

CHAPTER 140.

[S. B. 151.]

JOINT DIKING AND DRAINAGE DISTRICTS.

AN ACT relating to diking and drainage districts in two or more counties and legalizing and validating the organization, establishment and creation of diking and drainage districts in two or more counties which may have been heretofore established or attempted to be established under the provisions of Chapter 4, Title XXVII of Remington's Compiled Statutes.

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

Amends Rem. Comp. Stat. § 4361; Pierce's Code § 1945-1.

SECTION 1. That Section 4361 of Remington's Compiled Statutes be and the same is hereby amended to read as follows:

Authorized.

Section 4361. Whenever a portion of two or more counties require diking, drainage, or the erection of flood dams or drift barriers to prevent inundations, such portion of two or more counties may be organized into a district; and the board of commissioners, hereinafter provided for, shall have and possess the powers herein conferred, or that may hereafter be conferred by law upon such districts and board of commissioners, and all such powers not in conflict with those herein granted, which now exist under the provisions of the laws of the state relating to the establishment, construction and maintenance of dikes and drains; and such districts shall be known and designated as "Diking and Drainage District No. in and counties (here insert name of counties), of the State of Washington;" and shall have the right to sue and be sued by, in the name of its board of commissioners herein provided for, and shall have perpetual succession, and shall adopt and use a seal.

Amends Rem. Comp. Stat. § 4362; Pierce's Code § 1945-2.

SEC. 2. That Section 4362 of Remington's Compiled Statutes be and the same is hereby amended to read as follows:

Section 4362. For the purpose of the formation of such diking district, a petition shall be presented to the board of county commissioners of each of the two or more counties in which the portion of said counties are situated; which petition shall set forth the objects for the creation of said district, and shall designate in a general way the boundaries thereof, and set forth therein approximately the number of acres of land to be benefited by the proposed system, and shall also contain a brief description of the proposed system, and approximately the route over which the same is to be constructed, together with the proposed flood dams or drift barriers, if any, and approximately the termini thereof. The petition shall also set forth the further fact that the establishment of the said district and the proposed system will be conducive to the public health, convenience and welfare, and will increase the public revenue, and that the establishment of said district will be of special benefit to the property included in each of the counties in said district. The petition shall be signed by at least one hundred of the freeholders in the proposed district, or by a majority of the freeholders in said district in each of the counties, in case there are less than two hundred freeholders in the proposed district. Said petition shall ask that a district be organized under the provisions of this act. The original petition shall be filed with the Board of County Commissioners of one of said counties, and a copy of said petition shall be filed with the Board of County Commissioners in each of the other counties in which said proposed district is situated. At the time of filing of the original petition, the petitioners shall file with the Board of County Commissioners of that county, a bond running to the State of Washington, in the penal sum of \$1,000, with two or more sureties, to be approved

Formation,
petition.

Contents.

Filed.

Bond.

by the Board of County Commissioners, conditioned that they will pay all costs in case said district, for any reason shall not be established.

Amends Rem. Comp. Stat. § 4364; Pierce's Code §1945-4.

SEC. 3. That Section 4364 of Remington's Compiled Statutes be and the same is hereby amended to read as follows:

Election to determine.

Section 4364. Upon the establishment of a district as aforesaid, the said body shall give notice of an election to be held in the diking and drainage district established, as aforesaid, for the purpose of determining whether the same shall be approved and become an organized diking and drainage district, and for the further purpose of choosing at such election three commissioners, who shall be known and designated as "Commissioners for Diking and Drainage District No. (here insert number), in and Counties (here insert names of counties), State of Washington," and such notice shall particularly describe the boundaries as established, and shall state the name of such proposed diking and drainage district, and the same shall be published for at least two weeks prior to such election in two or more weekly newspapers published within the proposed district, and in case no such newspaper be published in such district, then in two or more newspapers of general circulation in such district for two successive issues; and shall be posted for the same period in at least ten public places within the boundaries of such proposed district, which notice shall designate the places within the proposed district where the said election shall be held, and require the voters to cast ballots which shall contain the words "Diking and Drainage District 'yes' ", or "Diking and Drainage District 'no' ", and also the names of the persons voted for as commissioners of such district. The voting places shall be designated by such body; said body shall also appoint two judges, one inspector and two clerks for

Notice.

Voting places.

such election, to act at each polling place, whose compensation shall be the same as in elections for county and state officers, and which shall be a charge upon such district in case the same be established; in case such district be not established, then all costs and expenses shall be collected from the bond hereinbefore provided for. The election shall be held on the day designated in the notice, and shall be conducted in accordance with the general election laws of the State of Washington, as far as applicable. The returns of all the elections hereunder shall be made by the judges of election to the Commissioner of Public Lands. No person shall be entitled to vote at such election unless he be a qualified elector in the county in which said district is located, and shall either have resided within the boundaries of such proposed district for a period of not less than ninety days next preceding the election, or shall be the owner of an interest in real estate situated within said proposed district. The Commissioner of Public Lands shall, within fifteen days next succeeding said election, canvass the vote, and if upon such canvass and count it appears that the majority of votes cast in each of the counties are for "Diking and Drainage District 'yes' ", then the said body shall immediately certify to the board of county commissioners of each county interested and to the Commissioner of Public Lands the result of such election, and shall in such certificate declare the proposed territory duly organized as a drainage and diking district; and that the three persons receiving the highest number of votes are duly elected commissioners of such diking and drainage district. The commissioners so elected shall hold their position for the period of two years from and after their election and until their successors are elected and qualified. All commissioners must be qualified electors of the district. Any vacancies occurring upon said board by failure to

Qualification
of electors.

