

CHAPTER 144.

[Engrossed Senate Bill No. 261.]

CITIES AND TOWNS—COUNTIES—IRRIGATION DISTRICTS—POWERS.

AN ACT relating to local government; providing rules and procedures for the sale or disposition of certain county, city, irrigation district or other political subdivision properties; levying an excise tax on city-owned parking facilities; providing for certain city, town and county planning procedures; empowering counties to construct, maintain, improve, operate and control certain recreational facilities and make reasonable regulations and charges for the use thereof; authorizing the issuance and sale of bonds for construction and development of public parks in conjunction with off-street parking space and facilities by cities and towns; regulating purchases, leases or contracts for public works by counties; establishing a county purchasing department; prescribing their powers, duties and functions; creating a county equipment and revolving fund; amending section 35.41.010, chapter 7, Laws of 1965 and RCW 35.41.010; amending section 35.63.100, chapter 7, Laws of 1965 and RCW 35.63.100; amending section 35.86.010, chapter 7, Laws of 1965 and RCW 35.86.010; amending section 35.86.020, chapter 7, Laws of 1965 and RCW 35.86.020; amending section 35.86.070; chapter 7, Laws of 1965 and RCW 35.86.070; amending section 36.32.240, chapter 4, Laws of 1963 and RCW 36.32.240; amending section 36.32.250, chapter 4, Laws of 1963 as last amended by section 1, chapter 97, Laws of 1967 and RCW 36.32.250; amending section 36.34.020, chapter 4, Laws of 1963 and RCW 36.34.020; amending section 1, chapter 82, Laws of 1931, as amended by section 1, chapter 43, Laws of 1933 and RCW 87.03.135; adding new sections to chapter 4, Laws of 1963 and to chapter 36.32 RCW; and adding a new section to chapter 4, Laws of 1963 and to chapter 36.68 RCW.

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

RCW 36.34.020
amended.

Section 1. Section 36.34.020, chapter 4, Laws of 1963 and RCW 36.34.020 are each amended to read as follows:

Whenever the board of county commissioners desires to dispose of any county property except:

- (1) When selling to a governmental agency;

(2) When personal property to be disposed of is to be traded in upon the purchase of a like article;

Counties—Disposition of county property—Notice—Exemptions.

(3) When the value of the property to be sold is less than five hundred dollars;

(4) When the board by a resolution setting forth the facts has declared an emergency to exist; it shall publish notice of its intention so to do once each week during two successive weeks in three different legal newspapers published in the county, or if there are less than three in as many legal newspapers as are published in the county.

Sec. 2. Any municipality may sell, lease or convey any real property located in an area zoned to permit the operation of retail business, when such property is no longer needed for the use or purposes of the municipality, to any private corporation or association established to develop and maintain free public parking facilities. "Municipality" as used in sections 2 through 5 of this 1967 amendatory act, means any city with a population over three hundred thousand and any municipal corporation or other political subdivision located within the boundaries of such city.

Municipalities—Disposition of property corporation formed to provide free public parking.

Sec. 3. Before any municipality may sell, lease or convey any real property located in an area zoned to permit the operation of retail business, it shall post in a conspicuous place on such property and publish in the official newspaper for the county in which such property is located for fifteen days prior to such sale, lease or conveyance a notice giving the legal description of such property and disclosing an intention to sell, lease or convey such property; and it shall offer in its notice, and shall give, the first right of purchase or lease of the whole or any part of such property to any private corporation or association (1) established to develop and maintain free public parking facilities and (2) which agrees to dedicate such property for free public parking.

Publication of notice.

Municipality—
Disposition of
property—
Compensation.

Sec. 4. A sale, lease or conveyance to such corporation or association may be made for such consideration and on such terms and conditions as the municipality deems appropriate: *Provided*, That the price charged such corporation or association shall not be in excess of the fair market value of such property: *Provided further*, That all deeds, leases and other instruments of conveyance shall incorporate a reversion to the municipality of the property or property interest so deeded, leased or conveyed, in the event that such property should no longer be used as a free public parking facility.

Exemption.

Sec. 5. The provisions of section 3 of this 1967 amendatory act shall not apply to any sale, lease or conveyance to the federal government or to any agency thereof, or to the state or any agency, county, city, town or other political subdivision of this state.

RCW 35.86.070
amended.

Sec. 6. Section 35.86.070, chapter 7, Laws of 1965 and RCW 35.86.070 are each amended to read as follows:

Taxation—
Free public
parking.

Such cities and/or their lessees shall pay to the county treasurer an annual excise tax for the privilege of operating a city-owned parking facility equal to the amounts which would be paid upon real property devoted to the purpose of off-street parking were it in private ownership. This section shall only apply to parking facilities acquired under this chapter.

