
HOUSE BILL 2610

State of Washington 62nd Legislature 2012 Regular Session

By Representatives Springer, Eddy, Goodman, Stanford, Moscoso, and Kagi

Read first time 01/18/12. Referred to Committee on Local Government.

1 AN ACT Relating to repealing provisions governing community
2 municipal corporations; amending RCW 35.13.015, 35.13.020, 35.13.030,
3 35.13.080, 35.13.090, 35.13.100, 35.13.110, and 54.04.035; repealing
4 RCW 35.10.540, 35.14.010, 35A.14.025, 35.14.020, 35.14.030, 35.14.040,
5 35.14.050, and 35.14.060; and providing an effective date.

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

7 NEW SECTION. **Sec. 1.** The following acts or parts of acts are each
8 repealed:

9 (1) RCW 35.10.540 (Consolidation--Creation of community municipal
10 corporation) and 1993 c 75 s 2;

11 (2) RCW 35.14.010 (When community municipal corporation may be
12 organized--Service areas--Territory) and 1993 c 75 s 1, 1985 c 281 s
13 24, & 1967 c 73 s 1; and

14 (3) RCW 35A.14.025 (Election method--Creation of community
15 municipal corporation) and 1993 c 75 s 3.

16 NEW SECTION. **Sec. 2.** The following acts or parts of acts are each
17 repealed:

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

3 (2) RCW 35.14.030 (Community council--Employees--Office--Officers--
4 Quorum--Meetings--Compensation and expenses) and 2009 c 549 s 2012 &
5 1967 c 73 s 3;

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

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

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

15 **Sec. 3.** RCW 35.13.015 and 1975 1st ex.s. c 220 s 6 are each
16 amended to read as follows:

17 In addition to the method prescribed by RCW 35.13.020 for the
18 commencement of annexation proceedings, the legislative body of any
19 city or town may, whenever it shall determine by resolution that the
20 best interests and general welfare of such city or town would be served
21 by the annexation of unincorporated territory contiguous to such city
22 or town, file a certified copy of the resolution with the board of
23 county commissioners of the county in which said territory is located.
24 The resolution of the city or town initiating such election shall,
25 subject to RCW 35.02.170, describe the boundaries of the area to be
26 annexed, as nearly as may be state the number of voters residing
27 therein, pray for the calling of an election to be held among the
28 qualified voters therein upon the question of annexation, and provide
29 that said city or town will pay the cost of the annexation election.
30 The resolution may require that there also be submitted to the
31 electorate of the territory sought to be annexed a proposition that all
32 property within the area annexed shall, upon annexation, be assessed
33 and taxed at the same rate and on the same basis as the property of
34 such annexing city or town is assessed and taxed to pay for all or any
35 portion of the then outstanding indebtedness of the city or town to
36 which said area is annexed, approved by the voters, contracted, or
37 incurred prior to, or existing at, the date of annexation. Whenever a

1 city or town has prepared and filed a comprehensive plan for the area
2 to be annexed as provided for in RCW 35.13.177 and 35.13.178, the
3 resolution initiating the election may also provide for the
4 simultaneous adoption of the comprehensive plan upon approval of
5 annexation by the electorate of the area to be annexed. ((The
6 resolution initiating the election may also provide for the
7 simultaneous creation of a community municipal corporation and election
8 of community councilmembers as provided for in RCW 35.14.010 through
9 35.14.060 upon approval of annexation by the electorate of the area to
10 be annexed. In cities under the optional municipal code the resolution
11 initiating the election may also provide for the simultaneous inclusion
12 of the annexed area into a named existing community municipal
13 corporation. The proposition for the creation of a community municipal
14 corporation may be submitted as part of the annexation proposition or
15 may be submitted as a separate proposition. The proposition for
16 inclusion within a named existing community municipal corporation shall
17 be submitted as part of the annexation proposition.))

18 **Sec. 4.** RCW 35.13.020 and 1981 c 332 s 3 are each amended to read
19 as follows:

20 A petition for an election to vote upon the annexation of a portion
21 of a county to a contiguous city or town signed by qualified voters
22 resident in the area equal in number to twenty percent of the votes
23 cast at the last election may be filed in the office of the board of
24 county commissioners: PROVIDED, That any such petition shall first be
25 submitted to the prosecuting attorney who shall, within twenty-one days
26 after submission, certify or refuse to certify the petition as set
27 forth in RCW 35.13.025. If the prosecuting attorney certifies the
28 petition, it shall be filed with the legislative body of the city or
29 town to which the annexation is proposed, and such legislative body
30 shall, by resolution entered within sixty days from the date of
31 presentation, notify the petitioners, either by mail or by publication
32 in the same manner notice of hearing is required by RCW 35.13.040 to be
33 published, of its approval or rejection of the proposed action. ((The
34 petition may also provide for the simultaneous creation of a community
35 municipal corporation and election of community councilmembers as
36 provided for in RCW 35.14.010 through 35.14.060.)) In approving the
37 proposed action, the legislative body may require that there also be