Canvass
of vote.

Commissioners
elected.

qualify, death or resignation, or otherwise, shall be filled by the board of commissioners of said district. After the first election a general election for the election of such board of commissioners for the diking and drainage district shall be held every second year thereafter, on the first Tuesday of October, and the returns thereof shall be canvassed by the Commissioner of Public Lands, who shall certify the result to the respective boards of county commissioners. The Commissioner of Public Lands at the time of certifying any election shall also issue a certificate to each person elected as a member of the board that he has been duly elected as one of the Commissioners for Diking and Drainage District No..... in the Counties of and, State of Washington. No official ballot shall be required at the first or any subsequent election, and the law known as the "Direct Primary Law" of this state shall have no application to the elections held under this act.

Amends Rem.
Comp. Stat.
§ 4365;
Pierce's Code
§ 1945-5.

SEC. 4. That Section 4365 of Remington's Compiled Statutes be and the same is hereby amended to read as follows:

Commissioners,
oath.

Section 4365. The members of such board, before entering upon their duties, shall take and subscribe on oath substantially as follows:

State of Washington, County of.....ss.

I, the undersigned, a member of the Board of Commissioners of the Diking and Drainage District No....., in and Counties, do solemnly swear (or affirm) that I will well and truly discharge my duties as a member of said commission.

Bond.

The members shall also, before entering upon their duties, give a bond to the State of Washington for the benefit of such diking and drainage district, for the faithful performance of their duties as such board of commissioners, in the penal sum of \$5,000.00

with a company or corporation as surety, authorized to make and execute official bonds under the laws of the state, the district to bear the expense of such bond; and upon the oath and bond being filed with the Commissioner of Public Lands, that officer shall enter an order upon his records that the three persons named as aforesaid have qualified as the board of commissioners for Diking and Drainage District No., in and counties, and that said persons and their successors do and shall constitute a board of commissioners for the aforesaid diking and drainage district; which order when made shall be conclusive of the regularity of the election and qualification of the board of diking and drainage commissioners for the particular district, and the persons named therein shall constitute such board of diking and drainage commissioners.

The said board of diking and drainage commissioners shall thereupon immediately organize and elect one of their number as chairman and another as secretary. The said board shall then proceed to make and cause to be made specifications and details of a system which may be adopted by the board for the improvements to be made, together with an estimate of the total cost thereof; and shall, upon the adoption of a plan of improvement of the district as aforesaid, proceed to acquire the necessary property and property rights for the construction, establishment and maintenance of said system either by purchase or by power of eminent domain as herein-after provided. Upon such acquisition being had, the board shall then proceed with the construction of said diking and drainage system and in doing so shall have the power to do the work directly or in its discretion to have all or any part of said work done by contract. In case the board shall decide

Board organized.

Construction work.

upon doing the same by contract, it shall advertise for bids for said construction work, or such part thereof as they may determine to have done by contract, and shall have the authority to let a contract to the lowest responsible bidder after advertising for bids.

Any contractor doing work hereunder shall be required to furnish a bond as provided by the laws of the State of Washington relating to contractors of public work.

Warrants.

The board shall have the right, power and authority to issue vouchers or warrants in payment or evidence of payment of any and all expenses incurred under the provisions of this act, and shall have the power to issue the same to any contractor as the work progresses, the same to be based upon the partial estimates furnished from time to time by engineers of said district. All warrants issued hereunder shall draw interest at a rate not to exceed eight per cent per annum.

Assessments.

Upon the completion of the construction of said system, and ascertainment of the total cost thereof including all compensation and damages and costs and expenses incident to the acquiring of the necessary property and property right, the board shall then proceed to levy an assessment upon the taxable real property within the said district which the board may find to be specially benefited by the proposed improvements; and shall make and levy such assessment upon each piece, lot, parcel and separate tract of real estate in proportion to the particular and special benefits thereto. Upon determining the amount of the assessment against each particular tract of real estate as aforesaid, the commissioners shall make or cause to be made an assessment roll, in which shall appear the names of the owners of the property assessed, so far as known, and a general description of each lot, block, parcel or tract of land

within such district, and the amount assessed against the same, as separate, special or particular benefits. The board shall thereupon make an order setting and fixing a day for hearing any objections to the assessment roll by any one affected thereby, which day shall be at least twenty days after the mailing of notices thereof, postage prepaid, as herein provided. The board shall send or cause to be sent by mail to each owner of the premises assessed, whose name and place of residence is known, a notice, substantially in the following form, to wit:

To.....: Your property (here describe the property) is assessed \$.....
 A hearing on the assessment roll will be had before the undersigned at the office of the said board at on the day of at which time you are notified to be and appear and to make any and all objections which you may have as to the amount of the assessment against your property, or as to whether it should be assessed at all; and to make any and all objections which you may have to the said assessment against your lands, or any part or portion thereof.