RCW 87.03.135
amended.

Sec. 7. Section 1, chapter 82, Laws of 1931 as amended by section 1, chapter 43, Laws of 1933 and RCW 87.03.135 are each amended to read as follows:

Irrigation
districts—
Disposition of
property—
Notice.

Any irrigation district shall have power to sell or lease any real estate or personal property owned by such district, whenever the board of directors shall, by unanimous vote, determine that such property is not necessary or needed for the use of the district.

No sale or lease of such property shall be made until notice thereof shall be given by publication at least twenty days before the date of said sale or lease of said property in some newspaper of general circulation in the county where the property or part thereof is located, if there be one, and if there be none, then in some newspaper of general circulation published in an adjoining county, said publication to be made at least once a week during three consecutive weeks before the day fixed for the making of such sale or lease, and shall contain notice of intention of the board of directors to make such sale or lease and state the time and place at which proposals for such sale or lease will be considered and at which the sale or lease will be made: *Provided*, That the provisions of this section relating to publication of notice shall not apply when the value of the property to be sold or leased is less than five hundred dollars. Any such property so sold or leased shall be sold or leased to the highest and best bidder. The provisions of this section shall not apply to the sale of lands acquired by an irrigation district through its purchase of said lands for the nonpayment of its irrigation assessments.

Sec. 8. Section 35.63.100, chapter 7, Laws of 1965 and RCW 35.63.100 are each amended to read as follows:

RCW 35.63.100
amended.

The commission may recommend to its council or board the plan prepared by it as a whole, or may recommend parts of the plan by successive recommendations; the parts corresponding with geographic or political sections, division or subdivisions of the municipality, or with functional subdivisions of the subject matter of the plan, or in the case of counties, with suburban settlement or arterial highway area. It may also prepare and recommend any amendment or extension thereof or addition thereto.

Cities and
towns—
Planning
commissions—
Restrictions—
Recommendations—
Hearings.

Before the recommendation of the initial plan to

the municipality the commission shall hold at least one public hearing thereon, giving notice of the time and place by one publication in a newspaper of general circulation in the municipality and in the official gazette, if any, of the municipality.

The council may adopt by resolution or ordinance and the board may adopt by resolution the plan recommended to it by the commission, or any part of the plan, as the comprehensive plan.

A true copy of the resolution of the board adopting or embodying such plan or any part thereof or any amendment thereto shall be certified by the clerk of the board and filed with the county auditor. A like certified copy of any map or plat referred to or adopted by the county resolution shall likewise be filed with the county auditor. The auditor shall record the resolution and keep on file the map or plat.

The original resolution or ordinance of the council adopting or embodying such plan or any part thereof or any amendment thereto shall be certified by the clerk of the city and filed by him. The original of any map or plat referred to or adopted by the resolution or ordinance of the council shall likewise be certified by the clerk of the city and filed by him. The clerk shall keep on file the resolution or ordinance and map or plat.

Comprehensive plans—
Amendments.

Sec. 9. All amendments to a comprehensive plan shall be adopted, certified, and recorded or filed in the same manner as authorized in section 8 of this 1967 amendatory act for an initial comprehensive plan.

Validation of
prior comprehensive plans.

Sec. 10. Any city comprehensive plan and all amendments thereto which have been filed or recorded with the county auditor prior to the effective date of this 1967 amendatory act shall be valid and

need not be refiled with the clerk of the city to remain valid and in full force and effect.

Sec. 11. There is added to chapter 4, Laws of 1963 and to chapter 36.68 RCW a new section to read as follows:

Any county, acting through its board of county commissioners, is empowered to build, construct, care for, control, supervise, improve, operate and maintain parks, playgrounds, gymnasiums, swimming pools, field houses, bathing beaches, stadiums, golf courses, automobile race tracks and drag strips, coliseums for the display of spectator sports, public campgrounds, boat ramps and launching sites, public hunting and fishing areas, arboretums, bicycle and bridle paths, and other recreational facilities, and to that end may make, promulgate and enforce such rules and regulations regarding the use thereof, and make such charges for the use thereof, as may be deemed by said board to be reasonable.

Counties—
Recreation
facilities—
Authority.

Sec. 12. Section 35.41.010, chapter 7, Laws of 1965 and RCW 35.41.010 are each amended to read as follows:

RCW 35.41.010
amended.

