

HOUSE BILL 2641

State of Washington **62nd Legislature** **2012 Regular Session**

By Representatives Springer, Takko, Kagi, and Eddy

Read first time 01/19/12. Referred to Committee on Local Government.

1 AN ACT Relating to reducing nontax administration costs associated
2 with the conduct of city and county operations; amending RCW 43.09.260,
3 41.56.465, 41.56.030, 82.02.060, 90.48.260, 46.61.687, 35.22.288,
4 35A.12.160, 36.72.071, 36.22.020, 36.29.010, 36.32.120, 36.32.235,
5 36.32.245, 36.32.250, 36.34.020, 36.34.090, 36.34.160, 36.34.170,
6 36.35.120, 36.35.180, 36.36.020, 36.38.030, 36.40.060, 36.40.100,
7 36.40.140, 36.55.040, 36.58.090, 36.58.110, 36.58A.020, 36.60.020,
8 36.60.120, 36.61.040, 36.61.100, 36.61.190, 36.68.440, 36.68.470,
9 36.69.040, 36.69.230, 36.69.280, 36.70.390, 36.70.430, 36.70.440,
10 36.70.590, 36.70A.035, 36.70A.367, 36.73.050, 36.75.270, 36.81.070,
11 36.82.190, 36.83.020, 36.87.050, 36.88.030, and 36.88.050; reenacting
12 and amending RCW 46.61.688, 36.70B.110, and 36.77.070; creating new
13 sections; and providing an expiration date.

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

15 **PART ONE - INTENT**

16 NEW SECTION. **Sec. 1.** (1) The legislature recognizes that
17 declining tax revenues, decreasing federal and state aid, and
18 increasing demands for services have forced city and county governments

1 to make difficult choices about the types and scale of services
2 provided to citizens, businesses, and employees. The legislature also
3 recognizes that cities and counties, while responding to these fiscal
4 pressures, continue the challenging and critical responsibilities of
5 balancing community needs with those advanced and required by the
6 state.

7 (2) In recognition of the impacts to city and county governments
8 resulting from declining tax revenues, decreasing aid, and increasing
9 service demands, the legislature intends to provide cities and counties
10 with policy options and directives for reducing their nontax
11 administration operating costs.

12 PART TWO - AUDITS

13 **Sec. 2.** RCW 43.09.260 and 2009 c 564 s 927 are each amended to
14 read as follows:

15 (1) Except as provided otherwise by this section, the examination
16 of the financial affairs of all local governments ((shall)) must be
17 made at such reasonable, periodic intervals as the state auditor shall
18 determine. However, an examination of the financial affairs of all
19 local governments, excepting counties and cities, shall be made at
20 least once ((in)) every three years, and an examination of individual
21 local government health and welfare benefit plans and local government
22 self-insurance programs ((shall)) must be made at least once every two
23 years. An examination of county and city financial affairs may only be
24 made once every three years.

25 (2) ~~((During the 2009-2011 fiscal biennium, the state auditor shall~~
26 ~~conduct audits no more often than once every two years of local~~
27 ~~governments with annual general fund revenues of ten million dollars or~~
28 ~~less and no findings of impropriety for the three year period~~
29 ~~immediately preceding the audit period.)) This ((subsection)) section
30 does not prohibit the state auditor from conducting audits:~~

31 (a) To address suspected fraud or irregular conduct;

32 (b) At the request of the local government governing body; ~~((or))~~

33 (c) As required by federal laws or regulations; or

34 (d) For local governments, including counties and cities, that had
35 a finding involving a significant violation of state law or weakness in
36 internal controls in the preceding year.

1 (3) Unless the context or express provisions provide otherwise, the
2 term local governments, for purposes of this chapter, includes but is
3 not limited to all counties, cities, and other political subdivisions,
4 municipal corporations, and quasi-municipal corporations, however
5 denominated.

6 (4) ~~((The state auditor shall establish a schedule to govern the~~
7 ~~auditing of local governments which shall include: A designation of~~
8 ~~the various classifications of local governments; a designation of the~~
9 ~~frequency for auditing each type of local government; and a description~~
10 ~~of events which cause a more frequent audit to be conducted.~~

11 ~~(5))~~ On every such examination, inquiry ~~((shall))~~ must be made as
12 to the financial condition and resources of the local government;
13 whether the Constitution and laws of the state, the ordinances and
14 orders of the local government, and the requirements of the state
15 auditor have been properly complied with; and into the methods and
16 accuracy of the accounts and reports.

17 ~~((+6))~~ (5) A report of such examination ~~((shall))~~ must be made and
18 filed in the office of state auditor, and one copy ~~((shall))~~ must be
19 transmitted to the local government. A copy of any report containing
20 findings of noncompliance with state law shall be transmitted to the
21 attorney general. If any such report discloses malfeasance,
22 misfeasance, or nonfeasance in office on the part of any public officer
23 or employee, within thirty days from the receipt of his or her copy of
24 the report, the attorney general shall institute, in the proper county,
25 such legal action as is proper in the premises by civil process and
26 prosecute the same to final determination to carry into effect the
27 findings of the examination.

28 ~~((+7))~~ (6) It ~~((shall be))~~ is unlawful for any local government or
29 the responsible head thereof, to make a settlement or compromise of any
30 claim arising out of such malfeasance, misfeasance, or nonfeasance, or
31 any action commenced therefor, or for any court to enter upon any
32 compromise or settlement of such action, without the written approval
33 and consent of the attorney general and the state auditor.

34 **PART THREE - EMPLOYMENT ISSUES**

35 **Sec. 3.** RCW 41.56.465 and 2007 c 278 s 1 are each amended to read
36 as follows:

1 (1) In making its determination, the panel shall be mindful of the
2 legislative purpose enumerated in RCW 41.56.430 and, as additional
3 standards or guidelines to aid it in reaching a decision, the panel may
4 not rely on or give undue consideration to past arbitration decisions
5 when making a determination, but shall consider the following criteria:

6 (a) The constitutional and statutory authority of the employer;

7 (b) The budget priorities, as determined by the governing body;

8 (c) Financial and budgetary constraints;

9 (d) Internal equity within the organization among employee pay and
10 benefits;

11 (e) Stipulations of the parties;

12 ~~((+e))~~ (f) The average consumer prices for goods and services,
13 commonly known as the cost of living;

14 ~~((+d))~~ (g) Changes in any of the circumstances under (a) through
15 ~~((+e))~~ (f) of this subsection during the pendency of the proceedings;

16 and

17 ~~((+e))~~ (h) Such other factors, not confined to the factors under
18 (a) through ~~((+d))~~ (g) of this subsection, that are normally or
19 traditionally taken into consideration in the determination of wages,
20 hours, and conditions of employment. For those employees listed in RCW
21 41.56.030~~((+7))~~ (13)(a) who are employed by the governing body of a
22 city or town with a population of less than fifteen thousand, or a
23 county with a population of less than seventy thousand, consideration
24 must also be given to regional differences in the cost of living.

25 (2) For employees listed in RCW 41.56.030~~((+7))~~ (13) (a) through
26 (d), the panel shall also consider a comparison of the wages, hours,
27 and conditions of employment of personnel involved in the proceedings
28 with the wages, hours, and conditions of employment of like personnel
29 of like employers ~~((of similar size))~~ on the west coast of the United
30 States.

31 (3) For employees listed in RCW 41.56.030~~((+7))~~ (13) (e) through
32 (h), the panel shall also consider a comparison of the wages, hours,
33 and conditions of employment of personnel involved in the proceedings
34 with the wages, hours, and conditions of employment of like personnel
35 of public fire departments ~~((of similar size))~~ on the west coast of the
36 United States. However, when an adequate number of comparable
37 employers exists within the state of Washington, other west coast
38 employers may not be considered. Like public fire departments are

1 determined by factors including, but not limited to, population size,
2 geographic location, financial conditions, population demographics,
3 workforce size, assessed valuation, and labor market conditions.

4 (4) For employees listed in RCW 41.56.028:

5 (a) The panel shall also consider:

6 (i) A comparison of child care provider subsidy rates and
7 reimbursement programs by public entities, including counties and
8 municipalities, along the west coast of the United States; and

9 (ii) The financial ability of the state to pay for the compensation
10 and benefit provisions of a collective bargaining agreement; and

11 (b) The panel may consider:

12 (i) The public's interest in reducing turnover and increasing
13 retention of child care providers;

14 (ii) The state's interest in promoting, through education and
15 training, a stable child care workforce to provide quality and reliable
16 child care from all providers throughout the state; and

17 (iii) In addition, for employees exempt from licensing under
18 chapter 74.15 RCW, the state's fiscal interest in reducing reliance
19 upon public benefit programs including but not limited to medical
20 coupons, food stamps, subsidized housing, and emergency medical
21 services.

22 (5) For employees listed in RCW 74.39A.270:

23 (a) The panel shall consider:

24 (i) A comparison of wages, hours, and conditions of employment of
25 publicly reimbursed personnel providing similar services to similar
26 clients, including clients who are elderly, frail, or have
27 developmental disabilities, both in the state and across the United
28 States; and

29 (ii) The financial ability of the state to pay for the compensation
30 and fringe benefit provisions of a collective bargaining agreement; and

31 (b) The panel may consider:

32 (i) A comparison of wages, hours, and conditions of employment of
33 publicly employed personnel providing similar services to similar
34 clients, including clients who are elderly, frail, or have
35 developmental disabilities, both in the state and across the United
36 States;

37 (ii) The state's interest in promoting a stable long-term care

1 workforce to provide quality and reliable care to vulnerable elderly
2 and disabled recipients;

3 (iii) The state's interest in ensuring access to affordable,
4 quality health care for all state citizens; and

5 (iv) The state's fiscal interest in reducing reliance upon public
6 benefit programs including but not limited to medical coupons, food
7 stamps, subsidized housing, and emergency medical services.

8 (6) Subsections (2) and (3) of this section may not be construed to
9 authorize the panel to require the employer to pay, directly or
10 indirectly, the increased employee contributions resulting from chapter
11 502, Laws of 1993 or chapter 517, Laws of 1993 as required under
12 chapter 41.26 RCW.

13 **Sec. 4.** RCW 41.56.030 and 2011 1st sp.s. c 21 s 11 are each
14 amended to read as follows:

15 As used in this chapter:

16 (1) "Adult family home provider" means a provider as defined in RCW
17 70.128.010 who receives payments from the medicaid and state-funded
18 long-term care programs.

19 (2) "Bargaining representative" means any lawful organization which
20 has as one of its primary purposes the representation of employees in
21 their employment relations with employers.

22 (3) "Child care subsidy" means a payment from the state through a
23 child care subsidy program established pursuant to RCW 74.12.340 or
24 74.08A.340, 45 C.F.R. Sec. 98.1 through 98.17, or any successor
25 program.

26 (4) "Collective bargaining" means the performance of the mutual
27 obligations of the public employer and the exclusive bargaining
28 representative to meet at reasonable times, to confer and negotiate in
29 good faith, and to execute a written agreement with respect to
30 grievance procedures and collective negotiations on personnel matters,
31 including wages, hours and working conditions, which may be peculiar to
32 an appropriate bargaining unit of such public employer, but excluding
33 the use of volunteers by counties and cities, except that by such
34 obligation neither party shall be compelled to agree to a proposal or
35 be required to make a concession unless otherwise provided in this
36 chapter.

37 (5) "Commission" means the public employment relations commission.

1 (6) "Executive director" means the executive director of the
2 commission.

3 (7) "Family child care provider" means a person who: (a) Provides
4 regularly scheduled care for a child or children in the home of the
5 provider or in the home of the child or children for periods of less
6 than twenty-four hours or, if necessary due to the nature of the
7 parent's work, for periods equal to or greater than twenty-four hours;
8 (b) receives child care subsidies; and (c) is either licensed by the
9 state under RCW 74.15.030 or is exempt from licensing under chapter
10 74.15 RCW.

11 (8) "Individual provider" means an individual provider as defined
12 in RCW 74.39A.240(4) who, solely for the purposes of collective
13 bargaining, is a public employee as provided in RCW 74.39A.270.

14 (9) "Institution of higher education" means the University of
15 Washington, Washington State University, Central Washington University,
16 Eastern Washington University, Western Washington University, The
17 Evergreen State College, and the various state community colleges.

18 (10)(a) "Language access provider" means any independent contractor
19 who provides spoken language interpreter services for department of
20 social and health services appointments or medicaid enrollee
21 appointments, or provided these services on or after January 1, 2009,
22 and before June 10, 2010, whether paid by a broker, language access
23 agency, or the department.

24 (b) "Language access provider" does not mean an owner, manager, or
25 employee of a broker or a language access agency.

26 (11) "Public employee" means any employee of a public employer
27 except any person (a) elected by popular vote, or (b) appointed to
28 office pursuant to statute, ordinance or resolution for a specified
29 term of office as a member of a multimember board, commission, or
30 committee, whether appointed by the executive head or body of the
31 public employer, or (c) whose duties as deputy, administrative
32 assistant or secretary necessarily imply a confidential relationship to
33 (i) the executive head or body of the applicable bargaining unit, or
34 (ii) any person elected by popular vote, or (iii) any person appointed
35 to office pursuant to statute, ordinance or resolution for a specified
36 term of office as a member of a multimember board, commission, or
37 committee, whether appointed by the executive head or body of the
38 public employer, or (d) who is a court commissioner or a court

1 magistrate of superior court, district court, or a department of a
2 district court organized under chapter 3.46 RCW, or (e) who is a
3 personal assistant to a district court judge, superior court judge, or
4 court commissioner. For the purpose of (e) of this subsection, no more
5 than one assistant for each judge or commissioner may be excluded from
6 a bargaining unit.

7 (12) "Public employer" means any officer, board, commission,
8 council, or other person or body acting on behalf of any public body
9 governed by this chapter, or any subdivision of such public body. For
10 the purposes of this section, the public employer of district court or
11 superior court employees for wage-related matters is the respective
12 county legislative authority, or person or body acting on behalf of the
13 legislative authority, and the public employer for nonwage-related
14 matters is the judge or judge's designee of the respective district
15 court or superior court.

16 (13) "Uniformed personnel" means: (a) Law enforcement officers as
17 defined in RCW 41.26.030 employed by the governing body of any city or
18 town with a population of two thousand five hundred or more and law
19 enforcement officers employed by the governing body of any county with
20 a population of ten thousand or more; (b) correctional employees who
21 are uniformed and nonuniformed, commissioned and noncommissioned
22 security personnel employed in a jail as defined in RCW 70.48.020(9),
23 by a county with a population of seventy thousand or more, and who are
24 trained for and charged with the responsibility of controlling and
25 maintaining custody of inmates in the jail and safeguarding inmates
26 from other inmates; (c) general authority Washington peace officers as
27 defined in RCW 10.93.020 employed by a port district in a county with
28 a population of one million or more; (d) security forces established
29 under RCW 43.52.520; (e) firefighters as that term is defined in RCW
30 41.26.030; (f) employees of a port district in a county with a
31 population of one million or more whose duties include crash fire
32 rescue or other firefighting duties; (g) employees of fire departments
33 of public employers who dispatch exclusively either fire or emergency
34 medical services, or both; or (h) employees in the several classes of
35 advanced life support technicians, as defined in RCW 18.71.200, who are
36 employed by a public employer.

1 **PART FOUR - IMPACT FEE EXEMPTIONS FOR LOW-INCOME HOUSING**

2 **Sec. 5.** RCW 82.02.060 and 1990 1st ex.s. c 17 s 44 are each
3 amended to read as follows:

4 The local ordinance by which impact fees are imposed:

5 (1) Shall include a schedule of impact fees which shall be adopted
6 for each type of development activity that is subject to impact fees,
7 specifying the amount of the impact fee to be imposed for each type of
8 system improvement. The schedule shall be based upon a formula or
9 other method of calculating such impact fees. In determining
10 proportionate share, the formula or other method of calculating impact
11 fees shall incorporate, among other things, the following:

12 (a) The cost of public facilities necessitated by new development;

13 (b) An adjustment to the cost of the public facilities for past or
14 future payments made or reasonably anticipated to be made by new
15 development to pay for particular system improvements in the form of
16 user fees, debt service payments, taxes, or other payments earmarked
17 for or proratable to the particular system improvement;

18 (c) The availability of other means of funding public facility
19 improvements;

20 (d) The cost of existing public facilities improvements; and

21 (e) The methods by which public facilities improvements were
22 financed;

23 (2) May provide an exemption for low-income housing(~~(τ)~~) and other
24 development activities with broad public purposes(~~(τ)~~) from these
25 impact fees, provided that the impact fees for (~~such~~) development
26 (~~activity~~) activities with broad public purposes shall be paid from
27 public funds other than impact fee accounts. Local governments that
28 grant exemptions for low-income housing under this subsection (2) are
29 not obligated to pay the exempted fees. An exemption for low-income
30 housing granted under this subsection (2) must be conditioned upon
31 requiring the developer to record a covenant that, except as provided
32 otherwise by this subsection, prohibits using the property for any
33 purpose other than for low-income housing. At a minimum, the covenant
34 must address price restrictions and household income limits for the
35 low-income housing, and that if the property is converted to a use
36 other than for low-income housing, the property owner must pay the
37 applicable impact fees in effect at the time of conversion. Covenants
38 required by this subsection must be recorded with the applicable county

1 auditor or recording officer. A local government granting an exemption
2 under this subsection for low-income housing may not collect revenue
3 lost through granting an exemption by increasing impact fees unrelated
4 to the exemption. For purposes of this subsection (2), "low-income
5 housing" means housing with a monthly housing expense that is no more
6 than thirty percent of eighty percent of the median family income
7 adjusted for family size, for the county where the project is located,
8 as reported by the United States department of housing and urban
9 development;

10 (3) Shall provide a credit for the value of any dedication of land
11 for, improvement to, or new construction of any system improvements
12 provided by the developer, to facilities that are identified in the
13 capital facilities plan and that are required by the county, city, or
14 town as a condition of approving the development activity;

15 (4) Shall allow the county, city, or town imposing the impact fees
16 to adjust the standard impact fee at the time the fee is imposed to
17 consider unusual circumstances in specific cases to ensure that impact
18 fees are imposed fairly;

19 (5) Shall include a provision for calculating the amount of the fee
20 to be imposed on a particular development that permits consideration of
21 studies and data submitted by the developer to adjust the amount of the
22 fee;

23 (6) Shall establish one or more reasonable service areas within
24 which it shall calculate and impose impact fees for various land use
25 categories per unit of development; and

26 (7) May provide for the imposition of an impact fee for system
27 improvement costs previously incurred by a county, city, or town to the
28 extent that new growth and development will be served by the previously
29 constructed improvements provided such fee shall not be imposed to make
30 up for any system improvement deficiencies.

31 **PART FIVE - STORM WATER AND LOW IMPACT DEVELOPMENT**

32 **Sec. 6.** RCW 90.48.260 and 2011 c 353 s 12 are each amended to read
33 as follows:

34 (1) The department of ecology is hereby designated as the state
35 water pollution control agency for all purposes of the federal clean
36 water act as it exists on February 4, 1987, and is hereby authorized to

1 participate fully in the programs of the act as well as to take all
2 action necessary to secure to the state the benefits and to meet the
3 requirements of that act. With regard to the national estuary program
4 established by section 320 of that act, the department shall exercise
5 its responsibility jointly with the Puget Sound partnership, created in
6 RCW 90.71.210. The department of ecology may delegate its authority
7 under this chapter, including its national pollutant discharge
8 elimination permit system authority and duties regarding animal feeding
9 operations and concentrated animal feeding operations, to the
10 department of agriculture through a memorandum of understanding. Until
11 any such delegation receives federal approval, the department of
12 agriculture's adoption or issuance of animal feeding operation and
13 concentrated animal feeding operation rules, permits, programs, and
14 directives pertaining to water quality shall be accomplished after
15 reaching agreement with the director of the department of ecology.
16 Adoption or issuance and implementation shall be accomplished so that
17 compliance with such animal feeding operation and concentrated animal
18 feeding operation rules, permits, programs, and directives will achieve
19 compliance with all federal and state water pollution control laws.
20 The powers granted herein include, among others, and notwithstanding
21 any other provisions of this chapter ((90.48-RCW)) or otherwise, the
22 following:

23 (a) Complete authority to establish and administer a comprehensive
24 state point source waste discharge or pollution discharge elimination
25 permit program which will enable the department to qualify for full
26 participation in any national waste discharge or pollution discharge
27 elimination permit system and will allow the department to be the sole
28 agency issuing permits required by such national system operating in
29 the state of Washington subject to the provisions of RCW 90.48.262(2).
30 Program elements authorized herein may include, but are not limited to:
31 (i) Effluent treatment and limitation requirements together with timing
32 requirements related thereto; (ii) applicable receiving water quality
33 standards requirements; (iii) requirements of standards of performance
34 for new sources; (iv) pretreatment requirements; (v) termination and
35 modification of permits for cause; (vi) requirements for public notices
36 and opportunities for public hearings; (vii) appropriate relationships
37 with the secretary of the army in the administration of his
38 responsibilities which relate to anchorage and navigation, with the

1 administrator of the environmental protection agency in the performance
2 of his duties, and with other governmental officials under the federal
3 clean water act; (viii) requirements for inspection, monitoring, entry,
4 and reporting; (ix) enforcement of the program through penalties,
5 emergency powers, and criminal sanctions; (x) a continuing planning
6 process; and (xi) user charges.

7 (b) The power to establish and administer state programs in a
8 manner which will insure the procurement of moneys, whether in the form
9 of grants, loans, or otherwise; to assist in the construction,
10 operation, and maintenance of various water pollution control
11 facilities and works; and the administering of various state water
12 pollution control management, regulatory, and enforcement programs.

13 (c) The power to develop and implement appropriate programs
14 pertaining to continuing planning processes, area-wide waste treatment
15 management plans, and basin planning.

16 The governor shall have authority to perform those actions required
17 of him or her by the federal clean water act.

18 (2) By July 31, 2012, the department shall:

19 (a) Reissue without modification and for a term of one year any
20 national pollutant discharge elimination system municipal storm water
21 general permit first issued on January 17, 2007; and

22 (b) Issue an updated national pollutant discharge elimination
23 system municipal storm water general permit for any permit first issued
24 on January 17, 2007. An updated permit issued under this subsection
25 shall become effective beginning August 1, 2013.

26 (3) For phase II permittees located west of the crest of the
27 Cascade mountains, the issuance of a permit under subsection (2)(b) of
28 this section must include a process providing for the following:

29 (a) Technical training regarding the benefits of low-impact
30 development including, but not limited to, when the use of low-impact
31 development is appropriate and feasible, and the design, installation,
32 maintenance, and best practices of low-impact development. The
33 technical training required by this subsection (3)(a) must be provided
34 by the department of commerce, and the Washington State University
35 extension LID technical training program or equivalent organization,
36 and must be provided to phase II permittees and the private development
37 community including builders, engineers, and other industry

1 professionals. The training required by this subsection (3)(a) must be
2 sequenced geographically and provided in time for local jurisdictions
3 to comply with (b) of this subsection and RCW 36.70A.130(5); and

4 (b) In accordance with the schedule established in this subsection
5 (3)(b), a review and revision by phase II permittees of their local
6 development-related codes, rules, standards, or other enforceable
7 documents to remove barriers to, and to specifically authorize, the
8 application of low-impact development principles and low-impact
9 development best management practices in new and redevelopment. In
10 completing this review, the permittees shall identify opportunities to
11 minimize impervious surfaces, native vegetation loss, and storm water
12 runoff in all categories of developments. The local jurisdiction, in
13 completing this review, retains authority to preserve development
14 regulations or other codes necessary to protect public safety,
15 community character, and to implement other priorities of the
16 jurisdiction. The requirements of this subsection (3)(b) must be
17 completed in accordance with the following schedule:

18 (i) On or before June 30, 2015, for phase II permittees in King,
19 Pierce, and Snohomish counties;

20 (ii) On or before June 30, 2016, for phase II permittees in
21 Clallam, Clark, Island, Jefferson, Kitsap, Mason, San Juan, Skagit,
22 Thurston, and Whatcom counties;

23 (iii) On or before June 30, 2017, for phase II permittees in
24 Cowlitz, Lewis, and Skamania counties; and

25 (iv) On or before June 30, 2018, for phase II permittees in Grays
26 Harbor, Pacific, and Wahkiakum counties.

