

(9) "Metropolitan council" means the legislative body of a metropolitan municipal corporation, or the legislative body of a county which has by ordinance or resolution assumed the rights, powers, functions, and obligations of a metropolitan municipal corporation pursuant to the provisions of chapter 36.56 RCW.

(10) "City council" means the legislative body of any city or town.

(11) "Population" means the number of residents as shown by the figures released for the most recent official state, federal, or county census, or population determination made under the direction of the office of financial management.

(12) "Metropolitan function" means any of the functions of government named in RCW 35.58.050.

(13) "Authorized metropolitan function" means a metropolitan function which a metropolitan municipal corporation shall have been authorized to perform in the manner provided in this chapter.

(14) "Metropolitan public transportation" or "metropolitan transportation" for the purposes of this chapter (~~shall~~) means the transportation of packages, passengers, and their incidental baggage by means other than by chartered bus, sightseeing bus, or any other motor vehicle not on an individual fare-paying basis, together with the necessary passenger terminals and parking facilities or other properties necessary for passenger and vehicular access to and from such people-moving systems: PROVIDED, That nothing in this chapter shall be construed to prohibit a metropolitan municipal corporation from leasing its buses to private certified carriers (~~or~~); to prohibit (~~the~~) a metropolitan municipal corporation from providing school bus service for the transportation of pupils; or to prohibit a metropolitan municipal corporation from chartering an electric streetcar on rails which it operates entirely within a city.

(15) "Pollution" has the meaning given in RCW 90.48.020.

Passed the Senate February 16, 1982.

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CHAPTER 104

[Senate Bill No. 4905]

SEWER AND WATER DISTRICTS—MERGING DISTRICTS, COMMISSIONERS—ELECTIONS—IMPROVEMENTS BY FORCE ACCOUNT—EMERGENCY CONTRACTS WITHOUT BIDS

AN ACT Relating to special purpose districts; amending section 4, chapter 148, Laws of 1969 ex. sess. as amended by section 6, chapter 45, Laws of 1981 and RCW 56.36.040; amending section 4, chapter 28, Laws of 1961 as amended by section 6, chapter 39, Laws of 1967 ex. sess. and RCW 57.36.040; amending section 4, chapter 146, Laws of 1971 ex. sess. as amended by section 12, chapter 45, Laws of 1981 and RCW 57.40.130; amending

section 63, chapter 72, Laws of 1937 as amended by section 4, chapter 26, Laws of 1965 and RCW 86.09.187; amending section 111, chapter 72, Laws of 1937 and RCW 86.09.331; amending section 120, chapter 72, Laws of 1937 and RCW 86.09.358; amending section 121, chapter 72, Laws of 1937 and RCW 86.09.361; amending section 123, chapter 72, Laws of 1937 and RCW 86.09.367; amending section 124, chapter 72, Laws of 1937 and RCW 86.09.370; and amending section 62, chapter 72, Laws of 1937 and RCW 86.09.184.

Be it enacted by the Legislature of the State of Washington:

Section 1. Section 4, chapter 148, Laws of 1969 ex. sess. as amended by section 6, chapter 45, Laws of 1981 and RCW 56.36.040 are each amended to read as follows:

If at such election a majority of the voters in the water district or all or either of the water districts involved, shall vote in favor of the merger, the county election canvassing board shall so declare in its canvass, and the return of the election shall be made within ten days after the date of such election. Upon completion of the return the merger shall be effective as to the sewer district and each water district in which the majority of voters voted in favor of the merger, and each such water district shall cease to exist as a separate entity and the area within such water district shall become a part of the sewer district. The water commissioners of any water district so merged shall ~~((cease to hold office, and the affairs of the merged districts shall be managed and conducted by the board of sewer commissioners of the sewer district, the members of which shall thereafter))~~ hold office as commissioners of the sewer district into which the water district was merged until their respective terms of office expire or until they resign from office if the resignation is before the expiration of their terms of office. At the district election immediately preceding the time when the total number of remaining sewer commissioners is reduced to two through expiration of terms of office or resignations, one sewer commissioner shall be elected for a four year term of office. At the next district election, one sewer commissioner shall be elected for a four year term of office, and one shall be elected for a six year term of office. Thereafter, each sewer commissioner shall be elected for a six-year term of office in the manner provided in RCW 56.12.020 and 56.12.030 for elections in an existing district.

