

add any new section of highway to the state highway system or delete any section of highway from the state highway system.

Passed the Senate February 9, 1970
Passed the House February 9, 1970
Approved by the Governor February 23, 1970
Filed in Office of Secretary of State February 24, 1970

CHAPTER 52
[Engrossed Substitute Senate Bill No. 294]
CODE CITIES--ELECTION OF OFFICERS--
ANNEXATION, COMMUNITY MUNICIPAL CORPORATIONS

AN ACT Relating to cities operating under the Optional Municipal Code, and the election of officers of such cities; amending section 35A.02.040, chapter 119, Laws of 1967 ex. sess. and RCW 35A.02.040; amending section 35A.02.050, chapter 119, Laws of 1967 ex. sess. and RCW 35A.02.050; amending section 35A.12.040, chapter 119, Laws of 1967 ex. sess. and RCW 35A.12.040; amending section 35A.29.110, chapter 119, Laws of 1967 ex. sess. and RCW 35A.29.110; and amending section 35A.29.150, chapter 119, Laws of 1967 ex. sess. and RCW 35A.29.150; and amending section 35.13.015, chapter 7, Laws of 1965 as last amended by section 7, chapter 73, Laws of 1967 and RCW 35.13.015.

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

Section 1. Section 35A.02.040, chapter 119, Laws of 1967 ex. sess. and RCW 35A.02.040 are each amended to read as follows:

When one or more ordinances are passed under RCW 35A.02.020 or RCW 35A.02.030, the clerk of the city or town shall forward to the secretary of state a certified copy of any such ordinance. Upon the filing in the office of the secretary of state of a certified copy of an ordinance adopting the classification of noncharter code city, such city or town shall thereafter be classified as a noncharter code city; except that if there is also filed with the secretary of state a certified copy of an ordinance providing for reorganization of the municipal government of such city or town, such reclassification and reorganization shall not be effective until the election and qualifica-

tion under section 35A.02.050 as amended of the new officers under the plan of government so adopted.

Sec. 2 Section 35A.02.050, chapter 119, Laws of 1967 ex. sess. and RCW 35A.02.050 are each amended to read as follows:

The first election of officers under a plan of government adopted in the manner provided in RCW 35A.02.020 or 35A.02.030 shall be at the next general municipal election if one is to be held (~~(with-~~
~~in)) more than ninety days but not more than one hundred and eighty days after certification of a reorganization ordinance or at a special election to be held for that purpose not less than ninety days nor more than one hundred and eighty days from the certification of such ordinance. In the event that the first election of officers as herein provided is to be held at a general municipal election, such election shall be preceded by a primary election pursuant to RCW 29.13.070. In the event that the first election of officers as herein provided is to be held at a special election, and notwithstanding any provisions of any other law to the contrary, such special election shall be preceded by a primary election to be held not less than forty-five nor more than sixty days prior to the date of the special election: PROVIDED, That in the event the ordinances calling for reclassification or reclassification and reorganization under the provisions of Title 35A RCW have been filed with the secretary of state pursuant to RCW 35A-.02.040 in an even numbered year at least ninety days prior to a state general election then the election of new officers shall be concurrent with the state primary and general election and shall be conducted as set forth in chapter 35A.29 RCW. Declarations of candidacy for any primary election held pursuant to this section shall be filed as provided in RCW 35A.29.110 as amended. The terms of the persons holding office at the time of such proceedings shall continue until the new officers are elected and qualified ((+)) as provided in this 1970 amendatory act, and the ordinances, bylaws and resolutions adopted under the former plan of government, where not in conflict with state law, shall continue in force until repealed or amended by the legis-~~

lative body of the reorganized noncharter code city. The former officers shall, upon the election and qualification of new officers, deliver to the proper officers of the reorganized noncharter code city all books of record, documents and papers in their possession belonging to such municipal corporation before the reorganization thereof. Officers elected at the first election of officers held pursuant to this amendatory act shall assume office as soon as the election returns have been certified.