27 (4) A permit issued under subsection (2)(b) of this section must:

28 (a) Authorize incentives to permittees to require low-impact
29 development, and must include:

30 (i) Incentives for reduced catch basin inspection frequency, not to
31 exceed once per permit cycle;

32 (ii) Incentives for a twenty-five percent reduction in dues to any
33 regional monitoring program; and

34 (iii) A priority for competitive storm water grants issued by the
35 department of ecology;

36 (b) Authorize permittees to offer the following incentives to
37 prospective developers who use low-impact development techniques and
38 best practices consistent with the permit:

1 (i) The creation of a dedicated low-impact development review team
2 in a jurisdiction or an expedited review;

3 (ii) Adjustments to bulk, dimensional, or height restrictions;

4 (iii) Adjustments to parking requirements;

5 (iv) Public recognition;

6 (v) Reduced application fees; and

7 (vi) The authority to site low-impact development facilities within
8 critical areas buffers of wetlands and streams;

9 (c) Specify that jurisdictions become eligible for the incentives
10 in (a)(i) through (iii) of this subsection if:

11 (i) The jurisdiction requires low-impact development, where
12 feasible, in more than fifty percent of an area subject to a permit and
13 zoned for development and offers two or more of the incentives in (b)
14 of this subsection; or

15 (ii) The department of ecology certifies the jurisdiction's
16 eligibility based on the strength of a different incentive program;

17 (d) Specify that the review and revision of local development codes
18 as directed under subsection (3)(b) of this section is a requirement
19 under this chapter, not the federal clean water act;

20 (e) Maintain the option for jurisdictions to provide for a
21 distinction in storm water treatment responsibility for developments
22 above and below one acre in size; and

23 (f) Obligate the department of ecology to develop model practices
24 and multiple options for jurisdictions to ensure ongoing maintenance of
25 storm water treatment and control facilities owned by private parties
26 at a low cost and liability for permittees. These options must be
27 available and tested before they become a permit obligation.

28 (5) For phase II permittees located east of the crest of the
29 Cascade mountains, the permit issued under subsection (2)(b) of this
30 section must provide for the following:

31 (a) A process for the department of ecology to develop, throughout
32 the course of the next permit, a collaborative program to monitor the
33 effectiveness of storm water treatments required by the updated
34 national pollutant discharge elimination system municipal storm water
35 general permit; and

36 (b) An option for jurisdictions to elect to have the department of
37 ecology perform any responsibilities related to measuring the
38 effectiveness of public education and outreach techniques.

1 used in accordance with the instruction of the vehicle and the child
2 restraint system manufacturers. The driver of a vehicle transporting
3 a child who is under thirteen years old shall transport the child in
4 the back seat positions in the vehicle where it is practical to do so.

5 (3) A person violating subsection (1) of this section may be issued
6 a notice of traffic infraction under chapter 46.63 RCW. If the person
7 to whom the notice was issued presents proof of acquisition of an
8 approved child passenger restraint system or a child booster seat, as
9 appropriate, within seven days to the jurisdiction issuing the notice
10 and the person has not previously had a violation of this section
11 dismissed, the jurisdiction shall dismiss the notice of traffic
12 infraction.

13 (4) Failure to comply with ~~((the))~~ any requirements of this section
14 ~~((shall not constitute negligence by a parent or legal guardian.~~
15 ~~Failure to use a child restraint system shall not))~~ may be admissible
16 ~~((as evidence of negligence))~~ in any civil action.

17 (5) This section does not apply to: (a) For hire vehicles, (b)
18 vehicles designed to transport sixteen or less passengers, including
19 the driver, operated by auto transportation companies, as defined in
20 RCW 81.68.010, (c) vehicles providing customer shuttle service between
21 parking, convention, and hotel facilities, and airport terminals, and
22 (d) school buses.

23 (6) As used in this section, "child restraint system" means a child
24 passenger restraint system that meets the Federal Motor Vehicle Safety
25 Standards set forth in 49 C.F.R. 571.213.

26 (7) The requirements of subsection (1) of this section do not apply
27 in any seating position where there is only a lap belt available and
28 the child weighs more than forty pounds.

29 (8)(a) Except as provided in (b) of this subsection, a person who
30 has a current national certification as a child passenger safety
31 technician and who in good faith provides inspection, adjustment, or
32 educational services regarding child passenger restraint systems is not
33 liable for civil damages resulting from any act or omission in
34 providing the services, other than acts or omissions constituting gross
35 negligence or willful or wanton misconduct.

36 (b) The immunity provided in this subsection does not apply to a
37 certified child passenger safety technician who is employed by a
38 retailer of child passenger restraint systems and who, during his or

1 her hours of employment and while being compensated, provides
2 inspection, adjustment, or educational services regarding child
3 passenger restraint systems.

4 **Sec. 8.** RCW 46.61.688 and 2009 c 275 s 8 are each reenacted and
5 amended to read as follows:

6 (1) For the purposes of this section, "motor vehicle" includes:

7 (a) "Buses," meaning motor vehicles with motive power, except
8 trailers, designed to carry more than ten passengers;

9 (b) "Medium-speed electric vehicle" meaning a self-propelled,
10 electrically powered four-wheeled motor vehicle, equipped with a roll
11 cage or crush-proof body design, whose speed attainable in one mile is
12 more than thirty miles per hour but not more than thirty-five miles per
13 hour and otherwise meets or exceeds the federal regulations set forth
14 in 49 C.F.R. Sec. 571.500;

15 (c) "Motorcycle," meaning a three-wheeled motor vehicle that is
16 designed (i) so that the driver rides on a seat in a partially or
17 completely enclosed seating area that is equipped with safety belts and
18 (ii) to be steered with a steering wheel;

19 (d) "Multipurpose passenger vehicles," meaning motor vehicles with
20 motive power, except trailers, designed to carry ten persons or less
21 that are constructed either on a truck chassis or with special features
22 for occasional off-road operation;

23 (e) "Neighborhood electric vehicle," meaning a self-propelled,
24 electrically powered four-wheeled motor vehicle whose speed attainable
25 in one mile is more than twenty miles per hour and not more than
26 twenty-five miles per hour and conforms to federal regulations under 49
27 C.F.R. Sec. 571.500;

28 (f) "Passenger cars," meaning motor vehicles with motive power,
29 except multipurpose passenger vehicles, motorcycles, or trailers,
30 designed for carrying ten passengers or less; and

31 (g) "Trucks," meaning motor vehicles with motive power, except
32 trailers, designed primarily for the transportation of property.

33 (2)(a) This section only applies to:

34 (i) Motor vehicles that meet the manual seat belt safety standards
35 as set forth in 49 C.F.R. Sec. 571.208;

36 (ii) Motorcycles, when equipped with safety belts that meet the
37 standards set forth in 49 C.F.R. Part 571; and

1 (iii) Neighborhood electric vehicles and medium-speed electric
2 vehicles that meet the seat belt standards as set forth in 49 C.F.R.
3 Sec. 571.500.

4 (b) This section does not apply to a vehicle occupant for whom no
5 safety belt is available when all designated seating positions as
6 required under 49 C.F.R. Part 571 are occupied.

7 (3) Every person sixteen years of age or older operating or riding
8 in a motor vehicle shall wear the safety belt assembly in a properly
9 adjusted and securely fastened manner.

10 (4) No person may operate a motor vehicle unless all child
11 passengers under the age of sixteen years are either: (a) Wearing a
12 safety belt assembly or (b) are securely fastened into an approved
13 child restraint device.

14 (5) A person violating this section shall be issued a notice of
15 traffic infraction under chapter 46.63 RCW. A finding that a person
16 has committed a traffic infraction under this section shall be
17 contained in the driver's abstract but shall not be available to
18 insurance companies or employers.

19 (6) Failure to comply with ~~((the))~~ any requirements of this section
20 ~~((does not constitute negligence, nor may failure to wear a safety belt~~
21 ~~assembly))~~ may be admissible ~~((as evidence of negligence))~~ in any civil
22 action.

23 (7) This section does not apply to an operator or passenger who
24 possesses written verification from a licensed physician that the
25 operator or passenger is unable to wear a safety belt for physical or
26 medical reasons.

27 (8) The state patrol may adopt rules exempting operators or
28 occupants of farm vehicles, construction equipment, and vehicles that
29 are required to make frequent stops from the requirement of wearing
30 safety belts.

31 PART SEVEN - PUBLIC HEALTH SYSTEM RECOMMENDATIONS

32 NEW SECTION. **Sec. 9.** (1) The department of health must convene a
33 work group of public health partners, to include counties, cities, and
34 local health jurisdictions, to develop recommendations to the
35 legislature on preferred funding and service delivery methods that
36 ensure a cost-effective, nimble, responsive, and sustainable public

1 health system throughout Washington. The work group shall review a
2 variety of funding, governance, and service delivery models to help
3 develop the recommendations, and shall make recommendations on the
4 regionalization of certain services delivered by local health
5 jurisdictions that will save five million dollars in state public
6 health support during the 2011-2013 fiscal biennium.

7 (2) The department and the public health partners shall share in
8 the costs related to this work group. The department shall use
9 existing communication technology and tools to enable the work group to
10 perform its duties in the most cost-effective manner possible. The
11 work group shall use existing public facilities for meetings and shall
12 submit its recommendations to the legislature by January 1, 2013.

13 (3) This section expires June 30, 2013.

14 **PART EIGHT - PUBLIC NOTICE**

15 **Sec. 10.** RCW 35.22.288 and 1994 c 273 s 7 are each amended to read
16 as follows:

17 (1) Promptly after adoption, the text of each ordinance ((or)) must
18 be posted on the city's web site and available as a paper copy at a
19 location designated by the city legislative authority. Additionally,
20 and promptly after adoption, the city shall publish a summary of the
21 content of each ordinance (~~(shall be published)~~) at least once in the
22 official newspaper of the city.

23 (2) For purposes of this section, a summary ((shall mean)) is a
24 brief description (~~(which)~~) of fifty or fewer words that succinctly
25 describes the main points of the ordinance. Publication of the title
26 of an ordinance authorizing the issuance of bonds, notes, or other
27 evidences of indebtedness shall constitute publication of a summary of
28 that ordinance. When the city publishes a summary, the publication
29 shall include a statement that the full text of the ordinance is
30 available through the city's web site and will be mailed upon request.

31 (~~(An inadvertent mistake or omission in publishing the text or a~~
32 ~~summary of the content of)) (3) A failure to publish an ordinance shall
33 not render the ordinance invalid.~~

34 (4) In addition to the requirement that a city publish the text or
35 a summary of the content of each adopted ordinance, every city shall
36 establish a procedure for notifying the public of upcoming hearings and

1 the preliminary agenda for the forthcoming council meeting. Such
2 procedure may include, but ~~((not be))~~ is neither required nor limited
3 to, posting on the city's web site, written notification to the city's
4 official newspaper, publication of a notice in the official newspaper,
5 posting of upcoming council meeting agendas, or such other processes as
6 the city determines will satisfy the intent of this requirement.

7 **Sec. 11.** RCW 35A.12.160 and 1994 c 273 s 15 are each amended to
8 read as follows:

9 (1) Promptly after adoption, the text of each ordinance ((or)) must
10 be posted on the city's web site and available as a paper copy at a
11 location designated by the city legislative authority. Additionally,
12 and promptly after adoption, the city shall publish a summary of the
13 content of each ordinance ~~((shall be published))~~ at least once in the
14 city's official newspaper.

15 (2) For purposes of this section, a summary ((shall mean)) is a
16 brief description ((which)) of fifty or fewer words that succinctly
17 describes the main points of the ordinance. Publication of the title
18 of an ordinance authorizing the issuance of bonds, notes, or other
19 evidences of indebtedness shall constitute publication of a summary of
20 that ordinance. When the city publishes a summary, the publication
21 shall include a statement that the full text of the ordinance is
22 available through the city's web site and will be mailed upon request.

23 ~~((An inadvertent mistake or omission in publishing the text or a~~
24 ~~summary of the content of)) (3) A failure to publish an ordinance shall
25 not render the ordinance invalid.~~

26 (4) In addition to the requirement that a city publish the text or
27 a summary of the content of each adopted ordinance, every city shall
28 establish a procedure for notifying the public of upcoming hearings and
29 the preliminary agenda for the forthcoming council meeting. Such
30 procedure may include, but ((not be)) is neither required nor limited
31 to, posting on the city's web site, written notification to the city's
32 official newspaper, publication of a notice in the official newspaper,
33 posting of upcoming council meeting agendas, or such other processes as
34 the city determines will satisfy the intent of this requirement.

35 **Sec. 12.** RCW 36.72.071 and 1977 c 34 s 1 are each amended to read
36 as follows:

1 ~~((All county officers shall cause all legal notices and delinquent~~
2 ~~tax lists to be advertised in the official county newspaper designated~~
3 ~~by the county legislative authority.))~~ (1) In accordance with
4 applicable time frame requirements, the text of each legal or official
5 notice and each delinquent tax list must be posted on the county's web
6 site and available as a paper copy at a location designated by the
7 county legislative authority. Additionally, and in accordance with
8 applicable time frame requirements, the county shall publish a summary
9 of the content of each legal or official notice and each delinquent tax
10 list in the official county newspaper designated by the county
11 legislative authority. This section does not prohibit a county from
12 publishing the full text of legal or official notices and delinquent
13 tax lists in the official county newspaper.

14 (2) For purposes of this section, a summary is a brief description
15 of fifty or fewer words that succinctly describes the main points of
16 the legal notice, official notice, or delinquent tax list. Publication
17 of the title of an ordinance authorizing the issuance of bonds, notes,
18 or other evidence of indebtedness constitutes publication of a summary
19 of that ordinance. When the county publishes a summary, the summary
20 shall include a statement that the full text of the legal notice,
21 official notice, or delinquent tax list is available through the
22 county's web site and will be mailed upon request.

23 (3) A failure to publish an ordinance does not render the ordinance
24 invalid.

25 **Sec. 13.** RCW 36.22.020 and 1995 c 194 s 2 are each amended to read
26 as follows:

27 It shall be the duty of the county auditor of each county, within
28 fifteen days after the adjournment of each regular session, to publish
29 a summary of the proceedings of the legislative authority at such term,
30 in any newspaper published in the county or having a general
31 circulation therein, or the auditor may post copies of such proceedings
32 in three of the most public places in the county. The seal of the
33 county commissioners for each county, used by the county auditor as
34 clerk to attest the proceedings of the legislative authority, shall be
35 and remain in the custody of the county auditor, and the auditor is
36 hereby authorized to use such seal in attestation of all official acts,
37 whether as clerk of the legislative authority, as auditor or recorder

1 of deeds; and all certificates, exemplifications of records, or other
2 acts performed as county auditor, certified under the seal of the
3 county commissioners, pursuant to this section, in this state, shall be
4 as valid and legally binding as though attested by a seal of office of
5 the county auditor.

6 Publications required by this section may be in the form of a
7 summary that complies with RCW 36.72.071.

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

10 The county treasurer:

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

14 (2) Shall issue a receipt in duplicate for all money received other
15 than taxes; the treasurer shall deliver immediately to the person
16 making the payment the original receipt and the duplicate shall be
17 retained by the treasurer;

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

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

27 (a) By publication in a legal newspaper published or circulated in
28 the county; or

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

31 (c) By notification to the financial institution holding the
32 warrant;

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

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

1 (7) Shall account for and pay all bonded indebtedness for the
2 county and all special districts for which the county treasurer acts as
3 treasurer;

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

10 (9) May provide certain collection services for county departments.
11 The treasurer, at the expiration of the term of office, shall make
12 a complete settlement with the county legislative authority, and shall
13 deliver to the successor all public money, books, and papers in the
14 treasurer's possession.

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

19 Publications required by this section may be in the form of a
20 summary that complies with RCW 36.72.071.

21 **Sec. 15.** RCW 36.32.120 and 2003 c 337 s 6 are each amended to read
22 as follows:

23 The legislative authorities of the several counties shall:

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

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

30 (3) License and fix the rates of ferriage; grant grocery and other
31 licenses authorized by law to be by them granted at fees set by the
32 legislative authorities which shall not exceed the costs of
33 administration and operation of such licensed activities;

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

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

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

9 (7) Make and enforce, by appropriate resolutions or ordinances, all
10 such police and sanitary regulations as are not in conflict with state
11 law, and within the unincorporated area of the county may adopt by
12 reference Washington state statutes and recognized codes and/or
13 compilations printed in book form relating to the construction of
14 buildings, the installation of plumbing, the installation of electric
15 wiring, health, or other subjects, and may adopt such codes and/or
16 compilations or portions thereof, together with amendments thereto, or
17 additions thereto: PROVIDED, That except for Washington state
18 statutes, there shall be filed in the county auditor's office one copy
19 of such codes and compilations ten days prior to their adoption by
20 reference, and additional copies may also be filed in library or city
21 offices within the county as deemed necessary by the county legislative
22 authority: PROVIDED FURTHER, That no such regulation, code,
23 compilation, and/or statute shall be effective unless before its
24 adoption, a public hearing has been held thereon by the county
25 legislative authority of which at least ten days' notice has been
26 given. Any violation of such regulations, ordinances, codes,
27 compilations, and/or statutes or resolutions shall constitute a
28 misdemeanor or a civil violation subject to a monetary penalty:
29 PROVIDED FURTHER, That violation of a regulation, ordinance, code,
30 compilation, and/or statute relating to traffic including parking,
31 standing, stopping, and pedestrian offenses is a traffic infraction,
32 except that violation of a regulation, ordinance, code, compilation,
33 and/or statute equivalent to those provisions of Title 46 RCW set forth
34 in RCW 46.63.020 remains a misdemeanor. However, the punishment for
35 any criminal ordinance shall be the same as the punishment provided in
36 state law for the same crime and no act that is a state crime may be
37 made a civil violation. The notice must set out a copy of the proposed
38 regulations or summarize the content of each proposed regulation; or if

1 a code is adopted by reference the notice shall set forth the full
2 official title and a statement describing the general purpose of such
3 code. For purposes of this subsection, a summary shall mean a brief
4 description which succinctly describes the main points of the proposed
5 regulation. When the county publishes a summary, the publication shall
6 include a statement that the full text of the proposed regulation will
7 be mailed upon request. An inadvertent mistake or omission in
8 publishing the text or a summary of the content of a proposed
9 regulation shall not render the regulation invalid if it is adopted.
10 The notice shall also include the day, hour, and place of hearing and
11 must be given by publication in the newspaper in which legal notices of
12 the county are printed;

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

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

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

29 (11) Publications required by this section may be in the form of a
30 summary that complies with RCW 36.72.071.

31 **Sec. 16.** RCW 36.32.235 and 2009 c 229 s 6 are each amended to read
32 as follows:

33 (1) In each county with a population of four hundred thousand or
34 more which by resolution establishes a county purchasing department,
35 the purchasing department shall enter into leases of personal property
36 on a competitive basis and purchase all supplies, materials, and
37 equipment on a competitive basis, for all departments of the county, as

1 provided in this chapter and chapter 39.04 RCW, except that the county
2 purchasing department is not required to make purchases that are paid
3 from the county road fund or equipment rental and revolving fund.

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

6 (3) Except as otherwise specified in this chapter or in chapter
7 36.77 RCW, all counties subject to these provisions shall contract on
8 a competitive basis for all public works after bids have been submitted
9 to the county upon specifications therefor. Such specifications shall
10 be in writing and shall be filed with the clerk of the county
11 legislative authority for public inspection.

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

27 (5) The bids shall be in writing, shall be filed with the clerk,
28 shall be opened and read in public at the time and place named therefor
29 in the advertisements, and after being opened, shall be filed for
30 public inspection. No bid may be considered for public work unless it
31 is accompanied by a bid deposit in the form of a surety bond, postal
32 money order, cash, cashier's check, or certified check in an amount
33 equal to five percent of the amount of the bid proposed.

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

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

12 (8) As limited by subsection (10) of this section, a county subject
13 to these provisions may have public works performed by county employees
14 in any annual or biennial budget period equal to a dollar value not
15 exceeding ten percent of the public works construction budget,
16 including any amount in a supplemental public works construction
17 budget, over the budget period.

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

28 (9) If a county subject to these provisions has public works
29 performed by public employees in any budget period that are in excess
30 of this ten percent limitation, the amount in excess of the permitted
31 amount shall be reduced from the otherwise permitted amount of public
32 works that may be performed by public employees for that county in its
33 next budget period. Ten percent of the motor vehicle fuel tax
34 distributions to that county shall be withheld if two years after the
35 year in which the excess amount of work occurred, the county has failed
36 to so reduce the amount of public works that it has performed by public
37 employees. The amount withheld shall be distributed to the county when

1 it has demonstrated in its reports to the state auditor that the amount
2 of public works it has performed by public employees has been reduced
3 as required.

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

16 The cost of a separate public works project shall be the costs of
17 materials, supplies, equipment, and labor on the construction of that
18 project. The value of the public works budget shall be the value of
19 all the separate public works projects within the budget.

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

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

30 (12) Notwithstanding any other provision in this section, counties
31 may use public employees without any limitation for emergency work
32 performed under an emergency declared pursuant to RCW 36.32.270, and
33 any such emergency work shall not be subject to the limitations of this
34 section. Publication of the description and estimate of costs relating
35 to correcting the emergency may be made within seven days after the
36 commencement of the work. Within two weeks of the finding that such an
37 emergency existed, the county legislative authority shall adopt a
38 resolution certifying the damage to public facilities and costs

1 incurred or anticipated relating to correcting the emergency.
2 Additionally this section shall not apply to architectural and
3 engineering or other technical or professional services performed by
4 public employees in connection with a public works project.

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

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

11 (14) The allocation of public works projects to be performed by
12 county employees shall not be subject to a collective bargaining
13 agreement.

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

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

20 (17) This section does not apply to contracts between the public
21 stadium authority and a team affiliate under RCW 36.102.060(4), or
22 development agreements between the public stadium authority and a team
23 affiliate under RCW 36.102.060(7) or leases entered into under RCW
24 36.102.060(8).

25 (18) Publications required by this section may be in the form of a
26 summary that complies with RCW 36.72.071.

27 **Sec. 17.** RCW 36.32.245 and 2007 c 88 s 1 are each amended to read
28 as follows:

29 (1) No contract for the purchase of materials, equipment, or
30 supplies may be entered into by the county legislative authority or by
31 any elected or appointed officer of the county until after bids have
32 been submitted to the county. Bid specifications shall be in writing
33 and shall be filed with the clerk of the county legislative authority
34 for public inspection. An advertisement shall be published in the
35 official newspaper of the county stating the time and place where bids
36 will be opened, the time after which bids will not be received, the
37 materials, equipment, supplies, or services to be purchased, and that

1 the specifications may be seen at the office of the clerk of the county
2 legislative authority. The advertisement shall be published at least
3 once at least thirteen days prior to the last date upon which bids will
4 be received.

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

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

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

24 (5) Nothing in this section shall prohibit the legislative
25 authority of any county from allowing for preferential purchase of
26 products made from recycled materials or products that may be recycled
27 or reused.

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

30 (7) Publications required by this section may be in the form of a
31 summary that complies with RCW 36.72.071.

32 **Sec. 18.** RCW 36.32.250 and 2009 c 229 s 8 are each amended to read
33 as follows:

34 No contract for public works may be entered into by the county
35 legislative authority or by any elected or appointed officer of the
36 county until after bids have been submitted to the county upon
37 specifications therefor. Such specifications shall be in writing and

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

1 thousand dollars, advertisement and competitive bidding may be
2 dispensed with on order of the county legislative authority.
3 Immediately after the award is made, the bid quotations obtained shall
4 be recorded and open to public inspection and shall be available by
5 telephone inquiry.

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

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

11 Publications required by this section may be in the form of a
12 summary that complies with RCW 36.72.071.

13 **Sec. 19.** RCW 36.34.020 and 1991 c 363 s 66 are each amended to
14 read as follows:

15 Whenever the county legislative authority desires to dispose of any
16 county property except:

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

27 Publications required by this section may be in the form of a
28 summary that complies with RCW 36.72.071.

29 **Sec. 20.** RCW 36.34.090 and 1997 c 393 s 5 are each amended to read
30 as follows:

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

1 in the courthouse. The posting and date of first publication must be
2 at least ten days before the day fixed for the sale.

3 Publications required by this section may be in the form of a
4 summary that complies with RCW 36.72.071.

5 **Sec. 21.** RCW 36.34.160 and 1963 c 4 s 36.34.160 are each amended
6 to read as follows:

7 When, in the judgment of the board of county commissioners, it is
8 found desirable to lease the land applied for, it shall first give
9 notice of its intention to make such lease by publishing a notice in a
10 legal newspaper at least once a week for the term of three weeks, and
11 shall also post a notice of such intention in a conspicuous place in
12 the courthouse for the same length of time. The notice so published
13 and posted shall designate and describe the property which is proposed
14 to be leased, together with the improvements thereon and appurtenances
15 thereto, and shall contain a notice that the board of county
16 commissioners will meet at the county courthouse on a day and at an
17 hour designated in the notice, for the purpose of leasing the property
18 which day and hour shall be at a time not more than a week after the
19 expiration of the time required for the publication of the notice.