Objections.

Notice of hearing.

The failure to send or cause to be sent such notice shall not be fatal to the proceedings herein described. The secretary of the board on the mailing of said notices shall certify generally that he has mailed such notices to the known address of all owners, and such certificate shall be *prima facie* evidence of the mailing of all such notices at the date mentioned in the certificate.

The board shall cause at least ten days' notice of the hearing to be given by posting notice in at least ten public places within the boundaries of the district, and by publishing the same at least five successive times in a daily newspaper published in each of the counties affected; and for at least two

successive weeks in one or more weekly newspapers within the boundaries of said district, in each county if there be such newspapers published therein, and if there be no such newspaper published, then in one or more weekly newspapers, having a circulation in the district, for two successive weeks, which notice shall be signed by the chairman or secretary of the said board of commissioners, and shall state the date and place of hearing of objections to the assessment roll and levy, and of all other objections; and that all interested parties will be heard as to any objection to said assessment roll and the levies as therein made.

Amends Rem.
Comp. Stat.
§ 4376;
Pierce's Code
§ 1945-16.

SEC. 5. That Section 4376 of Remington's Compiled Statutes be and the same is hereby amended to read as follows:

Bonds.

Section 4376. Any such district by and through its board of commissioners, may, by resolution of such board, cause to be issued in the name of the district, bonds for the whole cost of the improvement, less such amounts as shall have been paid within the thirty days provided for redemption, as herein specified. Such bonds shall be called Local Improvement Bonds, Diking and Drainage District No. _____ in _____ and _____ Counties, State of Washington, and shall be payable in not more than ten years after date, and shall be subject to annual call by the board, in such manner and amount as there may be cash on hand to pay, in the respective local improvement fund, from which such bonds are payable, interest to be paid at the office of the treasurer of the fund.

Form, maturity,
interest.

The board shall have the right to fix the beginning of the maturity of said bonds at not later than five years from date thereof. Said bonds shall bear interest at a rate not exceeding eight per cent per annum, and shall be in such denominations as the board may determine, and shall be sold at not less

than par and accrued interest, or said bonds may be exchanged at not less than par and accrued interest for outstanding warrants. All warrants and bonds provided for in this act shall be retired in their numerical order. In making sale of said bonds the board shall advertise the same for sale to the highest bidder, upon such notice as it may determine. Any bonds issued hereunder shall be subject to annual call by the treasurer of the board at the expiration of any year before maturity, in such manner and amounts as there may be cash on hand with which to pay the same in the said fund from which the same may be payable. Such call for payment shall be made by publishing notice of such call in a newspaper in each county in which said district is situated for three consecutive issues beginning not more than twenty days before the expiration of any year from the date of such bond, and interest on said bonds shall cease at the date named in such call.

Said bonds shall have attached thereto interest coupons representing the annual or semi-annual interest for the term of said bond.

The bonds and interest coupons shall be signed by the chairman and secretary of said board, provided that the interest coupons may be executed by a facsimile of said signatures in lieu thereof.

It shall be the duty of the board to keep a register of all such bonds.

SEC. 6. That chapter 4, Title XXVII of Remington's Compiled Statutes is hereby amended by adding a new section thereto to be known as Section 4376-1.

Section 4376-1. That the organization, establishment and creation of all diking and drainage districts in this state situated in two or more counties heretofore had or made, or attempted to be had or made, pursuant to the provisions of chapter 4, Title

Sale.

Interest coupons.

Register.

Amends Rem. Comp. Stat. § 4376-1; Pierce's Code § 1945-16-1.

Validation of existing districts.

XXVII of Remington's Compiled Statutes, relating to the creation and establishment of such diking and drainage districts, and all acts, steps or proceedings had or attempted to be had by any such district, are hereby for all purposes declared legal and valid, and such districts situated in two or more counties are hereby declared duly organized, established and created, and all contracts, obligations or debts heretofore made or incurred by or in favor of such diking and drainage district situated in two or more counties so attempted to be organized, established and created, and all official bonds or other obligations executed in connection with or in pursuance of such organization, are hereby declared legal and valid, and of full force and effect.

Passed the Senate February 14, 1923.

Passed the House March 6, 1923.

Approved by the Governor March 16, 1923.

CHAPTER 141.

[S. B. 227.]

LOCAL IMPROVEMENTS.

AN ACT relating to local improvements and providing for the maintenance in cities and towns of local improvement guaranty funds.

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

SECTION 1. Every city and town may immediately create a fund for the purpose of guaranteeing to the extent of such fund and in the manner hereinafter provided, the payments of its local improvement bonds issued subsequent to the effective date of this act: *Provided*, that this act shall not apply to any city of the first class maintaining a local improvement guaranty fund pursuant to the provisions of chapter 138 of the 1917 Session Laws of Wash-

Bond
payments
guaranteed.

See Rem.
Comp. Stat.
§ 8986 to 8991;
Pierce's Code
§ 1066 to 1071.