CERTIFICATION OF ENROLLMENT

**HOUSE BILL 1769**

67th Legislature

2022 Regular Session

|  |  |
| --- | --- |
| Passed by the House February 12, 2022Yeas 71 Nays 27**Speaker of the House of Representatives**Passed by the Senate March 1, 2022Yeas 31 Nays 17**President of the Senate** | CERTIFICATEI, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 1769** as passed by the House of Representatives and the Senate on the dates hereon set forth.Chief Clerk |
| Approved  |  |
| **Governor of the State of Washington** | **Secretary of State** **State of Washington** |

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**HOUSE BILL 1769**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Passed Legislature - 2022 Regular Session

**State of Washington 67th Legislature 2022 Regular Session**

**By** Representatives Duerr, Springer, Fitzgibbon, Gregerson, Walen, Macri, and Slatter

AN ACT Relating to community municipal corporations; amending RCW 35.14.060, 35.13.015, 35.13.020, 35.13.030, 35.13.080, 35.13.090, 35.13.100, and 35.13.110; repealing RCW 35.14.020, 35.14.030, 35.14.040, 35.14.050, 35.14.060, 35A.14.025, 35.14.010, and 35.10.540; and providing an effective date.

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

**Sec.**  RCW 35.14.060 and 2009 c 549 s 2013 are each amended to read as follows:

The ((~~original~~)) terms of existence of any community municipal corporation shall be for ((~~at least~~)) four years ((~~and until the first Monday in January next following a regular municipal election held in the city~~)) or until 30 days after the effective date of this section, whichever is sooner.

((~~Any such community municipal corporation may be continued thereafter for additional periods of four years' duration with the approval of the voters at an election held and conducted in the manner provided for in this section.~~

~~Authorization for a community municipal corporation to continue its term of existence for each additional period of four years may be initiated pursuant to a resolution or a petition in the following manner:~~

~~(1) A resolution praying for such continuation may be adopted by the community council and shall be filed not less than seven months prior to the end of the term of existence of such corporation with the city council or other legislative body of the city in which the service area is located.~~

~~(2) A petition for continuation shall be signed by at least ten percent of the registered voters residing within the service area and shall be filed not less than six months prior to the end of the term of existence of such corporation with the city council or other legislative body of the city in which the service area is located.~~

~~At the same election at which a proposition is submitted to the voters of the service area for the continuation of the community municipal corporation for an additional period of four years, the community councilmembers of such municipal corporation shall be elected. The positions on such council shall be the same in number as the original or initial council and shall be numbered consecutively and elected at large. Declarations of candidacy and withdrawals shall be in the same manner as is provided for members of the city council or other legislative body of the city.~~

~~Upon receipt of a petition, the city clerk shall examine the signatures thereon and certify to the sufficiency thereof. No person may withdraw his or her name from a petition after it has been filed.~~

~~Upon receipt of a valid resolution or upon duly certifying a petition for continuation of a community municipal corporation, the city clerk with whom the resolution or petition was filed shall cause a proposition on continuation of the term of existence of the community municipal corporation to be placed on the ballot at the next city general election. No person shall be eligible to vote on such proposition at such election unless he or she is a qualified voter and resident of the service area.~~

~~The ballots shall contain the words "For continuation of community municipal corporation" and "Against continuation of community municipal corporation" or words equivalent thereto, and shall also contain the names of the candidates to be voted for to fill the positions on the community council. The names of all candidates to be voted upon shall be printed on the ballot alphabetically in groups under the numbered position on the council for which they are candidates.~~

~~If the results of the election as certified by the county canvassing board reveal that a majority of the votes cast are for continuation, the municipal corporation shall continue in existence for an additional period of four years, and certificates of election shall be issued to the successful candidates who shall assume office at the same time as members of the city council or other legislative body of the city.~~))