Sec. 2. Section 4, chapter 28, Laws of 1961 as amended by section 6, chapter 39, Laws of 1967 ex. sess. and RCW 57.36.040 are each amended to read as follows:

If at such election a majority of the voters of the merging water district shall vote in favor of the merger, the county canvassing board shall so declare in its canvass and the return of such election shall be made within ten days after the date thereof, and upon such return the merger shall be effective and the merging water district shall cease to exist and shall become a part of the merger water district. The water commissioners of the merging district shall ~~((cease to hold office and the affairs of the merged districts shall be managed by the water commissioners of the merger district))~~ hold

office as commissioners of the new consolidated water district until their respective terms of office expire or until they resign from office if the resignation is before the expiration of their terms of office. At the district election immediately preceding the time when the total number of remaining water commissioners is reduced to two through expiration of terms of office, one water commissioner shall be elected for a four year term of office. At the next district election, one water commissioner shall be elected for a four year term of office and one shall be elected for a six year term of office. Thereafter, each water commissioner shall be elected for a six-year term of office in the manner provided by RCW 57.12.020 and 57.12.030 for elections in an existing district.

Sec. 3. Section 4, chapter 146, Laws of 1971 ex. sess. as amended by section 12, chapter 45, Laws of 1981 and RCW 57.40.130 are each amended to read as follows:

If at such election a majority of the voters in the sewer district or all or either of the sewer districts involved, shall vote in favor of the merger, the county election canvassing board shall so declare in its canvass, and the return of the election shall be made within ten days after the date of such election. Upon completion of the return the merger shall be effective as to the water district and each sewer district in which the majority of voters voted in favor of the merger, and each such sewer district shall cease to exist as a separate entity and the area within such sewer district shall become a part of the water district. The sewer commissioners of any sewer district so merged shall ~~((cease to hold office, and the affairs of the merged districts shall be managed and conducted by the board of water commissioners of the water district, the members of which shall thereafter))~~ hold office as commissioners of the water district into which the sewer district was merged until their respective terms of office expire or until they resign from office if the resignation is before the expiration of their terms of office. At the district election immediately preceding the time when the total number of remaining water commissioners is reduced to two through expiration of terms of office or resignations, one water commissioner shall be elected for a four year term of office. At the next district election, one water commissioner shall be elected for a four term of office and one shall be elected for a six year term of office. Thereafter, each water commissioner shall be elected for a six-year term of office in the manner provided by RCW 57.12.020 and 57.12.030 for elections in an existing district.

Sec. 4. Section 63, chapter 72, Laws of 1937 as amended by section 4, chapter 26, Laws of 1965 and RCW 86.09.187 are each amended to read as follows:

Any proposed improvement or part thereof, not exceeding ~~((one))~~ two thousand five hundred dollars in cost may be constructed by the district by force account.

Sec. 5. Section 111, chapter 72, Laws of 1937 and RCW 86.09.331 are each amended to read as follows:

An annual election shall be held for the district on the first Tuesday after the first Monday in ~~((March))~~ February of each year for the election of a director or directors as the case may be and to determine any proposition that may be legally submitted to the electors.

Sec. 6. Section 120, chapter 72, Laws of 1937 and RCW 86.09.358 are each amended to read as follows:

The officers of election for each precinct shall consist of the inspector ~~((;))~~ and two judges ~~((and two clerks))~~. These officers shall be known as the election board.

The inspector is chairman of the election board, and may:

First, administer all oaths required in the progress of an election.

Second, appoint judges ~~((and clerks))~~, if, during the progress of the election, any judge ~~((or clerk))~~ ceases to act. Any member of the board of election ~~((; or any clerk thereof;))~~ may administer and certify oaths required to be administered during the progress of an election. ~~((The board of election for each precinct must, before opening the polls, appoint two persons to act as clerks of the election.))~~ Before opening the polls, each member of the board ~~((and each clerk))~~ must take and subscribe an oath to faithfully perform the duties imposed upon them by law. Any elector of the precinct may administer and certify such oath. The polls must be opened at one o'clock p.m. on the day of the election, and be kept open until eight p.m., when the same must be closed. The provisions of the general election law of this state, concerning the form of ballots to be used shall not apply to elections held under this chapter.

Sec. 7. Section 121, chapter 72, Laws of 1937 and RCW 86.09.361 are each amended to read as follows:

All district elections shall be by ballot, and in case of election of officials, the ballots shall designate the term for which the person voted for is a candidate.