Sec. 3. Section 35A.12.040, chapter 119, Laws of 1967 ex. sess. and RCW 35A.12.040 are each amended to read as follows:

Officers shall be elected at biennial municipal elections to be conducted as provided in chapter 35A.29. The mayor and the councilmen shall be elected for four year terms and until their successors are elected and qualified; except that at the first election ((the)) three councilmen in cities having seven councilmen, and ((the)) two councilmen in cities having five councilmen, ~~((where fewer than the lesser number of votes at such election))~~ shall be elected for two year terms and the remaining councilmen shall be elected for four year terms, and the mayor in office at the time of such election shall continue for another four year term coextensive with the terms for which councilmen elected for four years are elected and there shall be no election as to mayor. Thereafter the requisite number of councilmen shall be elected biennially as the terms of their predecessors expire and shall serve for terms of four years. ~~((After the first election,))~~ The positions to be filled on the city council shall be designated by consecutive numbers and shall be dealt with as separate offices for all election purposes, as provided in RCW 35A.29.105. At the first election in cities having seven councilmen, the candidates elected to positions one, two, and three shall serve for two year terms and the candidates elected to positions four, five, six and seven shall serve for four year terms; at the first election in cities having five councilmen, the candidates elected to positions one and two shall serve for two year terms and the candidates elected to positions

three, four, and five shall serve for four year terms: PROVIDED, That in any city which holds its first election under this title in the calendar year 1970, candidates elected for two year terms shall hold office until their successors are elected and qualified at the general municipal election to be held in November, 1973 and candidates elected for four year terms shall hold office until their successors are elected and qualified at the general municipal election to be held in November, 1975. Election to positions on the council shall be by majority vote from the city at large, unless provision is made by charter or ordinance for election by wards. The city council shall be the judge of the qualifications of its members and determine contested elections of city officers, subject to review by certiorari as provided by law. The mayor and councilmen shall qualify by taking an oath or affirmation of office and as may be provided by law, charter, or ordinance.

Sec. 4. Section 35A.29.110, chapter 119, Laws of 1967 ex.sess. and RCW 35A. 29.110 are each amended to read as follows:

A candidate for office in a code city shall file a declaration of candidacy substantially in the form set forth in RCW 29.18.030 insofar as such form is applicable to nonpartisan offices. Declarations of candidacy for offices of code cities to be voted upon at any municipal general election shall be filed with the city clerk or code city clerk (~~((not more than sixty nor less than forty five days prior to the date of the election))~~) not earlier than the last Monday of July nor later than the next succeeding Friday in the year such general election is to be held: PROVIDED, That if the first election of officers under a plan of government adopted in the manner provided in sections 35A.02.020, 35A.02.030 or 35A.02.080 is a special election as provided in section 35A.02.050 as amended, such declarations of candidacy shall be filed with the city clerk not more than fifty nor less than forty-six days prior to the primary election provided for in RCW 35A.02.050 as amended. Any candidate may withdraw his declaration at any time but not later than five days (~~((before))~~) after the last day allowed for

filing declarations of candidacy. Nominating petitions for charter commissioners and for any other office for which nominating petitions may be required shall be ~~((governed-by-the-provisions-of-this-section-as-to-the-time-for-filing-and-withdrawal-of-such-petitions))~~ filed with the city clerk or code city clerk not more than sixty nor less than forty-six days prior to the date of the election, and may be withdrawn at any time but not later than five days after the last day allowed for filing such petitions.

Sec. 5. Section 35A.29.150, chapter 119, Laws of 1967 ex. sess. and RCW 35A.29.150 are each amended to read as follows:

Except as otherwise provided in this chapter, municipal elections in code cities having seven or more councilmen shall be conducted in accordance with the applicable provisions of Title 29 RCW relating to elections in ~~((municipal-corporations))~~ first, second and third class cities and the municipal elections in code cities having five councilmen shall be conducted in accordance with the applicable provisions of Title 29 RCW relating to elections in fourth class municipalities (towns).

Sec. 6. Section 35.13.015, chapter 7, Laws of 1965 as last amended by section 7, chapter 73, Laws of 1967 and RCW 35.13.015 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 describe the boundaries of the area to be annexed, as nearly as may be stated 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 any then outstanding indebtedness of the city or town to which said area is annexed, contracted 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 council members 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.

NEW SECTION. Sec. 7. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate February 9, 1970

Passed the House February 6, 1970

Approved by the Governor February 20, 1970

Filed in Office of Secretary of State February 24, 1970