1 submitted to the electorate of the territory to be annexed, a
2 proposition that all property within the area to be annexed shall, upon
3 annexation be assessed and taxed at the same rate and on the same basis
4 as the property of such annexing city or town is assessed and taxed to
5 pay for all or any portion of the then outstanding indebtedness of the
6 city or town to which said area is annexed, approved by the voters,
7 contracted, or incurred prior to, or existing at, the date of
8 annexation. Only after the legislative body has completed preparation
9 and filing of a comprehensive plan for the area to be annexed as
10 provided for in RCW 35.13.177 and 35.13.178, the legislative body in
11 approving the proposed action, may require that the comprehensive plan
12 be simultaneously adopted upon approval of annexation by the electorate
13 of the area to be annexed. The approval of the legislative body shall
14 be a condition precedent to the filing of such petition with the board
15 of county commissioners as hereinafter provided. The costs of
16 conducting such election shall be a charge against the city or town
17 concerned. The proposition or questions provided for in this section
18 may be submitted to the voters either separately or as a single
19 proposition.

20 **Sec. 5.** RCW 35.13.030 and 1975 1st ex.s. c 220 s 7 are each
21 amended to read as follows:

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

1 **Sec. 6.** RCW 35.13.080 and 1973 1st ex.s. c 164 s 7 are each
2 amended to read as follows:

3 Notice of an annexation election shall particularly describe the
4 boundaries of the area proposed to be annexed, (~~describe the~~
5 ~~boundaries of the proposed service area if the simultaneous creation of~~
6 ~~a community municipal corporation is provided for,~~) state the objects
7 of the election as prayed in the petition or as stated in the
8 resolution and require the voters to cast ballots which shall contain
9 the words "For annexation" and "Against annexation" or words equivalent
10 thereto, or contain the words "For annexation and adoption of
11 comprehensive plan" and "Against annexation and adoption of
12 comprehensive plan" or words equivalent thereto in case the
13 simultaneous adoption of a comprehensive plan is proposed, (~~and, if~~
14 ~~appropriate, the words "For creation of community municipal~~
15 ~~corporation" and "Against creation of community municipal corporation"~~
16 ~~or words equivalent thereto, or contain the words "For annexation and~~
17 ~~creation of community municipal corporation" and "Against annexation~~
18 ~~and creation of community municipal corporation" or words equivalent~~
19 ~~thereto in case the simultaneous creation of a community municipal~~
20 ~~corporation is proposed,~~) and which in case the assumption of
21 indebtedness is proposed, shall contain as a separate proposition, the
22 words "For assumption of indebtedness" and "Against assumption of
23 indebtedness" or words equivalent thereto and if only a portion of the
24 indebtedness of the annexing city or town is to be assumed, an
25 appropriate separate proposition for and against the assumption of such
26 portion of the indebtedness shall be submitted to the voters. (~~If the~~
27 ~~creation of a community municipal corporation and election of community~~
28 ~~councilmembers is provided for, the notice shall also require the~~
29 ~~voters within the service area to cast ballots for candidates for~~
30 ~~positions on such council.~~) The notice shall be posted for at least
31 two weeks prior to the date of election in four public places within
32 the area proposed to be annexed and published in accordance with the
33 notice required by RCW 29.27.080 prior to the date of election in a
34 newspaper of general circulation in the area proposed to be annexed.

35 **Sec. 7.** RCW 35.13.090 and 1996 c 286 s 1 are each amended to read
36 as follows:

37 (1) The proposition for or against annexation or for or against

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

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

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

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

34 (~~(5) If the proposition for creation of a community municipal~~
35 ~~corporation was submitted and approved, the abstract shall include the~~
36 ~~number of votes cast for the candidates for community council positions~~
37 ~~and certificates of election shall be issued pursuant to RCW 29.27.100~~

1 ~~to the successful candidates who shall assume office as soon as~~
2 ~~qualified.)~~)

3 **Sec. 8.** RCW 35.13.100 and 1996 c 286 s 2 are each amended to read
4 as follows:

5 If a proposition relating to annexation or annexation and adoption
6 of the comprehensive plan (~~(or creation of a community municipal~~
7 ~~corporation, or both, as the case may be)~~) was submitted to the voters
8 and such proposition was approved, the legislative body shall adopt an
9 ordinance providing for the annexation or adopt ordinances providing
10 for the annexation and adoption of the comprehensive plan(~~(, or adopt~~
11 ~~an ordinance providing for the annexation and creation of a community~~
12 ~~municipal corporation, as the case may be)~~). If a proposition for
13 annexation or annexation and adoption of the comprehensive plan (~~(or~~
14 ~~creation of a community municipal corporation, as the case may be,)~~)
15 and a proposition for assumption of all or of any portion of
16 indebtedness were both submitted, and were approved, the legislative
17 body shall adopt an ordinance providing for the annexation or
18 annexation and adoption of the comprehensive plan (~~(or annexation and~~
19 ~~creation of a community municipal corporation)~~) including the
20 assumption of all or of any portion of indebtedness. If the
21 propositions were submitted and only the annexation (~~(or annexation and~~
22 ~~adoption of the comprehensive plan or annexation and creation of a~~
23 ~~community municipal corporation proposition)~~) was approved, the
24 legislative body may, if it deems it wise or expedient, adopt an
25 ordinance providing for the annexation or adopt ordinances providing
26 for the annexation and adoption of the comprehensive plan(~~(, or adopt~~
27 ~~ordinances providing for the annexation and creation of a community~~
28 ~~municipal corporation, as the case may be)~~).

29 **Sec. 9.** RCW 35.13.110 and 1973 1st ex.s. c 164 s 10 are each
30 amended to read as follows:

31 Upon the date fixed in the ordinance of annexation, the area
32 annexed shall become a part of the city or town. Upon the date fixed
33 in the ordinances of annexation and adoption of the comprehensive plan,
34 the area annexed shall become a part of the city or town and property
35 in the annexed area shall be subject to and a part of the comprehensive
36 plan, as prepared and filed as provided for in RCW 35.13.177 and

1 35.13.178. (~~Upon the date fixed in the ordinances of annexation and~~
2 ~~creation of a community municipal corporation, the area annexed shall~~
3 ~~become a part of the city or town, the community municipal corporation~~
4 ~~shall be deemed organized, and property in the service area shall be~~
5 ~~deemed subject to the powers granted to such corporation as provided~~
6 ~~for in this 1967 amendatory act.)) All property within the territory~~

7 hereafter annexed shall, if the proposition approved by the people so
8 provides after June 12, 1957, be assessed and taxed at the same rate
9 and on the same basis as the property of such annexing city is assessed
10 and taxed to pay for all or any portion of the then outstanding
11 indebtedness of the city or town to which said area is annexed,
12 approved by the voters, contracted, or incurred prior to, or existing
13 at, the date of annexation.

14 **Sec. 10.** RCW 54.04.035 and 1987 c 292 s 2 are each amended to read
15 as follows:

16 In addition to other powers authorized in Title 54 RCW, public
17 utility districts may annex territory as provided in this section.

18 The boundaries of a public utility district may be enlarged and new
19 contiguous territory added pursuant to the procedures for annexation by
20 cities and towns provided in RCW 35.13.015 through 35.13.110. The
21 provisions of these sections concerning (~~community municipal~~
22 ~~corporations,~~) review boards(~~(7)~~) and comprehensive plans, however, do
23 not apply to public utility district annexations. For purposes of
24 conforming with such procedures, the public utility district is deemed
25 to be the city or town and the board of commissioners is deemed to be
26 the city or town legislative body.

27 Annexation procedures provided in this section may only be used to
28 annex territory that is both: (1) Contiguous to the annexing public
29 utility district; and (2) located within the service area of the
30 annexing public utility district. As used in this section, a public
31 utility district's "service area" means those areas whether located
32 within or outside of the annexing public utility district's boundaries
33 that were generally served with electrical energy by the annexing
34 public utility district on January 1, 1987. Such service area may, or
35 may not, have been recognized in an agreement made under chapter 54.48
36 RCW, but no area may be included within such service area that was
37 generally served with electrical energy on January 1, 1987, by another

1 public utility as defined in RCW 54.48.010. An area proposed to be
2 annexed may be located in the same or a different county as the
3 annexing public utility district.

4 If an area proposed to be annexed is located within the boundaries
5 of another public utility district, annexation may be initiated only
6 upon petition of registered voters residing in the area in accordance
7 with RCW 35.13.020 and adoption by the boards of commissioners of both
8 districts of identical resolutions stating (a) the boundaries of the
9 area to be annexed, (b) a determination that annexation is in the
10 public interest of the residents of the area to be annexed as well as
11 the public interest of their respective districts, (c) approval of
12 annexation by the board, (d) the boundaries of the districts after
13 annexation, (e) the disposition of any assets of the districts in the
14 area to be annexed, (f) the obligations to be assumed by the annexing
15 district, (g) apportionment of election costs, and (h) that voters in
16 the area to be annexed will be advised of lawsuits that may impose
17 liability on the annexed territory and the possible impact of
18 annexation on taxes and utility rates.

19 If annexation is approved, the area annexed shall cease to be a
20 part of the one public utility district at the same time that it
21 becomes a part of the other district. The annexing public utility
22 district shall assume responsibility for providing the area annexed
23 with the services provided by the other public utility district in the
24 area annexed.

25 NEW SECTION. **Sec. 11.** Sections 2 and 10 of this act take effect
26 January 6, 2014.

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