Voting may commence as soon as the polls are opened, and may be continued during all the time the polls remain opened. As soon as the polls are closed, the judges shall open the ballot box and commence counting the votes; and in no case shall the ballot box be removed from the room in which the election is held until all the ballots have been counted. The counting of ballots shall in all cases be public. The ballots shall be taken out, one by one, by the inspector or one of the judges, who shall open them and read aloud the names of each person contained therein, and the office for which every such person is voted for, or the proposition and the vote thereon. ~~((Each clerk))~~ The inspector or one of the judges shall write down each office to be filled, and the name of each person voted for such office, or the proposition voted on and shall keep the number of votes by tallies, as

they are read aloud by the inspector or the other judge. The counting of votes shall be continued without adjournment until all have been counted.

Sec. 8. Section 123, chapter 72, Laws of 1937 and RCW 86.09.367 are each amended to read as follows:

As soon as all the votes are read off and counted, a certificate shall be drawn upon each of the papers containing the poll list and tallies, or attached thereto, stating the number of votes each person or proposition voted for has received, and designating the office to fill which he was voted for, which number shall be written in figures and in words at full length. Each certificate shall be signed by the ~~((clerks;))~~ judges~~((;))~~ and the inspector. One of said certificates, with the poll list and the tally paper, to which it is attached, shall be sent to the director of the department of ecology and a copy shall be retained by the inspector~~((, and preserved by him at least six months))~~: PROVIDED, That in the case of elections to establish the district or to authorize the issuance of bonds, the inspector shall deliver said returns at the expiration of said period to the secretary to be permanently kept with the records of the district.

Sec. 9. Section 124, chapter 72, Laws of 1937 and RCW 86.09.370 are each amended to read as follows:

The ballots shall be ~~((strung upon a cord or thread by the inspector, during the counting thereof, in the order in which they are))~~ entered upon the tally lists by a member of the ~~((clerk, and said))~~ election board. The ballots, together with the other of said certificates, with the poll list and tally paper ~~((to which it is attached))~~, shall be sealed by the inspector in the presence of the judges~~((, and clerks;))~~ and endorsed "Election returns of (naming the precinct) precinct", and be sent to the director of the department of ecology. A copy of these materials shall be directed to the secretary of the board of directors, and shall be immediately delivered by the inspector, or by some other safe and responsible carrier, designated by said inspector, to said secretary~~((, and the ballots shall be kept unopened for at least six months, and if any person be of the opinion that the vote of any precinct has not been correctly counted he may appear on the day appointed for the board of directors to open and canvass the returns, and demand a recount of the vote of the precinct that is so claimed to have been incorrectly counted))~~ to be made available to interested persons.

Sec. 10. Section 62, chapter 72, Laws of 1937 and RCW 86.09.184 are each amended to read as follows:

Districts shall have authority to enter into contracts for the construction of any improvement authorized by law, or for labor or materials entering therein, without public bidding, with the written approval and consent of the state director in instances of genuine emergency to be declared by said

director or in any instance where the contract price does not exceed ~~((one))~~ two thousand five hundred dollars.

Passed the Senate March 9, 1982.

Passed the House March 8, 1982.

Approved by the Governor March 31, 1982.

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CHAPTER 105

[Senate Bill No. 4602]

SEWER AND WATER DISTRICTS—STREET LIGHTING SYSTEMS, ESTABLISHMENT OF

AN ACT Relating to street lighting systems; amending section 1, chapter 68, Laws of 1941 and RCW 57.08.060; adding a new section to chapter 56.08 RCW; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

Section 1. Section 1, chapter 68, Laws of 1941 and RCW 57.08.060 are each amended to read as follows:

(1) In addition to the powers ~~((now))~~ given water districts by law, they shall also have power to acquire, construct, maintain, operate, and develop street lighting systems ~~((in the same manner as provided by law for the doing thereof in connection with water supply systems))~~.

(2) To establish a street lighting system, the board of water commissioners shall adopt a resolution proposing a street lighting system and delineating the boundaries of the area to be served by the proposed street lighting system. The board shall conduct a public hearing on the resolution to create a street lighting system. Notice of the hearing shall be published at least once each week for two consecutive weeks in one or more newspapers of general circulation in the area to be served by the proposed street lighting system. Following the hearing, the board may by resolution establish the street lighting system.

(3) A street lighting system shall not be established if, within ninety days following the decision of the board, a petition opposing the street lighting system is filed with the board and contains the signatures of at least forty percent of the voters registered in the area to be served by the proposed system.

(4) The water district has the same powers of collection for delinquent street lighting charges as the water district has for collection of delinquent water service charges.

(5) Any street lighting system established by a water district prior to the effective date of this 1982 act is declared to be legal and valid.

NEW SECTION. Sec. 2. There is added to chapter 56.08 RCW a new section to read as follows: