.72.071;

32 (c) Notifying public or private groups with known interest in a
33 certain proposal or in the type of proposal being considered;

34 (d) Notifying the news media;

35 (e) Placing notices in appropriate regional or neighborhood
36 newspapers or trade journals;

37 (f) Publishing notice in agency newsletters or sending notice to

1 agency mailing lists, either general lists or lists for specific
2 proposals or subject areas; and

3 (g) Mailing to neighboring property owners.

4 (5) A notice of application shall not be required for project
5 permits that are categorically exempt under chapter 43.21C RCW, unless
6 an open record predecision hearing is required or an open record appeal
7 hearing is allowed on the project permit decision.

8 (6) A local government shall integrate the permit procedures in
9 this section with its environmental review under chapter 43.21C RCW as
10 follows:

11 (a) Except for a threshold determination and except as otherwise
12 expressly allowed in this section, the local government may not issue
13 a decision or a recommendation on a project permit until the expiration
14 of the public comment period on the notice of application.

15 (b) If an open record predecision hearing is required, the local
16 government shall issue its threshold determination at least fifteen
17 days prior to the open record predecision hearing.

18 (c) Comments shall be as specific as possible.

19 (d) A local government is not required to provide for
20 administrative appeals of its threshold determination. If provided, an
21 administrative appeal shall be filed within fourteen days after notice
22 that the determination has been made and is appealable. Except as
23 otherwise expressly provided in this section, the appeal hearing on a
24 determination of nonsignificance shall be consolidated with any open
25 record hearing on the project permit.

26 (7) At the request of the applicant, a local government may combine
27 any hearing on a project permit with any hearing that may be held by
28 another local, state, regional, federal, or other agency, if:

29 (a) The hearing is held within the geographic boundary of the local
30 government; and

31 (b) The joint hearing can be held within the time periods specified
32 in RCW 36.70B.090 or the applicant agrees to the schedule in the event
33 that additional time is needed in order to combine the hearings. All
34 agencies of the state of Washington, including municipal corporations
35 and counties participating in a combined hearing, are hereby authorized
36 to issue joint hearing notices and develop a joint format, select a
37 mutually acceptable hearing body or officer, and take such other

1 actions as may be necessary to hold joint hearings consistent with each
2 of their respective statutory obligations.

3 (8) All state and local agencies shall cooperate to the fullest
4 extent possible with the local government in holding a joint hearing if
5 requested to do so, as long as:

6 (a) The agency is not expressly prohibited by statute from doing
7 so;

8 (b) Sufficient notice of the hearing is given to meet each of the
9 agencies' adopted notice requirements as set forth in statute,
10 ordinance, or rule; and

11 (c) The agency has received the necessary information about the
12 proposed project from the applicant to hold its hearing at the same
13 time as the local government hearing.

14 (9) A local government is not required to provide for
15 administrative appeals. If provided, an administrative appeal of the
16 project decision and of any environmental determination issued at the
17 same time as the project decision, shall be filed within fourteen days
18 after the notice of the decision or after other notice that the
19 decision has been made and is appealable. The local government shall
20 extend the appeal period for an additional seven days, if state or
21 local rules adopted pursuant to chapter 43.21C RCW allow public comment
22 on a determination of nonsignificance issued as part of the appealable
23 project permit decision.

24 (10) The applicant for a project permit is deemed to be a
25 participant in any comment period, open record hearing, or closed
26 record appeal.

27 (11) Each local government planning under RCW 36.70A.040 shall
28 adopt procedures for administrative interpretation of its development
29 regulations.

30 **Sec. 42.** RCW 36.73.050 and 2007 c 329 s 3 are each amended to read
31 as follows:

32 (1) The legislative authorities proposing to establish a district,
33 or to modify the boundaries of an existing district, or to dissolve an
34 existing district shall conduct a hearing at the time and place
35 specified in a notice published at least once, not less than ten days
36 before the hearing, in a newspaper of general circulation within the
37 proposed district or on the legal notice database and subject to

1 publishing requirements in RCW 36.72.071. Subject to the provisions of
2 RCW 36.73.170, the legislative authorities shall make provision for a
3 district to be automatically dissolved when all indebtedness of the
4 district has been retired and anticipated responsibilities have been
5 satisfied. This notice shall be in addition to any other notice
6 required by law to be published. The notice shall, where applicable,
7 specify the functions or activities proposed to be provided or funded,
8 or the additional functions or activities proposed to be provided or
9 funded, by the district. Additional notice of the hearing may be given
10 by mail, by posting within the proposed district, or in any manner the
11 legislative authorities deem necessary to notify affected persons. All
12 hearings shall be public and the legislative authorities shall hear
13 objections from any person affected by the formation, modification of
14 the boundaries, or dissolution of the district.