20 Publications required by this section may be in the form of a
21 summary that complies with RCW 36.72.071.

22 **Sec. 22.** RCW 36.34.170 and 1963 c 4 s 36.34.170 are each amended
23 to read as follows:

24 Any person may appear at the meeting of the county commissioners or
25 any adjourned meeting thereof, and make objection to the leasing of the
26 property, which objection shall be stated in writing. In passing upon
27 objections the board of county commissioners shall, in writing, briefly
28 give its reasons for accepting or rejecting the same, and such
29 objections, and the reasons for accepting or refusing the application,
30 shall be published by the board in the next subsequent weekly issue of
31 the newspaper in which the notice of hearing was published.

32 Publications required by this section may be in the form of a
33 summary that complies with RCW 36.72.071.

34 **Sec. 23.** RCW 36.35.120 and 2001 c 299 s 10 are each amended to
35 read as follows:

1 Real property acquired by any county of this state by foreclosure
2 of delinquent taxes may be sold by order of the county legislative
3 authority of the county when in the judgment of the county legislative
4 authority it is deemed in the best interests of the county to sell the
5 real property.

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

22 Except in cases where the sale is to be by direct negotiation as
23 provided in RCW 36.35.150, it shall be the duty of the county treasurer
24 upon receipt of such order to publish once a week for three consecutive
25 weeks a notice of the sale of such property in a newspaper of general
26 circulation in the county where the land is situated. The notice shall
27 describe the property to be sold, the unit or units, the reservations,
28 and the minimum price fixed in the order, together with the time and
29 place and terms of sale, in the same manner as foreclosure sales as
30 provided by RCW 84.64.080.

31 The person making the bid shall state whether he or she will pay
32 cash for the amount of his or her bid or accept a real estate contract
33 of purchase in accordance with the provisions hereinafter contained.
34 The person making the highest bid shall become the purchaser of the
35 property. If the highest bidder is a contract bidder the purchaser
36 shall be required to pay thirty percent of the total purchase price at
37 the time of the sale and shall enter into a contract with the county as
38 vendor and the purchaser as vendee which shall obligate and require the

1 purchaser to pay the balance of the purchase price in ten equal annual
2 installments commencing November 1st and each year following the date
3 of the sale, and shall require the purchaser to pay twelve percent
4 interest on all deferred payments, interest to be paid at the time the
5 annual installment is due; and may contain a provision authorizing the
6 purchaser to make payment in full at any time of any balance due on the
7 total purchase price plus accrued interest on such balance. The
8 contract shall contain a provision requiring the purchaser to pay
9 before delinquency all subsequent taxes and assessments that may be
10 levied or assessed against the property subsequent to the date of the
11 contract, and shall contain a provision that time is of the essence of
12 the contract and that in event of a failure of the vendee to make
13 payments at the time and in the manner required and to keep and perform
14 the covenants and conditions therein required of him or her that the
15 contract may be forfeited and terminated at the election of the vendor,
16 and that in event of the election all sums theretofore paid by the
17 vendee shall be forfeited as liquidated damages for failure to comply
18 with the provisions of the contract; and shall require the vendor to
19 execute and deliver to the vendee a deed of conveyance covering the
20 property upon the payment in full of the purchase price, plus accrued
21 interest.

22 The county legislative authority may, by order entered in its
23 records, direct the coal, oil, gas, gravel, minerals, ores, timber, or
24 other resources sold apart from the land, such sale to be conducted in
25 the manner hereinabove prescribed for the sale of the land. Any such
26 reserved minerals or resources not exceeding two hundred dollars in
27 value may be sold, when the county legislative authority deems it
28 advisable, either with or without such publication of the notice of
29 sale, and in such manner as the county legislative authority may
30 determine will be most beneficial to the county.

31 Publications required by this section may be in the form of a
32 summary that complies with RCW 36.72.071.

33 **Sec. 24.** RCW 36.35.180 and 2009 c 549 s 4075 are each amended to
34 read as follows:

35 Upon filing a copy of the summons and notice in the office of the
36 county clerk, service thereof as against every interest in and claim
37 against any and every part of the property described in such summons

1 and notice, and every person, firm, or corporation, except one who is
2 in the actual, open and notorious possession of any of the properties,
3 shall be had by publication in the official county newspaper for six
4 consecutive weeks; and no affidavit for publication of such summons and
5 notice shall be required. In case special assessments imposed by a
6 city or town against any of the real property described in the summons
7 and notice remain outstanding, a copy of the same shall be served on
8 the treasurer of the city or town within which such real property is
9 situated within five days after such summons and notice is filed.

10 The summons and notice in such action shall contain the title of
11 the court; specify in general terms the years for which the taxes were
12 levied and the amount of the taxes and the costs for which each tract
13 of land was sold; give the legal description of each tract of land
14 involved, and the tax record owner thereof during the years in which
15 the taxes for which the property was sold were levied; state that the
16 purpose of the action is to foreclose all adverse claims of every
17 nature in and to the property described, and to have the title of
18 existing liens and claims of every nature against the described real
19 property, except that of the county, forever barred.

20 The summons and notice shall also summon all persons, firms and
21 corporations claiming any right, title and interest in and to the
22 described real property to appear within sixty days after the date of
23 the first publication, specifying the day and year, and state in
24 writing what right, title and interest they have or claim to have in
25 and to the property described, and file the same with the clerk of the
26 court above named; and shall notify them that in case of their failure
27 so to do, judgment will be rendered determining that the title to the
28 real property is in the county free from all existing adverse
29 interests, rights or claims whatsoever: PROVIDED, That in case any of
30 the lands involved is in the actual, open and notorious possession of
31 anyone at the time the summons and notice is filed, as herein provided,
32 a copy of the same modified as herein specified shall be served
33 personally upon such person in the same manner as summons is served in
34 civil actions generally. The summons shall be substantially in the
35 form above outlined, except that in lieu of the statement relative to
36 the date and day of publication it shall require the person served to
37 appear within twenty days after the day of service, exclusive of the
38 date of service, and that the day of service need not be specified

1 therein, and except further that the recitals regarding the amount of
2 the taxes and costs and the years the same were levied, the legal
3 description of the land and the tax record owner thereof may be omitted
4 except as to the land occupied by the persons served.

5 Every summons and notice provided for in RCW 36.35.160 through
6 36.35.270 shall be subscribed by the prosecuting attorney of the
7 county, or by any successor or assign of the county or his or her
8 attorney, as the case may be, followed by the post office address of
9 the successor or assign.

10 Publications required by this section may be in the form of a
11 summary that complies with RCW 36.72.071.

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

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

17 When a county legislative authority proposes to create an aquifer
18 protection area it shall conduct a public hearing on the proposal.
19 Notice of the public hearing shall be published at least once, not less
20 than ten days prior to the hearing, in a newspaper of general
21 circulation within the proposed aquifer protection area. The public
22 hearing may be continued to other times, dates, and places announced at
23 the public hearing, without publication of the notice. At the public
24 hearing, the county legislative authority shall hear objections and
25 comments from anyone interested in the proposed aquifer protection
26 area.

27 After the public hearing, the county legislative authority may
28 adopt a resolution causing a ballot proposition to be submitted to the
29 registered voters residing within the proposed aquifer protection area
30 to authorize the creation of the aquifer protection area, if the county
31 legislative authority finds that the creation of the aquifer protection
32 area would be in the public interest. The resolution shall: (1)
33 Describe the boundaries of the proposed aquifer protection area; (2)
34 find that its creation is in the public interest; (3) state the maximum
35 level of fees for the withdrawal of water, or on-site sewage disposal,
36 occurring in the aquifer protection area, or both; and (4) describe the
37 uses for the fees.

1 An aquifer protection area shall be created by ordinances of the
2 county if the voters residing in the proposed aquifer protection area
3 approve the ballot proposition by a simple majority vote. The ballot
4 proposition shall be in substantially the following form:

5 "Shall the . . . (insert the name) aquifer protection area be
6 created and authorized to impose monthly fees on . . . (insert
7 "the withdrawal of water" or "on-site sewage disposal") of not
8 to exceed . . . (insert a dollar amount) per household unit for
9 up to . . . (insert a number of years) to finance . . . (insert
10 the type of activities proposed to be financed)?

11 Yes

12 No"

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

15 An aquifer protection area may not include territory located within
16 a city or town without the approval of the city or town governing body,
17 nor may it include territory located in the unincorporated area of
18 another county without the approval of the county legislative authority
19 of that county.

20 Publications required by this section may be in the form of a
21 summary that complies with RCW 36.72.071.

22 **Sec. 26.** RCW 36.38.030 and 1963 c 4 s 36.38.030 are each amended
23 to read as follows:

24 The ordinance levying and fixing the tax shall be headed by a title
25 expressing the subject thereof, and the style of the ordinance shall
26 be: "Be it ordained by the Board of County Commissioners of
27 County, State of Washington." The ordinance shall be
28 enacted by a majority vote of the board at a regular meeting thereof,
29 and only after the form of such ordinance as ultimately enacted has
30 been on file with the clerk of the board and open to public inspection
31 for not less than ten days. The ordinance shall not become effective
32 until thirty days following its enactment, and within five days
33 following its enactment it shall be printed and published in a
34 newspaper of general circulation in the county. The ordinance shall be
35 signed by a majority of the board, attested by the clerk of the board,
36 and shall be duly entered and recorded in the book wherein orders of

1 the board are entered and recorded. The ordinance may be at any time
2 amended or repealed by an ordinance enacted, published, and recorded in
3 the same manner.

4 Publications required by this section may be in the form of a
5 summary that complies with RCW 36.72.071.

6 **Sec. 27.** RCW 36.40.060 and 1985 c 469 s 47 are each amended to
7 read as follows:

8 The county legislative authority shall then publish a notice
9 stating that it has completed and placed on file its preliminary budget
10 for the county for the ensuing fiscal year, a copy of which will be
11 furnished any citizen who will call at its office for it, and that it
12 will meet on the first Monday in October thereafter for the purpose of
13 fixing the final budget and making tax levies, designating the time and
14 place of the meeting, and that any taxpayer may appear thereat and be
15 heard for or against any part of the budget. The notice shall be
16 published once each week for two consecutive weeks immediately
17 following adoption of the preliminary budget in the official newspaper
18 of the county. The county legislative authority shall provide a
19 sufficient number of copies of the detailed and comparative preliminary
20 budget to meet the reasonable demands of taxpayers therefor and the
21 same shall be available for distribution not later than two weeks
22 immediately preceding the first Monday in October.

23 Publications required by this section may be in the form of a
24 summary that complies with RCW 36.72.071.

25 **Sec. 28.** RCW 36.40.100 and 1985 c 469 s 48 are each amended to
26 read as follows:

27 The estimates of expenditures itemized and classified as required
28 in RCW 36.40.040 and as finally fixed and adopted in detail by the
29 board of county commissioners shall constitute the appropriations for
30 the county for the ensuing fiscal year; and every county official shall
31 be limited in the making of expenditures or the incurring of
32 liabilities to the amount of the detailed appropriation items or
33 classes respectively: PROVIDED, That upon a resolution formally
34 adopted by the board at a regular or special meeting and entered upon
35 the minutes, transfers or revisions within departments, or supplemental
36 appropriations to the budget from unanticipated federal or state funds

1 may be made: PROVIDED FURTHER, That the board shall publish notice of
2 the time and date of the meeting at which the supplemental
3 appropriations resolution will be adopted, and the amount of the
4 appropriation, once each week, for two consecutive weeks prior to the
5 meeting in the official newspaper of the county.

6 Publications required by this section may be in the form of a
7 summary that complies with RCW 36.72.071.

8 **Sec. 29.** RCW 36.40.140 and 1969 ex.s. c 185 s 3 are each amended
9 to read as follows:

10 When a public emergency, other than such as are specifically
11 described in RCW 36.40.180, and which could not reasonably have been
12 foreseen at the time of making the budget, requires the expenditure of
13 money not provided for in the budget, the board of county commissioners
14 by majority vote of the commissioners at any meeting the time and place
15 of which all the commissioners have had reasonable notice, shall adopt
16 and enter upon its minutes a resolution stating the facts constituting
17 the emergency and the estimated amount of money required to meet it,
18 and shall publish the same, together with a notice that a public
19 hearing thereon will be held at the time and place designated therein,
20 which shall not be less than one week after the date of publication, at
21 which any taxpayer may appear and be heard for or against the
22 expenditure of money for the alleged emergency. The resolution and
23 notice shall be published once in the official county newspaper, or if
24 there is none, in a legal newspaper in the county. Upon the conclusion
25 of the hearing, if the board of county commissioners approves it, an
26 order shall be made and entered upon its official minutes by a majority
27 vote of all the members of the board setting forth the facts
28 constituting the emergency, together with the amount of expenditure
29 authorized, which order, so entered, shall be lawful authorization to
30 expend said amount for such purpose unless a review is applied for
31 within five days thereafter.