**Sec.**  RCW 35.13.015 and 1975 1st ex.s. c 220 s 6 are each amended to read as follows:

In addition to the method prescribed by RCW 35.13.020 for the commencement of annexation proceedings, the legislative body of any city or town may, whenever it shall determine by resolution that the best interests and general welfare of such city or town would be served by the annexation of unincorporated territory contiguous to such city or town, file a certified copy of the resolution with the board of county commissioners of the county in which said territory is located. The resolution of the city or town initiating such election shall, subject to RCW 35.02.170, describe the boundaries of the area to be annexed, as nearly as may be state the number of voters residing therein, pray for the calling of an election to be held among the qualified voters therein upon the question of annexation, and provide that said city or town will pay the cost of the annexation election. The resolution may require that there also be submitted to the electorate of the territory sought to be annexed a proposition that all property within the area annexed shall, upon annexation, be assessed and taxed at the same rate and on the same basis as the property of such annexing city or town is assessed and taxed to pay for all or any portion of the then outstanding indebtedness of the city or town to which said area is annexed, approved by the voters, contracted, or incurred prior to, or existing at, the date of annexation. Whenever a city or town has prepared and filed a comprehensive plan for the area to be annexed as provided for in RCW 35.13.177 and 35.13.178, the resolution initiating the election may also provide for the simultaneous adoption of the comprehensive plan upon approval of annexation by the electorate of the area to be annexed. ((~~The resolution initiating the election may also provide for the simultaneous creation of a community municipal corporation and election of community councilmembers as provided for in RCW 35.14.010 through 35.14.060 upon approval of annexation by the electorate of the area to be annexed. In cities under the optional municipal code the resolution initiating the election may also provide for the simultaneous inclusion of the annexed area into a named existing community municipal corporation. The proposition for the creation of a community municipal corporation may be submitted as part of the annexation proposition or may be submitted as a separate proposition. The proposition for inclusion within a named existing community municipal corporation shall be submitted as part of the annexation proposition.~~))

**Sec.**  RCW 35.13.020 and 1981 c 332 s 3 are each amended to read as follows:

A petition for an election to vote upon the annexation of a portion of a county to a contiguous city or town signed by qualified voters resident in the area equal in number to twenty percent of the votes cast at the last election may be filed in the office of the board of county commissioners((~~: PROVIDED, That any such petition shall first be submitted to the prosecuting attorney who shall, within twenty-one days after submission, certify or refuse to certify the petition as set forth in RCW 35.13.025. If the prosecuting attorney certifies the petition, it~~)). The petition shall be filed with the legislative body of the city or town to which the annexation is proposed, and such legislative body shall, by resolution entered within sixty days from the date of presentation, notify the petitioners, either by mail or by publication in the same manner notice of hearing is required by RCW 35.13.040 to be published, of its approval or rejection of the proposed action. ((~~The petition may also provide for the simultaneous creation of a community municipal corporation and election of community councilmembers as provided for in RCW 35.14.010 through 35.14.060.~~)) In approving the proposed action, the legislative body may require that there also be submitted to the electorate of the territory to be annexed, a proposition that all property within the area to be annexed shall, upon annexation be assessed and taxed at the same rate and on the same basis as the property of such annexing city or town is assessed and taxed to pay for all or any portion of the then outstanding indebtedness of the city or town to which said area is annexed, approved by the voters, contracted, or incurred prior to, or existing at, the date of annexation. Only after the legislative body has completed preparation and filing of a comprehensive plan for the area to be annexed as provided for in RCW 35.13.177 and 35.13.178, the legislative body in approving the proposed action, may require that the comprehensive plan be simultaneously adopted upon approval of annexation by the electorate of the area to be annexed. The approval of the legislative body shall be a condition precedent to the filing of such petition with the board of county commissioners as hereinafter provided. The costs of conducting such election shall be a charge against the city or town concerned. The proposition or questions provided for in this section may be submitted to the voters either separately or as a single proposition.

**Sec.**  RCW 35.13.030 and 1975 1st ex.s. c 220 s 7 are each amended to read as follows:

A petition filed with the county commissioners to call an annexation election shall, subject to RCW 35.02.170, particularly describe the boundaries of the area proposed to be annexed, state the number of voters residing therein as nearly as may be, state the provisions, if any there be, relating to assumption of debt by the owners of property of the area proposed to be annexed, and/or the simultaneous adoption of a comprehensive plan for the area proposed to be annexed, and shall pray for the calling of an election to be held among the qualified voters therein upon the question of annexation. ((~~If the petition also provides for the creation of a community municipal corporation and election of community councilmembers, the petition shall also describe the boundaries of the proposed service area, state the number of voters residing therein as nearly as may be, and pray for the election of community councilmembers by the qualified voters residing in the service area.~~))

**Sec.**  RCW 35.13.080 and 2015 c 53 s 25 are each amended to read as follows:

Notice of an annexation election shall particularly describe the boundaries of the area proposed to be annexed, ((~~describe the boundaries of the proposed service area if the simultaneous creation of a community municipal corporation is provided for,~~)) state the objects of the election as prayed in the petition or as stated in the resolution and require the voters to cast ballots which shall contain the words "For annexation" and "Against annexation" or words equivalent thereto, or contain the words "For annexation and adoption of comprehensive plan" and "Against annexation and adoption of comprehensive plan" or words equivalent thereto in case the simultaneous adoption of a comprehensive plan is proposed, ((~~and, if appropriate, the words "For creation of community municipal corporation" and "Against creation of community municipal corporation" or words equivalent thereto, or contain the words "For annexation and creation of community municipal corporation" and "Against annexation and creation of community municipal corporation" or words equivalent thereto in case the simultaneous creation of a community municipal corporation is proposed,~~)) and which in case the assumption of indebtedness is proposed, shall contain as a separate proposition, the words "For assumption of indebtedness" and "Against assumption of indebtedness" or words equivalent thereto and if only a portion of the indebtedness of the annexing city or town is to be assumed, an appropriate separate proposition for and against the assumption of such portion of the indebtedness shall be submitted to the voters. ((~~If the creation of a community municipal corporation and election of community councilmembers is provided for, the notice shall also require the voters within the service area to cast ballots for candidates for positions on such council.~~)) The notice shall be posted for at least two weeks prior to the date of election in four public places within the area proposed to be annexed and published in accordance with the notice required by RCW 29A.52.355 prior to the date of election in a newspaper of general circulation in the area proposed to be annexed.

**Sec.**  RCW 35.13.090 and 2015 c 53 s 26 are each amended to read as follows:

(1) The proposition for or against annexation or for or against annexation and adoption of the comprehensive plan((~~, or for or against creation of a community municipal corporation, or any combination thereof, as the case may be,~~)) shall be deemed approved if a majority of the votes cast on that proposition are cast in favor of annexation or in favor of annexation and adoption of the comprehensive plan((~~, or for creation of the community municipal corporation, or any combination thereof, as the case may be~~)).

(2) If a proposition for or against assumption of all or any portion of indebtedness was submitted to the registered voters, it shall be deemed approved if a majority of at least three-fifths of the registered voters of the territory proposed to be annexed voting on such proposition vote in favor thereof, and the number of registered voters voting on such proposition constitutes not less than forty percent of the total number of votes cast in such territory at the last preceding general election.

(3) If either or both propositions were approved by the registered voters, the county auditor shall on completion of the canvassing of the returns transmit to the county legislative authority and to the clerk of the city or town to which annexation is proposed a certificate of the election results, together with a certified abstract of the vote showing the whole number who voted at the election, and the number of votes cast for annexation and the number cast against annexation or for annexation and adoption of the comprehensive plan and the number cast against annexation and adoption of the comprehensive plan ((~~or for creation of a community municipal corporation and the number cast against creation of a community municipal corporation, or any combination thereof, as the case may be~~)).

(4) If a proposition for assumption of all or of any portion of indebtedness was submitted to the registered voters, the abstract shall include the number of votes cast for assumption of indebtedness and the number of votes cast against assumption of indebtedness, together with a statement of the total number of votes cast in such territory at the last preceding general election.

((~~(5) If the proposition for creation of a community municipal corporation was submitted and approved, the abstract shall include the number of votes cast for the candidates for community council positions and certificates of election shall be issued pursuant to RCW 29A.52.360 to the successful candidates who shall assume office as soon as qualified.~~))

**Sec.**  RCW 35.13.100 and 1996 c 286 s 2 are each amended to read as follows:

If a proposition relating to annexation or annexation and adoption of the comprehensive plan ((~~or creation of a community municipal corporation, or both, as the case may be~~)) was submitted to the voters and such proposition was approved, the legislative body shall adopt an ordinance providing for the annexation or adopt ordinances providing for the annexation and adoption of the comprehensive plan((~~, or adopt an ordinance providing for the annexation and creation of a community municipal corporation, as the case may be~~)). If a proposition for annexation or annexation and adoption of the comprehensive plan ((~~or creation of a community municipal corporation, as the case may be,~~)) and a proposition for assumption of all or of any portion of indebtedness were both submitted, and were approved, the legislative body shall adopt an ordinance providing for the annexation or annexation and adoption of the comprehensive plan ((~~or annexation and creation of a community municipal corporation~~)) including the assumption of all or of any portion of indebtedness. If the propositions were submitted and only the annexation or annexation and adoption of the comprehensive plan ((~~or annexation and creation of a community municipal corporation~~)) proposition was approved, the legislative body may, if it deems it wise or expedient, adopt an ordinance providing for the annexation or adopt ordinances providing for the annexation and adoption of the comprehensive plan((~~, or adopt ordinances providing for the annexation and creation of a community municipal corporation, as the case may be~~)).

**Sec.**  RCW 35.13.110 and 1973 1st ex.s. c 164 s 10 are each amended to read as follows:

Upon the date fixed in the ordinance of annexation, the area annexed shall become a part of the city or town. Upon the date fixed in the ordinances of annexation and adoption of the comprehensive plan, the area annexed shall become a part of the city or town and property in the annexed area shall be subject to and a part of the comprehensive plan, as prepared and filed as provided for in RCW 35.13.177 and 35.13.178. ((~~Upon the date fixed in the ordinances of annexation and creation of a community municipal corporation, the area annexed shall become a part of the city or town, the community municipal corporation shall be deemed organized, and property in the service area shall be deemed subject to the powers granted to such corporation as provided for in this 1967 amendatory act.~~)) All property within the territory hereafter annexed shall, if the proposition approved by the people so provides after June 12, 1957, be assessed and taxed at the same rate and on the same basis as the property of such annexing city is assessed and taxed to pay for all or any portion of the then outstanding indebtedness of the city or town to which said area is annexed, approved by the voters, contracted, or incurred prior to, or existing at, the date of annexation.

NEW SECTION. **Sec.**  The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective January 1, 2023:

(1)RCW 35.14.020 (Community council—Membership—Election—Terms) and 1985 c 281 s 25 & 1967 c 73 s 2;

(2)RCW 35.14.030 (Community council—Employees—Office—Officers—Quorum—Meetings—Compensation and expenses) and 2009 c 549 s 2012 & 1967 c 73 s 3;

(3)RCW 35.14.040 (Ordinances or resolutions of city applying to land, buildings or structures within corporation, effectiveness—Zoning ordinances, resolutions or land use controls to remain in effect upon annexation or consolidation—Comprehensive plan) and 1967 c 73 s 4;

(4)RCW 35.14.050 (Powers and duties of community municipal corporation) and 1967 c 73 s 5; and

(5)RCW 35.14.060 (Original term of existence of community municipal corporation—Continuation of existence—Procedure) and 2009 c 549 s 2013 & 1967 c 73 s 6.

NEW SECTION. **Sec.**  The following acts or parts of acts are each repealed:

(1)RCW 35A.14.025 (Election method—Creation of community municipal corporation) and 1993 c 75 s 3;

(2)RCW 35.14.010 (When community municipal corporation may be organized—Service areas—Territory) and 1993 c 75 s 1, 1985 c 281 s 24, & 1967 c 73 s 1; and

(3)RCW 35.10.540 (Consolidation—Creation of community municipal corporation) and 1993 c 75 s 2.

**--- END ---**