15 (2)(a) Following the hearing held pursuant to subsection (1) of
16 this section, the legislative authorities may establish a district,
17 modify the boundaries or functions of an existing district, or dissolve
18 an existing district, if the legislative authorities find the action to
19 be in the public interest and adopt an ordinance providing for the
20 action.

21 (b) The ordinance establishing a district shall specify the
22 functions and transportation improvements described under RCW 36.73.015
23 to be exercised or funded and establish the boundaries of the district.
24 Subject to the provisions of RCW 36.73.160, functions or transportation
25 improvements proposed to be provided or funded by the district may not
26 be expanded beyond those specified in the notice of hearing, unless
27 additional notices are made, further hearings on the expansion are
28 held, and further determinations are made that it is in the public
29 interest to so expand the functions or transportation improvements
30 proposed to be provided or funded.

31 **Sec. 43.** RCW 36.75.270 and 1963 c 4 s 36.75.270 are each amended
32 to read as follows:

33 The board of county commissioners of each county may by resolution
34 limit or prohibit classes or types of vehicles on any county road or
35 bridge and may limit the weight of vehicles which may travel thereon.
36 Any such resolution shall be effective for a definite period of time
37 which shall be stated in the resolution. If such resolution is

1 published at least once in a newspaper of general circulation in the
2 county or on the legal notice database and subject to publishing
3 requirements in RCW 36.72.071, and if signs indicating such closure or
4 limitation of traffic have been posted on such road or bridge, any
5 person violating such resolution shall be guilty of a misdemeanor.

6 **Sec. 44.** RCW 36.77.070 and 2009 c 549 s 4126 and 2009 c 29 s 2 are
7 each reenacted and amended to read as follows:

8 If the board determines that any construction should be performed
9 by county forces, and the estimated cost of the work exceeds ten
10 thousand dollars, it shall cause to be published in one issue of a
11 newspaper of general circulation in the county or on the legal notice
12 database and subject to publishing requirements in RCW 36.72.071, a
13 brief description of the work to be done and the county road engineer's
14 estimate of the cost thereof. At the completion of such construction,
15 the board shall cause to be published in one issue of such a newspaper
16 a similar brief description of the work together with an accurate
17 statement of the true and complete cost of performing such construction
18 by county forces.

19 Failure to make the required publication shall subject each county
20 commissioner to a fine of one hundred dollars for which he or she shall
21 be liable individually and upon his or her official bond and the
22 prosecuting attorney shall prosecute for violation of the provisions of
23 this section and RCW 36.77.065.

24 **Sec. 45.** RCW 36.81.070 and 1963 c 4 s 36.81.070 are each amended
25 to read as follows:

26 The board shall fix a time and place for hearing the report of the
27 engineer and cause notice thereof to be published once a week for two
28 successive weeks in the county official newspaper or on the legal
29 notice database and subject to publishing requirements in RCW 36.72.071
30 and to be posted for at least twenty days at each termini of the
31 proposed road.

32 The notice shall set forth the termini of the road as set out in
33 the resolution of the board, or the freeholders' petition, as the case
34 may be, and shall state that all persons interested may appear and be
35 heard at such hearing upon the report and recommendation of the

1 engineer either to proceed or not to proceed with establishing the
2 road.

3 **Sec. 46.** RCW 36.82.190 and 1985 c 469 s 50 are each amended to
4 read as follows:

5 The county legislative authority shall then publish a notice
6 setting day of hearing for the adoption of the final supplemental
7 budget covering the excess funds, designating the time and place of
8 hearing and that anyone may appear thereat and be heard for or against
9 any part of the preliminary supplemental budget. The notice shall be
10 published once a week for two consecutive weeks immediately following
11 the adoption of the preliminary supplemental budget in the official
12 newspaper of the county or on the legal notice database and subject to
13 publishing requirements in RCW 36.72.071. The county legislative
14 authority shall provide a sufficient number of copies of the
15 preliminary supplemental budget to meet reasonable public demands and
16 they shall be available not later than two weeks immediately preceding
17 the hearing.

18 **Sec. 47.** RCW 36.83.020 and 1996 c 292 s 2 are each amended to read
19 as follows:

20 (1) A county legislative authority proposing to establish a service
21 district shall conduct a hearing at the time and place specified in a
22 notice published at least once, not less than ten days prior to the
23 hearing, in a newspaper of general circulation within the proposed
24 service district or on the legal notice database and subject to
25 publishing requirements in RCW 36.72.071. This notice shall be in
26 addition to any other notice required by law to be published. The
27 notice shall specify the functions or activities proposed to be
28 provided or funded by the service district. Additional notice of the
29 hearing may be given by mail, posting within the proposed service
30 district, or in any manner the county legislative authority deems
31 necessary to notify affected persons. All hearings shall be public and
32 the county legislative authority shall hear objections from any person
33 affected by the formation, modification of the boundaries, or
34 dissolution of the service district.

35 (2) Following the hearing held pursuant to subsection (1) of this
36 section, the county legislative authority may establish a service

1 district if the county legislative authority finds the action to be in
2 the public interest and adopts an ordinance or resolution providing for
3 the establishment of the service district. The legislation
4 establishing a service district shall specify the functions or
5 activities to be exercised or funded and establish the boundaries of
6 the service district. Functions or activities proposed to be provided
7 or funded by the service district may not be expanded beyond those
8 specified in the notice of hearing, except as provided in subsection
9 (4) of this section.

10 (3) At any time prior to the county legislative authority
11 establishing a service district pursuant to this section, all further
12 proceedings shall be terminated upon the filing of a verified
13 declaration of termination signed by a majority of the registered
14 voters of the proposed service district.

15 (4) With the approval of the county legislative authority, the
16 governing body of a service district may modify the boundaries of,
17 expand or otherwise modify the functions of, or dissolve the service
18 district after providing notice and conducting a public hearing or
19 hearings in the manner provided in subsection (1) of this section. The
20 governing body must make a determination that the proposed action is in
21 the public interest and adopt a resolution providing for the action.

22 **Sec. 48.** RCW 36.87.050 and 1963 c 4 s 36.87.050 are each amended
23 to read as follows:

24 Notice of hearing upon the report for vacation and abandonment of
25 a county road shall be published at least once a week for two
26 consecutive weeks preceding the date fixed for the hearing, in the
27 county official newspaper or on the legal notice database and subject
28 to publishing requirements in RCW 36.72.071 and a copy of the notice
29 shall be posted for at least twenty days preceding the date fixed for
30 hearing at each termini of the county road or portion thereof proposed
31 to be vacated or abandoned.

32 **Sec. 49.** RCW 36.88.030 and 1970 ex.s. c 66 s 2 are each amended to
33 read as follows:

34 In case the board of county commissioners shall desire to initiate
35 the formation of a county road improvement district by resolution, it
36 shall first pass a resolution declaring its intention to order such

1 improvement, setting forth the nature and territorial extent of such
2 proposed improvement, designating the number of the proposed road
3 improvement district and describing the boundaries thereof, stating the
4 estimated cost and expense of the improvement and the proportionate
5 amount thereof which will be borne by the property within the proposed
6 district, notifying the owners of property therein to appear at a
7 meeting of the board at the time specified in such resolution, and
8 directing the county road engineer to submit to the board at or prior
9 to the date fixed for such hearing a diagram or print showing thereon
10 the lots, tracts and parcels of land and other property which will be
11 specially benefited thereby and the estimated amount of the cost and
12 expense of such improvement to be borne by each lot, tract or parcel of
13 land or other property, and also designating thereon all property which
14 is being purchased under contract from the county. The resolution of
15 intention shall be published in at least two consecutive issues of a
16 newspaper of general circulation in such county or on the legal notice
17 database and subject to publishing requirements in RCW 36.72.071, the
18 date of the first publication to be at least fifteen days prior to the
19 date fixed by such resolution for hearing before the board of county
20 commissioners.

21 Notice of the adoption of the resolution of intention shall be
22 given each owner or reputed owner of any lot, tract or parcel of land
23 or other property within the proposed improvement district by mailing
24 said notice to the owner or reputed owner of the property as shown on
25 the tax rolls of the county treasurer at the address shown thereon at
26 least fifteen days before the date fixed for the public hearing. The
27 notice shall refer to the resolution of intention and designate the
28 proposed improvement district by number. Said notice shall also set
29 forth the nature of the proposed improvement, the total estimated cost,
30 the proportion of total cost to be borne by assessments, the estimated
31 amount of the cost and expense of such improvement to be borne by the
32 particular lot, tract or parcel, the date and place of the hearing
33 before the board of county commissioners, and shall contain the
34 directions hereinafter provided for voting upon the formation of the
35 proposed improvement district.

36 The clerk of the board shall prepare and mail, together with the
37 notice above referred to, a ballot for each owner or reputed owner of

1 any lot, tract or parcel of land within the proposed improvement
2 district. This ballot shall contain the following proposition:

3 "Shall..... county road improvement
4 district No..... be formed?
5 Yes.....
6 No.....

7 and, in addition, shall contain appropriate spaces for the signatures
8 of the property owners, and a description of their property, and shall
9 have printed thereon the direction that all ballots must be signed to
10 be valid and must be returned to the clerk of the board of county
11 commissioners not later than five o'clock p.m. of a day which shall be
12 one week after the date of the public hearing.

13 The notice of adoption of the resolution of intention shall also
14 contain the above directions, and, in addition thereto, shall state the
15 rules by which the election shall be governed.

16 **Sec. 50.** RCW 36.88.050 and 1963 c 4 s 36.88.050 are each amended
17 to read as follows:

18 In case any such road improvement shall be initiated by petition,
19 such petition shall set forth the nature and territorial extent of such
20 proposed improvement, and the fact that the signers thereof are the
21 owners, according to the records of the county auditor of property to
22 an aggregate amount of a majority of the lineal frontage upon the
23 improvement to be made and of the area within the limits of the
24 assessment district to be created therefor.

25 Upon the filing of such petition the board shall determine whether
26 the same shall be sufficient and whether the property within the
27 proposed district shall be sufficiently developed and if the board
28 shall find the district to be sufficiently developed and the petition
29 to be sufficient, it shall proceed to adopt a resolution setting forth
30 the nature and territorial extent of the improvement petitioned for,
31 designating the number of the proposed improvement district and
32 describing the boundaries thereof, stating the estimated cost and
33 expense of the improvement and the proportionate amount thereof which
34 will be borne by the property within the proposed district, notifying
35 the owners of property therein to appear at a meeting of the board at

1 the time specified in such resolution, and directing the county road
2 engineer to submit to the board at or prior to the date fixed for such
3 hearing a diagram or print showing thereon the lots, tracts and parcels
4 of land and other property which will be specially benefited thereby
5 and the estimated amount of the cost and expense of such improvement to
6 be borne by each lot, tract or parcel of land or other property, and
7 also designating thereon all property which is being purchased under
8 contract from the county. The resolution of intention shall be
9 published in at least two consecutive issues of a newspaper of general
10 circulation in such county or on the legal notice database and subject
11 to publishing requirements in RCW 36.72.071, the date of the first
12 publication to be at least fifteen days prior to the date fixed by such
13 resolution for hearing before the board of county commissioners.

14 Notice of the adoption of the resolution of intention shall be
15 given each owner or reputed owner of any lot, tract or parcel of land
16 or other property within the proposed improvement district by mailing
17 said notice to the owner or reputed owner of the property as shown on
18 the tax rolls of the county treasurer at the address shown thereon at
19 least fifteen days before the date fixed for the public hearing. The
20 notice shall refer to the resolution of intention and designate the
21 proposed improvement district by number. Said notice shall also set
22 forth the nature of the proposed improvement, the total estimated cost,
23 the proportion of total cost to be borne by assessments, the estimated
24 amount of the cost and expense of such improvement to be borne by the
25 particular lot, tract or parcel, the date and place of the hearing
26 before the board of county commissioners, and the fact that property
27 owners may withdraw their names from the petition or add their names
28 thereto at any time prior to five o'clock p.m. of the day before the
29 hearing.

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