The legislative body of any city or town, for the purpose of providing funds for defraying all or a portion of the costs of planning, purchase, leasing, condemnation, or other acquisition, construction, reconstruction, development, improvement, extension, repair, maintenance, or operation of any municipally owned public land, building, facility, or utility, for which the municipality now has or hereafter is granted authority to acquire, condemn, develop, repair, maintain, or operate, for which the city receives revenue or for which such municipality charges a fee, may authorize, by ordinance, the creation of a special fund or funds into which the city or town shall be obligated to set aside and pay:

Cities and
towns—Fiscal
—Municipal
revenue act—
Special funds.

(1) A fixed proportion of the gross revenues of the facility or utility, or

Cities and towns—Fiscal—Municipal revenue act—Special funds.

(2) A fixed amount out of, and not to exceed, a fixed proportion of the gross revenues thereof, or

(3) A fixed amount without regard to any fixed proportion of such revenues, or

(4) An amount sufficient to meet principal and interest requirements and to accumulate any reserves and additional funds that may be required.

The legislative body may also authorize the creation of a special fund or funds to defray all or part of the costs of planning, purchase, condemnation, or other acquisition, construction, improvement, maintenance or operation of any public park in, upon or above property used or to be used as municipally owned off-street parking space and facilities, whether or not revenues are received or fees charged in the course of public use of such park. Part or all of the otherwise unpledged revenues, fees or charges arising from municipal ownership, operation, lease or license of any off-street parking space and facilities, or arising from municipal license of any on-street parking space, shall be set aside and paid into such special fund or funds in accordance with this section.

RCW 35.86.010 amended.

Sec. 13. Section 35.86.010, chapter 7, Laws of 1965 and RCW 35.86.010 are each amended to read as follows:

Cities and towns—Via-ducts, elevated roadways, tunnels, etc.

Cities of the first, second, and third classes are authorized to provide off-street parking space and facilities for motor vehicles, and the use of real property for such purpose is declared to be a public use. Notwithstanding the provisions of RCW 35.86.040 such cities shall call for competitive bids for the operation of any off-street parking space and facilities for motor vehicles in or beneath a public park by any private person, firm or corporation, upon such reasonable notice, bidder qualifications and bid conditions as the city shall determine. In the case of off-street parking space in, upon or beneath

a public park the term "facilities" as used hereafter in this chapter may include public parks thereon.

Sec. 14. Section 35.86.020, chapter 7, Laws of 1965 and RCW 35.86.020 are each amended to read as follows:

RCW 35.86.020
amended.

In order to provide for off-street parking space and/or facilities, such cities are authorized, in addition to their powers for financing public improvements, to finance their acquisition and construction through the issuance and sale of revenue bonds or general obligation bonds or both. Any bonds issued by such cities pursuant to this section shall be issued in the manner and within the limitations prescribed by the Constitution and the laws of this state.

Financing.

In addition local improvement districts may be created and their financing procedures used for this purpose in accordance with the provisions of Title 35 as now or hereafter amended.

Such cities may authorize and finance the economic and physical surveys and plans, and construction, for off-street parking, and the maintenance and management of such off-street parking spaces and facilities either within their general budget or by issuing revenue bonds or general obligation bonds or both.

General obligation bonds issued hereunder may additionally be made payable from any otherwise unpledged revenue, fees or charges which may be derived from the ownership, operation, lease or license of off-street parking space or facilities or which may be derived from the license of on-street parking space.

Sec. 15. Section 36.32.240, chapter 4, Laws of 1963 and RCW 36.32.240 are each amended to read as follows:

RCW 36.32.240
amended.

In any county the board of county commissioners may by resolution establish a county purchasing de-

Counties—
County com-
missioners—
Purchasing—
Competitive
bids.

partment and thereafter such department shall contract on a competitive basis for all public works and purchase or lease on a competitive basis all supplies, materials, and equipment, for all departments of the county, exclusive of the county hospital, pursuant to the provisions hereof and under such rules as the board shall by resolution adopt, except for such contracts and purchases as shall be made pursuant to RCW 36.77.060, 36.77.070 and 36.82.130: *Provided*, That in all class AA or class A counties or in any county of the first class it shall be mandatory that a purchasing department be established.

RCW 36.32.250
amended.

Sec. 16. Section 36.32.250, chapter 4, Laws of 1963 as last amended by section 1, chapter 97, Laws of 1967, and RCW 36.32.250 are each amended to read as follows:

Counties—
Public works—
Purchasing—
Bidding—
Supplies.

No contract, lease or purchase shall be entered into by the board of county commissioners or by any elected or appointed officer of such county until after bids have been submitted to the board of county commissioners upon specifications therefor. Such specifications shall be in writing and shall be filed with the clerk of the board for public inspection, and an advertisement thereof stating the date after which bids will not be received, the character of the work to be done, or material, equipment, or service to be purchased, and that specifications therefor may be seen at the office of the clerk of the board, shall be published in the county official newspaper. Such advertisement shall be published at least once in each week for two consecutive weeks prior to the last date upon which bids will be received and as many additional publications as shall be determined by the board. The bids shall be in writing, shall be filed with the clerk, shall be opened and read in public at a meeting of the board on the date named therefor in said advertisement, and after being opened, shall be filed for public inspection.

tion. No bid shall be considered for public work unless it is accompanied by a bid deposit in the form of a surety bond, postal money order, cash, cashier's check, or certified check in an amount equal to five percent of the amount of the bid proposed. The contract for the public work, lease or purchase shall be awarded to the lowest responsible bidder; taking into consideration the quality of the articles or equipment to be purchased or leased. Any or all bids may be rejected for good cause. The board shall require from the successful bidder for such public work a contractor's bond in the amount and with the conditions imposed by law. Should the bidder to whom the contract is awarded fail to enter into the contract and furnish the contractor's bond as required within ten days after notice of the award, exclusive of the day of notice, the amount of the bid deposit shall be forfeited to the county and the contract awarded to the next lowest and best bidder. The bid deposit of all unsuccessful bidders shall be returned after the contract is awarded and the required contractor's bond given by the successful bidder is accepted by the board. In the letting of any contract, lease or purchase involving less than one thousand dollars advertisement and competitive bidding may be dispensed with on order of the board of county commissioners. Notice of intention to let contracts, enter into lease agreements or to make purchases involving amounts exceeding five hundred dollars and less than one thousand dollars, shall be posted by the board of county commissioners on a bulletin board in its office not less than three days prior to making such purchase, lease or contract. Wherever possible, supplies shall be purchased in quantities for a period of at least three months, and not to exceed one year. Supplies generally used throughout the various departments shall be standardized insofar as possible, and may be pur-

Counties—
Public works—
Purchasing—
Bidding—
Supplies.

chased and stored for general use by all of the various departments which shall be charged for the supplies when withdrawn from the purchasing department.

Note: See also section 1, chapter 97, Laws of 1967.

New section.

Sec. 17. There is added to chapter 4, Laws of 1963 and to chapter 36.32 RCW a new section to read as follows:

Adoption by county.

The board of county commissioners may elect to adopt the provisions of sections 18, 19 and 20 of this 1967 amendatory act and may, by resolution, designate the kinds of equipment subject thereto.

New section.

Sec. 18. There is added to chapter 4, Laws of 1963 and to chapter 36.32 RCW a new section to read as follows:

County equipment and rental revolving fund.

In accordance with the provisions of section 17 of this 1967 amendatory act, in every county in which there is now or is hereafter established a county purchasing department, there is created a county fund to be known as the "county equipment and rental revolving fund". On the effective date of this 1967 amendatory act, the county treasurer of such counties shall transfer to said fund all sums remaining in the county current expense fund budgeted for the purchase or lease of capital outlay equipment.

New section.

Sec. 19. There is added to chapter 4, Laws of 1963 and to chapter 36.32 RCW a new section to read as follows:

County purchasing—Purchasing department approval—Exceptions.

In accordance with the provisions of section 17 of this 1967 amendatory act, after the effective date of this 1967 amendatory act, no warrants shall be issued for the purchase or lease of capital outlay equipment unless they have been authorized by the county purchasing agent: *Provided*, That sums allocated to existing contracts for the purchase or lease of such equipment shall be authorized by the purchasing agent upon the written request of the officer

or employee who has executed such contract: *Provided, further,* That no option for purchase or extension of time in such existing contracts may be exercised unless approved by the purchasing agent.

Sec. 20. In accordance with the provisions of section 17 of this 1967 amendatory act, the county purchasing agent, subject to the supervision of the board of county commissioners shall establish charges to be paid by county officers and county departments for the use of such equipment. The charge shall be sufficient to amortize the cost of purchasing, maintaining or leasing such equipment, which amounts shall be credited as income to the county equipment and revolving fund and charged on a monthly basis against the account of the officer or agent using such equipment. Moneys derived from the charges for such equipment shall be disbursed from the county equipment and revolving fund by the county treasurer by warrants drawn by the county auditor on vouchers duly authorized by the purchasing agent.

County purchasing agent
—Charges for use of equipment.

Sec. 21. If any provision of this 1967 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances, shall not be affected.

Severability.

Passed the Senate April 29, 1967.

Passed the House April 27, 1967.

Approved by the Governor May 11, 1967.