32 Publications required by this section may be in the form of a
33 summary that complies with RCW 36.72.071.

34 **Sec. 30.** RCW 36.55.040 and 1985 c 469 s 49 are each amended to
35 read as follows:

36 On application being made to the county legislative authority for

1 franchise, it shall fix a time and place for hearing the same, and
2 shall cause the county auditor to give public notice thereof at the
3 expense of the applicant, by posting notices in three public places in
4 the county seat of the county at least fifteen days before the day
5 fixed for the hearing. The county legislative authority shall also
6 publish a like notice two times in the official newspaper of the
7 county, the last publication to be not less than five days before the
8 day fixed for the hearing. The notice shall state the name or names of
9 the applicant or applicants, a description of the county roads by
10 reference to section, township and range in which the county roads or
11 portions thereof are physically located, to be included in the
12 franchise for which the application is made, and the time and place
13 fixed for the hearing.

14 Publications required by this section may be in the form of a
15 summary that complies with RCW 36.72.071.

16 **Sec. 31.** RCW 36.58.090 and 1992 c 131 s 4 are each amended to read
17 as follows:

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

31 (2) If the legislative authority of the county decides to proceed
32 with the consideration of qualifications or proposals for services from
33 vendors, the county shall publish notice of its requirements and
34 request submission of qualifications statements or proposals. The
35 notice shall be published in the official newspaper of the county at
36 least once a week for two weeks not less than sixty days before the
37 final date for the submission of qualifications statements or

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

22 (3) If the legislative authority of the county decides to proceed
23 with the consideration of qualifications or proposals, it may designate
24 a representative to evaluate the vendors who submitted qualifications
25 statements or proposals and conduct discussions regarding
26 qualifications or proposals with one or more vendors. The legislative
27 authority or representative may request submission of qualifications
28 statements and may later request more detailed proposals from one or
29 more vendors who have submitted qualifications statements, or the
30 representative may request detailed proposals without having first
31 received and evaluated qualifications statements. The representative
32 shall evaluate the qualifications or proposals, as applicable. If two
33 or more vendors submit qualifications or proposals that meet the
34 criteria established by the legislative authority of the county,
35 discussions and interviews shall be held with at least two vendors.
36 Any revisions to a request for qualifications or request for proposals
37 shall be made available to all vendors then under consideration by the

1 city or town and shall be made available to any other person who has
2 requested receipt of that information.

3 (4) Based on criteria established by the legislative authority of
4 the county, the representative shall recommend to the legislative
5 authority a vendor or vendors that are initially determined to be the
6 best qualified to provide one or more of the design, construction, or
7 operation of, or other service related to, the proposed project or
8 services. The legislative authority may select one or more qualified
9 vendors for one or more of the design, construction, or operation of,
10 or other service related to, the proposed project or services.

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

29 (6) Prior to entering into a contract with a vendor, the
30 legislative authority of the county shall make written findings, after
31 holding a public hearing on the proposal, that it is in the public
32 interest to enter into the contract, that the contract is financially
33 sound, and that it is advantageous for the county to use this method
34 for awarding contracts compared to other methods.

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

1 (8) The provisions of chapters 39.12(~~(7)~~) and 39.19(~~(7) and 39.25~~)
2 RCW shall apply to a contract entered into under this section to the
3 same extent as if the systems and plants were owned by a public body.

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

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

15 (11) Publications required by this section may be in the form of a
16 summary that complies with RCW 36.72.071.

17 **Sec. 32.** RCW 36.58.110 and 1982 c 175 s 2 are each amended to read
18 as follows:

19 A county legislative authority proposing to establish a solid waste
20 disposal district or to modify or dissolve an existing solid waste
21 disposal district shall conduct a hearing at the time and place
22 specified in a notice published at least once not less than ten days
23 prior to the hearing in a newspaper of general circulation within the
24 proposed solid waste disposal district. This notice shall be in
25 addition to any other notice required by law to be published.
26 Additional notice of such hearing may be given by mail, posting within
27 the proposed solid waste disposal district, or in any manner local
28 authorities deem necessary to notify affected persons. All hearings
29 shall be public and the county legislative authority shall hear
30 objections from any person affected by the formation, modification, or
31 dissolution of the solid waste disposal district and make such changes
32 in the boundaries of the district or any other modifications that the
33 county legislative authority deems necessary.

34 Publications required by this section may be in the form of a
35 summary that complies with RCW 36.72.071.

1 **Sec. 33.** RCW 36.58A.020 and 1971 ex.s. c 293 s 3 are each amended
2 to read as follows:

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

16 Publications required by this section may be in the form of a
17 summary that complies with RCW 36.72.071.

18 **Sec. 34.** RCW 36.60.020 and 1983 c 303 s 9 are each amended to read
19 as follows:

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

34 (2) Following the hearing held under subsection (1) of this
35 section, the county legislative authority may adopt a resolution
36 providing for the submission of a proposal to establish a county rail
37 district, modify the boundaries of an existing county rail district, or

1 dissolve an existing county rail district, if the county legislative
2 authority finds the proposal to be in the public interest. The
3 resolution shall contain the boundaries of the district if applicable.

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

15 (4) The district shall be created upon approval of the proposition
16 by simple majority vote. The ballot proposition submitted to the
17 voters shall be in substantially the following form:

18 FORMATION OF COUNTY RAIL DISTRICT

19 Shall a county rail district be established for the area described in
20 a resolution of the legislative authority of county,
21 adopted on the day of, ((19)) 20. . . ?

22 Yes

23 No

24 (5) Publications required by this section may be in the form of a
25 summary that complies with RCW 36.72.071.

26 **Sec. 35.** 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. The notice shall also be posted in three public
34 places within the area proposed for establishment, modification, or
35 dissolution, and shall specify the time and place of hearing. The

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

3 Publications required by this section may be in the form of a
4 summary that complies with RCW 36.72.071.

5 **Sec. 36.** RCW 36.61.040 and 2008 c 301 s 6 are each amended to read
6 as follows:

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

21 Notices of the public hearing shall: (1) Refer to the resolution
22 of intention; (2) designate the proposed lake or beach management
23 district by number; (3) set forth a proposed plan describing: (a) The
24 nature of the proposed lake or beach improvement or maintenance
25 activities; (b) the amount of special assessments or rates and charges
26 proposed to be raised by the lake or beach management district; (c) if
27 special assessments are proposed to be imposed, whether the special
28 assessments will be imposed annually for the duration of the lake or
29 beach management district, or the full special assessments will be
30 payable at one time, with the possibility of periodic installments
31 being paid and lake or beach management bonds being issued, or both;
32 (d) if rates and charges are proposed to be imposed, the annual amount
33 of revenue proposed to be collected and whether revenue bonds payable
34 from the rates and charges are proposed to be issued; and (e) the
35 proposed duration of the lake or beach management district; and (4)
36 indicate the date, time, and place of the public hearing designated in
37 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 Publications required by this section may be in the form of a
14 summary that complies with RCW 36.72.071.

15 **Sec. 37.** RCW 36.61.100 and 2008 c 301 s 12 are each amended to
16 read as follows:

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

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

33 Publications required by this section may be in the form of a
34 summary that complies with RCW 36.72.071.

35 **Sec. 38.** RCW 36.61.190 and 2008 c 301 s 19 are each amended to
36 read as follows:

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

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

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

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

30 Publications required by this section may be in the form of a
31 summary that complies with RCW 36.72.071.

32 **Sec. 39.** RCW 36.68.440 and 1981 c 210 s 4 are each amended to read
33 as follows:

34 Upon accepting a petition to form a park and recreation service
35 area, or upon passage of a resolution to establish such a service area,
36 the county legislative authority shall order a full investigation for
37 the purpose or purposes of the proposed service area to determine the

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

21 Publications required by this section may be in the form of a
22 summary that complies with RCW 36.72.071.

23 **Sec. 40.** RCW 36.68.470 and 1981 c 210 s 6 are each amended to read
24 as follows:

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

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

7 FORMATION OF PARK AND
8 RECREATION SERVICE AREA

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

15 (3) Publications required by this section may be in the form of a
16 summary that complies with RCW 36.72.071.

17 **Sec. 41.** RCW 36.69.040 and 1963 c 4 s 36.69.040 are each amended
18 to read as follows:

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

27 Publications required by this section may be in the form of a
28 summary that complies with RCW 36.72.071.

29 **Sec. 42.** RCW 36.69.230 and 2009 c 549 s 4104 are each amended to
30 read as follows:

31 If such local improvement district is initiated by petition, such
32 petition shall set forth the nature and territorial extent of the
33 proposed improvement requested to be ordered and the fact that the
34 signers thereof are the owners (according to the records of the county

1 auditor) of at least fifty-one percent of the area of land within the
2 limits of the local improvement district to be created. Upon the
3 filing of such petition the board of park and recreation commissioners
4 shall determine whether it is sufficient, and the board's determination
5 thereof shall be conclusive upon all persons. No person shall withdraw
6 his or her name from the petition after it has been filed with the
7 board. If the board shall find the petition to be sufficient, it shall
8 proceed to adopt a resolution declaring its intention to order the
9 improvement petitioned for, setting forth the nature and territorial
10 extent of said improvement, designating the number of the proposed
11 local district and describing the boundaries thereof, stating the
12 estimated cost and expense of the improvement and the proportionate
13 amount thereof which will be borne by the property within the proposed
14 local district, and fixing a date, time and place for a public hearing
15 on the formation of the proposed local district.

16 The resolution of intention, whether adopted on the initiative of
17 the board or pursuant to a petition of the property owners, shall be
18 published in at least two consecutive issues of a newspaper of general
19 circulation in the proposed local district, the date of the first
20 publication to be at least fifteen days prior to the date fixed by such
21 resolution for hearing before the board.

22 Publications required by this section may be in the form of a
23 summary that complies with RCW 36.72.071.

24 **Sec. 43.** RCW 36.69.280 and 1963 c 4 s 36.69.280 are each amended
25 to read as follows:

26 Before approval of the roll a notice shall be published once a week
27 for two consecutive weeks in a newspaper of general circulation in the
28 local district, stating that the roll is on file and open to inspection
29 in the office of the secretary, and fixing the time, not less than
30 fifteen or more than thirty days from the date of the first publication
31 of the notice within which protests must be filed with the secretary
32 against any assessments shown thereon, and fixing a time when a hearing
33 will be held by the board of park and recreation commissioners on the
34 protests. Notice shall also be given by mailing, at least fifteen days
35 before the hearing, a similar notice to the owners or reputed owners of
36 the land in the local district as they appear on the books of the
37 treasurer of the county in which the park and recreation district is

1 located. At the hearing, or any adjournment thereof, the commissioners
2 may correct, change or modify the roll, or any part thereof, or set
3 aside the roll and order a new assessment, and may then by resolution
4 approve it. If an assessment is raised a new notice similar to the
5 first shall be given, after which final approval of the roll may be
6 made. When property has been entered originally upon the roll and the
7 assessment thereon is not raised, no objection thereto shall be
8 considered by the commissioners or by any court on appeal unless the
9 objection is made in writing at, or prior, to the date fixed for the
10 original hearing upon the roll.

11 Publications required by this section may be in the form of a
12 summary that complies with RCW 36.72.071.

13 **Sec. 44.** RCW 36.70.390 and 1963 c 4 s 36.70.390 are each amended
14 to read as follows:

15 Notice of the time, place and purpose of any public hearing shall
16 be given by one publication in a newspaper of general circulation in
17 the county and in the official gazette, if any, of the county, at least
18 ten days before the hearing.

19 Publications required by this section may be in the form of a
20 summary that complies with RCW 36.72.071.

21 **Sec. 45.** RCW 36.70.430 and 1963 c 4 s 36.70.430 are each amended
22 to read as follows:

23 When it deems it to be for the public interest, or when it
24 considers a change in the recommendations of the planning agency to be
25 necessary, the board may initiate consideration of a comprehensive
26 plan, or any element or part thereof, or any change in or addition to
27 such plan or recommendation. The board shall first refer the proposed
28 plan, change or addition to the planning agency for a report and
29 recommendation. Before making a report and recommendation, the
30 commission shall hold at least one public hearing on the proposed plan,
31 change or addition. Notice of the time and place and purpose of the
32 hearing shall be given by one publication in a newspaper of general
33 circulation in the county and in the official gazette, if any, of the
34 county, at least ten days before the hearing.

35 Publications required by this section may be in the form of a
36 summary that complies with RCW 36.72.071.

1 **Sec. 46.** RCW 36.70.440 and 1963 c 4 s 36.70.440 are each amended
2 to read as follows:

3 After the receipt of the report and recommendations of the planning
4 agency on the matters referred to in RCW 36.70.430, or after the lapse
5 of the prescribed time for the rendering of such report and
6 recommendation by the commission, the board may approve by motion and
7 certify such plan, change or addition without further reference to the
8 commission: PROVIDED, That the plan, change or addition conforms
9 either to the proposal as initiated by the county or the recommendation
10 thereon by the commission: PROVIDED FURTHER, That if the planning
11 agency has failed to report within a ninety day period, the board shall
12 hold at least one public hearing on the proposed plan, change or
13 addition. Notice of the time, place and purpose of the hearing shall
14 be given by one publication in a newspaper of general circulation in
15 the county and in the official gazette, if any, of the county, at least
16 ten days before the hearing. Thereafter, the board may proceed to
17 approve by motion and certify the proposed comprehensive plan or any
18 part, amendment or addition thereto.

19 Publications required by this section may be in the form of a
20 summary that complies with RCW 36.72.071.

21 **Sec. 47.** RCW 36.70.590 and 1963 c 4 s 36.70.590 are each amended
22 to read as follows:

23 Notice of the time, place and purpose of the hearing shall be given
24 by one publication in a newspaper of general circulation in the county
25 and in the official gazette, if any, of the county at least ten days
26 before the hearing. The board may prescribe additional methods for
27 providing notice.

28 Publications required by this section may be in the form of a
29 summary that complies with RCW 36.72.071.

30 **Sec. 48.** RCW 36.70A.035 and 1999 c 315 s 708 are each amended to
31 read as follows:

32 (1) The public participation requirements of this chapter shall
33 include notice procedures that are reasonably calculated to provide
34 notice to property owners and other affected and interested
35 individuals, tribes, government agencies, businesses, school districts,

1 and organizations of proposed amendments to comprehensive plans and
2 development regulation. Examples of reasonable notice provisions
3 include:

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

5 (b) Publishing notice in a newspaper of general circulation in the
6 county, city, or general area where the proposal is located or that
7 will be affected by the proposal;

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

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

12 (e) Publishing notice in agency newsletters or sending notice to
13 agency mailing lists, including general lists or lists for specific
14 proposals or subject areas.

15 (2)(a) Except as otherwise provided in (b) of this subsection, if
16 the legislative body for a county or city chooses to consider a change
17 to an amendment to a comprehensive plan or development regulation, and
18 the change is proposed after the opportunity for review and comment has
19 passed under the county's or city's procedures, an opportunity for
20 review and comment on the proposed change shall be provided before the
21 local legislative body votes on the proposed change.

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

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

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

30 (iii) The proposed change only corrects typographical errors,
31 corrects cross-references, makes address or name changes, or clarifies
32 language of a proposed ordinance or resolution without changing its
33 effect;

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

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

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

4 (4) Publications required by this section may be in the form of a
5 summary that complies with RCW 36.72.071.

6 **Sec. 49.** RCW 36.70A.367 and 2007 c 433 s 1 are each amended to
7 read as follows:

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

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

19 (a) The comprehensive plan must identify locations suited to major
20 industrial development due to proximity to transportation or resource
21 assets. The plan must identify the maximum size of the industrial land
22 bank area and any limitations on major industrial developments based on
23 local limiting factors, but does not need to specify a particular
24 parcel or parcels of property or identify any specific use or user
25 except as limited by this section. In selecting locations for the
26 industrial land bank area, priority must be given to locations that are
27 adjacent to, or in close proximity to, an urban growth area.

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

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

33 (ii) An analysis of the availability of alternative sites within
34 urban growth areas and the long-term annexation feasibility of sites
35 outside of urban growth areas.

36 (c) Final approval of an industrial land bank area under this
37 section must be by amendment to the comprehensive plan adopted under

1 RCW 36.70A.070, and the amendment is exempt from the limitation of RCW
2 36.70A.130(2) and may be considered at any time. Approval of a
3 specific major industrial development within the industrial land bank
4 area requires no further amendment of the comprehensive plan.

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

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

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

13 (c) Required infrastructure is identified and provided concurrent
14 with development. Such infrastructure, however, may be phased in with
15 development;

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

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

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

24 (g) A major industrial development is used primarily by industrial
25 and manufacturing businesses, and that the gross floor area of all
26 commercial and service buildings or facilities locating within the
27 major industrial development does not exceed ten percent of the total
28 gross floor area of buildings or facilities in the development. The
29 intent of this provision for commercial or service use is to meet the
30 needs of employees, clients, customers, vendors, and others having
31 business at the industrial site, to attract and retain a quality
32 workforce, and to further other public objectives, such as trip
33 reduction. These uses may not be promoted to attract additional
34 clientele from the surrounding area. Commercial and service businesses
35 must be established concurrently with or subsequent to the industrial
36 or manufacturing businesses;

37 (h) New infrastructure is provided for and/or applicable impact

1 fees are paid to assure that adequate facilities are provided
2 concurrently with the development. Infrastructure may be achieved in
3 phases as development proceeds;

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

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

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

12 (4) For the purposes of this section:

13 (a) "Major industrial development" means a master planned location
14 suitable for manufacturing or industrial businesses that: (i) Requires
15 a parcel of land so large that no suitable parcels are available within
16 an urban growth area; (ii) is a natural resource-based industry
17 requiring a location near agricultural land, forest land, or mineral
18 resource land upon which it is dependent; or (iii) requires a location
19 with characteristics such as proximity to transportation facilities or
20 related industries such that there is no suitable location in an urban
21 growth area. The major industrial development may not be for the
22 purpose of retail commercial development or multitenant office parks.

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

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

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

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

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

5 (i) Is bordered by the Pacific Ocean;

6 (ii) Is located in the Interstate 5 or Interstate 90 corridor; or

7 (iii) Is bordered by Hood Canal;

8 (d) Is east of the Cascade divide; and

9 (i) Borders another state to the south; or

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

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

15 (f) Meets all of the following criteria:

16 (i) Has a population greater than forty thousand but fewer than
17 eighty thousand;

18 (ii) Has an average level of unemployment for the preceding three
19 years that exceeds the average state unemployment for those years by
20 twenty percent; and

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

22 (6) In order to identify and approve locations for industrial land
23 banks, the county shall take action to designate one or more industrial
24 land banks and adopt conforming regulations as provided by ((RCW
25 ~~36.70A.367(2)~~) subsection (2) of this section on or before the last
26 date to complete that county's next periodic review under RCW
27 36.70A.130(4) that occurs prior to December 31, 2014. The authority to
28 take action to designate a land bank area in the comprehensive plan
29 expires if not acted upon by the county within the time frame provided
30 in this section. Once a land bank area has been identified in the
31 county's comprehensive plan, the authority of the county to process a
32 master plan or site projects within an approved master plan does not
33 expire.

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

36 (a) Provide countywide notice, in conformity with RCW 36.70A.035,
37 of the intent to designate an industrial land bank. Notice must be
38 published in a newspaper or newspapers of general circulation

1 reasonably likely to reach subscribers in all geographic areas of the
2 county. Notice must be provided not less than thirty days prior to
3 commencement of consideration by the county legislative body; and

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

7 (8) Any location included in an industrial land bank pursuant to
8 section 2, chapter 289, Laws of 1998, section 1, chapter 402, Laws of
9 1997, and section 2, chapter 167, Laws of 1996 shall remain available
10 for major industrial development according to this section as long as
11 the requirements of this section continue to be satisfied.

12 (9) Publications required by this section may be in the form of a
13 summary that complies with RCW 36.72.071.

14 **Sec. 50.** RCW 36.70B.110 and 1997 c 429 s 48 and 1997 c 396 s 1 are
15 each reenacted and amended to read as follows:

16 (1) Not later than April 1, 1996, a local government planning under
17 RCW 36.70A.040 shall provide a notice of application to the public and
18 the departments and agencies with jurisdiction as provided in this
19 section. If a local government has made a threshold determination
20 under chapter 43.21C RCW concurrently with the notice of application,
21 the notice of application may be combined with the threshold
22 determination and the scoping notice for a determination of
23 significance. Nothing in this section prevents a determination of
24 significance and scoping notice from being issued prior to the notice
25 of application. Nothing in this section or this chapter prevents a
26 lead agency, when it is a project proponent or is funding a project,
27 from conducting its review under chapter 43.21C RCW or from allowing
28 appeals of procedural determinations prior to submitting a project
29 permit application.

30 (2) The notice of application shall be provided within fourteen
31 days after the determination of completeness as provided in RCW
32 36.70B.070 and, except as limited by the provisions of subsection
33 (4)(b) of this section, shall include the following in whatever
34 sequence or format the local government deems appropriate:

35 (a) The date of application, the date of the notice of completion
36 for the application, and the date of the notice of application;

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

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

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

11 (e) A statement of the public comment period, which shall be not
12 less than fourteen nor more than thirty days following the date of
13 notice of application, and statements of the right of any person to
14 comment on the application, receive notice of and participate in any
15 hearings, request a copy of the decision once made, and any appeal
16 rights. A local government may accept public comments at any time
17 prior to the closing of the record of an open record predecision
18 hearing, if any, or, if no open record predecision hearing is provided,
19 prior to the decision on the project permit;

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

22 (g) A statement of the preliminary determination, if one has been
23 made at the time of notice, of those development regulations that will
24 be used for project mitigation and of consistency as provided in RCW
25 36.70B.030(2); and

26 (h) Any other information determined appropriate by the local
27 government.

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

31 (4) A local government shall use reasonable methods to give the
32 notice of application to the public and agencies with jurisdiction and
33 may use its existing notice procedures. A local government may use
34 different types of notice for different categories of project permits
35 or types of project actions. If a local government by resolution or
36 ordinance does not specify its method of public notice, the local
37 government shall use the methods provided for in (a) and (b) of this
38 subsection. Examples of reasonable methods to inform the public are:

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

2 (b) Publishing notice, including at least the project location,
3 description, type of permit(s) required, comment period dates, and
4 location where the notice of application required by subsection (2) of
5 this section and the complete application may be reviewed, in the
6 newspaper of general circulation in the general area where the proposal
7 is located or in a local land use newsletter published by the local
8 government;

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

11 (d) Notifying the news media;

12 (e) Placing notices in appropriate regional or neighborhood
13 newspapers or trade journals;

14 (f) Publishing notice in agency newsletters or sending notice to
15 agency mailing lists, either general lists or lists for specific
16 proposals or subject areas; and

17 (g) Mailing to neighboring property owners.

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

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

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

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

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

33 (d) A local government is not required to provide for
34 administrative appeals of its threshold determination. If provided, an
35 administrative appeal shall be filed within fourteen days after notice
36 that the determination has been made and is appealable. Except as
37 otherwise expressly provided in this section, the appeal hearing on a

1 determination of nonsignificance shall be consolidated with any open
2 record hearing on the project permit.

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

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

8 (b) The joint hearing can be held within the time periods specified
9 in RCW (~~36.70B.090~~) 36.70B.070 or the applicant agrees to the
10 schedule in the event that additional time is needed in order to
11 combine the hearings. All agencies of the state of Washington,
12 including municipal corporations and counties participating in a
13 combined hearing, are hereby authorized to issue joint hearing notices
14 and develop a joint format, select a mutually acceptable hearing body
15 or officer, and take such other actions as may be necessary to hold
16 joint hearings consistent with each of their respective statutory
17 obligations.

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

21 (a) The agency is not expressly prohibited by statute from doing
22 so;

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

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

29 (9) A local government is not required to provide for
30 administrative appeals. If provided, an administrative appeal of the
31 project decision and of any environmental determination issued at the
32 same time as the project decision, shall be filed within fourteen days
33 after the notice of the decision or after other notice that the
34 decision has been made and is appealable. The local government shall
35 extend the appeal period for an additional seven days, if state or
36 local rules adopted pursuant to chapter 43.21C RCW allow public comment
37 on a determination of nonsignificance issued as part of the appealable
38 project permit decision.

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

4 (11) Each local government planning under RCW 36.70A.040 shall
5 adopt procedures for administrative interpretation of its development
6 regulations.

7 (12) Publications required by this section may be in the form of a
8 summary that complies with RCW 36.72.071.

9 **Sec. 51.** RCW 36.73.050 and 2007 c 329 s 3 are each amended to read
10 as follows:

11 (1) The legislative authorities proposing to establish a district,
12 or to modify the boundaries of an existing district, or to dissolve an
13 existing district shall conduct a hearing at the time and place
14 specified in a notice published at least once, not less than ten days
15 before the hearing, in a newspaper of general circulation within the
16 proposed district. Subject to the provisions of RCW 36.73.170, the
17 legislative authorities shall make provision for a district to be
18 automatically dissolved when all indebtedness of the district has been
19 retired and anticipated responsibilities have been satisfied. This
20 notice shall be in addition to any other notice required by law to be
21 published. The notice shall, where applicable, specify the functions
22 or activities proposed to be provided or funded, or the additional
23 functions or activities proposed to be provided or funded, by the
24 district. Additional notice of the hearing may be given by mail, by
25 posting within the proposed district, or in any manner the legislative
26 authorities deem necessary to notify affected persons. All hearings
27 shall be public and the legislative authorities shall hear objections
28 from any person affected by the formation, modification of the
29 boundaries, or dissolution of the district.

30 (2)(a) Following the hearing held pursuant to subsection (1) of
31 this section, the legislative authorities may establish a district,
32 modify the boundaries or functions of an existing district, or dissolve
33 an existing district, if the legislative authorities find the action to
34 be in the public interest and adopt an ordinance providing for the
35 action.

36 (b) The ordinance establishing a district shall specify the
37 functions and transportation improvements described under RCW 36.73.015

1 to be exercised or funded and establish the boundaries of the district.
2 Subject to the provisions of RCW 36.73.160, functions or transportation
3 improvements proposed to be provided or funded by the district may not
4 be expanded beyond those specified in the notice of hearing, unless
5 additional notices are made, further hearings on the expansion are
6 held, and further determinations are made that it is in the public
7 interest to so expand the functions or transportation improvements
8 proposed to be provided or funded.

9 (3) Publications required by this section may be in the form of a
10 summary that complies with RCW 36.72.071.

11 **Sec. 52.** RCW 36.75.270 and 1963 c 4 s 36.75.270 are each amended
12 to read as follows:

13 The board of county commissioners of each county may by resolution
14 limit or prohibit classes or types of vehicles on any county road or
15 bridge and may limit the weight of vehicles which may travel thereon.
16 Any such resolution shall be effective for a definite period of time
17 which shall be stated in the resolution. If such resolution is
18 published at least once in a newspaper of general circulation in the
19 county and if signs indicating such closure or limitation of traffic
20 have been posted on such road or bridge, any person violating such
21 resolution shall be guilty of a misdemeanor.

22 Publications required by this section may be in the form of a
23 summary that complies with RCW 36.72.071.

24 **Sec. 53.** RCW 36.77.070 and 2009 c 549 s 4126 and 2009 c 29 s 2 are
25 each reenacted and amended to read as follows:

26 If the board determines that any construction should be performed
27 by county forces, and the estimated cost of the work exceeds ten
28 thousand dollars, it shall cause to be published in one issue of a
29 newspaper of general circulation in the county, a brief description of
30 the work to be done and the county road engineer's estimate of the cost
31 thereof. At the completion of such construction, the board shall cause
32 to be published in one issue of such a newspaper a similar brief
33 description of the work together with an accurate statement of the true
34 and complete cost of performing such construction by county forces.

35 Failure to make the required publication shall subject each county
36 commissioner to a fine of one hundred dollars for which he or she shall

1 be liable individually and upon his or her official bond and the
2 prosecuting attorney shall prosecute for violation of the provisions of
3 this section and RCW 36.77.065.

4 Publications required by this section may be in the form of a
5 summary that complies with RCW 36.72.071.

6 **Sec. 54.** RCW 36.81.070 and 1963 c 4 s 36.81.070 are each amended
7 to read as follows:

8 The board shall fix a time and place for hearing the report of the
9 engineer and cause notice thereof to be published once a week for two
10 successive weeks in the county official newspaper and to be posted for
11 at least twenty days at each termini of the proposed road.

12 The notice shall set forth the termini of the road as set out in
13 the resolution of the board, or the freeholders' petition, as the case
14 may be, and shall state that all persons interested may appear and be
15 heard at such hearing upon the report and recommendation of the
16 engineer either to proceed or not to proceed with establishing the
17 road.

18 Publications required by this section may be in the form of a
19 summary that complies with RCW 36.72.071.

20 **Sec. 55.** RCW 36.82.190 and 1985 c 469 s 50 are each amended to
21 read as follows:

22 The county legislative authority shall then publish a notice
23 setting day of hearing for the adoption of the final supplemental
24 budget covering the excess funds, designating the time and place of
25 hearing and that anyone may appear thereat and be heard for or against
26 any part of the preliminary supplemental budget. The notice shall be
27 published once a week for two consecutive weeks immediately following
28 the adoption of the preliminary supplemental budget in the official
29 newspaper of the county. The county legislative authority shall
30 provide a sufficient number of copies of the preliminary supplemental
31 budget to meet reasonable public demands and they shall be available
32 not later than two weeks immediately preceding the hearing.

33 Publications required by this section may be in the form of a
34 summary that complies with RCW 36.72.071.

1 **Sec. 56.** RCW 36.83.020 and 1996 c 292 s 2 are each amended to read
2 as follows:

3 (1) A county legislative authority proposing to establish a service
4 district shall conduct a hearing at the time and place specified in a
5 notice published at least once, not less than ten days prior to the
6 hearing, in a newspaper of general circulation within the proposed
7 service district. This notice shall be in addition to any other notice
8 required by law to be published. The notice shall specify the
9 functions or activities proposed to be provided or funded by the
10 service district. Additional notice of the hearing may be given by
11 mail, posting within the proposed service district, or in any manner
12 the county legislative authority deems necessary to notify affected
13 persons. All hearings shall be public and the county legislative
14 authority shall hear objections from any person affected by the
15 formation, modification of the boundaries, or dissolution of the
16 service district.

17 (2) Following the hearing held pursuant to subsection (1) of this
18 section, the county legislative authority may establish a service
19 district if the county legislative authority finds the action to be in
20 the public interest and adopts an ordinance or resolution providing for
21 the establishment of the service district. The legislation
22 establishing a service district shall specify the functions or
23 activities to be exercised or funded and establish the boundaries of
24 the service district. Functions or activities proposed to be provided
25 or funded by the service district may not be expanded beyond those
26 specified in the notice of hearing, except as provided in subsection
27 (4) of this section.

28 (3) At any time prior to the county legislative authority
29 establishing a service district pursuant to this section, all further
30 proceedings shall be terminated upon the filing of a verified
31 declaration of termination signed by a majority of the registered
32 voters of the proposed service district.

33 (4) With the approval of the county legislative authority, the
34 governing body of a service district may modify the boundaries of,
35 expand or otherwise modify the functions of, or dissolve the service
36 district after providing notice and conducting a public hearing or
37 hearings in the manner provided in subsection (1) of this section. The

1 governing body must make a determination that the proposed action is in
2 the public interest and adopt a resolution providing for the action.

3 (5) Publications required by this section may be in the form of a
4 summary that complies with RCW 36.72.071.

5 **Sec. 57.** RCW 36.87.050 and 1963 c 4 s 36.87.050 are each amended
6 to read as follows:

7 Notice of hearing upon the report for vacation and abandonment of
8 a county road shall be published at least once a week for two
9 consecutive weeks preceding the date fixed for the hearing, in the
10 county official newspaper and a copy of the notice shall be posted for
11 at least twenty days preceding the date fixed for hearing at each
12 termini of the county road or portion thereof proposed to be vacated or
13 abandoned.

14 Publications required by this section may be in the form of a
15 summary that complies with RCW 36.72.071.

16 **Sec. 58.** RCW 36.88.030 and 1970 ex.s. c 66 s 2 are each amended to
17 read as follows:

18 In case the board of county commissioners shall desire to initiate
19 the formation of a county road improvement district by resolution, it
20 shall first pass a resolution declaring its intention to order such
21 improvement, setting forth the nature and territorial extent of such
22 proposed improvement, designating the number of the proposed road
23 improvement district and describing the boundaries thereof, stating the
24 estimated cost and expense of the improvement and the proportionate
25 amount thereof which will be borne by the property within the proposed
26 district, notifying the owners of property therein to appear at a
27 meeting of the board at the time specified in such resolution, and
28 directing the county road engineer to submit to the board at or prior
29 to the date fixed for such hearing a diagram or print showing thereon
30 the lots, tracts and parcels of land and other property which will be
31 specially benefited thereby and the estimated amount of the cost and
32 expense of such improvement to be borne by each lot, tract or parcel of
33 land or other property, and also designating thereon all property which
34 is being purchased under contract from the county. The resolution of
35 intention shall be published in at least two consecutive issues of a

1 newspaper of general circulation in such county, the date of the first
2 publication to be at least fifteen days prior to the date fixed by such
3 resolution for hearing before the board of county commissioners.

4 Notice of the adoption of the resolution of intention shall be
5 given each owner or reputed owner of any lot, tract or parcel of land
6 or other property within the proposed improvement district by mailing
7 said notice to the owner or reputed owner of the property as shown on
8 the tax rolls of the county treasurer at the address shown thereon at
9 least fifteen days before the date fixed for the public hearing. The
10 notice shall refer to the resolution of intention and designate the
11 proposed improvement district by number. Said notice shall also set
12 forth the nature of the proposed improvement, the total estimated cost,
13 the proportion of total cost to be borne by assessments, the estimated
14 amount of the cost and expense of such improvement to be borne by the
15 particular lot, tract or parcel, the date and place of the hearing
16 before the board of county commissioners, and shall contain the
17 directions hereinafter provided for voting upon the formation of the
18 proposed improvement district.

19 The clerk of the board shall prepare and mail, together with the
20 notice above referred to, a ballot for each owner or reputed owner of
21 any lot, tract or parcel of land within the proposed improvement
22 district. This ballot shall contain the following proposition:

23 "Shall.....county road improvement
24 district No.....be formed?
25 Yes.....
26 No.....

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

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

1 Publications required by this section may be in the form of a
2 summary that complies with RCW 36.72.071.

3 **Sec. 59.** RCW 36.88.050 and 1963 c 4 s 36.88.050 are each amended
4 to read as follows:

5 In case any such road improvement shall be initiated by petition,
6 such petition shall set forth the nature and territorial extent of such
7 proposed improvement, and the fact that the signers thereof are the
8 owners, according to the records of the county auditor of property to
9 an aggregate amount of a majority of the lineal frontage upon the
10 improvement to be made and of the area within the limits of the
11 assessment district to be created therefor.

12 Upon the filing of such petition the board shall determine whether
13 the same shall be sufficient and whether the property within the
14 proposed district shall be sufficiently developed and if the board
15 shall find the district to be sufficiently developed and the petition
16 to be sufficient, it shall proceed to adopt a resolution setting forth
17 the nature and territorial extent of the improvement petitioned for,
18 designating the number of the proposed improvement district and
19 describing the boundaries thereof, stating the estimated cost and
20 expense of the improvement and the proportionate amount thereof which
21 will be borne by the property within the proposed district, notifying
22 the owners of property therein to appear at a meeting of the board at
23 the time specified in such resolution, and directing the county road
24 engineer to submit to the board at or prior to the date fixed for such
25 hearing a diagram or print showing thereon the lots, tracts and parcels
26 of land and other property which will be specially benefited thereby
27 and the estimated amount of the cost and expense of such improvement to
28 be borne by each lot, tract or parcel of land or other property, and
29 also designating thereon all property which is being purchased under
30 contract from the county. The resolution of intention shall be
31 published in at least two consecutive issues of a newspaper of general
32 circulation in such county, the date of the first publication to be at
33 least fifteen days prior to the date fixed by such resolution for
34 hearing before the board of county commissioners.

35 Notice of the adoption of the resolution of intention shall be
36 given each owner or reputed owner of any lot, tract or parcel of land
37 or other property within the proposed improvement district by mailing

1 said notice to the owner or reputed owner of the property as shown on
2 the tax rolls of the county treasurer at the address shown thereon at
3 least fifteen days before the date fixed for the public hearing. The
4 notice shall refer to the resolution of intention and designate the
5 proposed improvement district by number. Said notice shall also set
6 forth the nature of the proposed improvement, the total estimated cost,
7 the proportion of total cost to be borne by assessments, the estimated
8 amount of the cost and expense of such improvement to be borne by the
9 particular lot, tract or parcel, the date and place of the hearing
10 before the board of county commissioners, and the fact that property
11 owners may withdraw their names from the petition or add their names
12 thereto at any time prior to five o'clock p.m. of the day before the
13 hearing.

14 Publications required by this section may be in the form of a
15 summary that complies with RCW 36.72.071.

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