
HOUSE BILL 2826

State of Washington

54th Legislature

1996 Regular Session

By Representative Veloria

Read first time 01/22/96. Referred to Committee on Government Operations.

1 AN ACT Relating to mayors in cities and towns; amending RCW
2 35.23.211 and 35A.12.130; adding a new section to chapter 35.22 RCW;
3 and adding a new section to chapter 35.27 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 35.22 RCW
6 to read as follows:

7 (1) This section grants the mayor of every first class city
8 operating under the mayor-council form or plan of government the
9 authority to veto ordinances adopted by the council, including the
10 authority to veto an entire ordinance, an entire section of an
11 ordinance, and a separate appropriation item. In a city with a
12 mayor-council form or plan of government, the mayor possesses executive
13 and administrative authorities and is not a member of the city council.

14 The provisions of this section granting veto authority apply to
15 first class cities with a mayor-council form or plan of government,
16 notwithstanding the provisions of the city charter to the contrary.
17 However, if a city charter permits the mayor to veto ordinances, but
18 contains different procedures or different time periods during which a
19 veto may be made or the council may override a veto, those procedural

1 and time period provisions apply to all three types of vetoes
2 authorized by this section.

3 (2) Each ordinance that is adopted by the council of a first class
4 city with a mayor-council form or plan of government shall be presented
5 to the mayor for his or her approval and signature. During a ten-day
6 period after the ordinance is presented to the mayor, the mayor may
7 sign the ordinance or veto all or part of the ordinance as follows:
8 (a) The entire ordinance may be vetoed; (b) if the ordinance contains
9 separate sections, one or more entire sections may be vetoed; or (c) if
10 the ordinance appropriates money, each separate appropriation item may
11 be vetoed. The mayor shall include written objections together with
12 any veto.

13 The entire ordinance is valid if the mayor signs the ordinance
14 within this ten-day period or if the mayor fails to sign or veto all or
15 a portion of the ordinance within this ten-day period. If an entire
16 section or separate appropriation item is vetoed within this ten-day
17 period, the remaining portions of the ordinance are valid.

18 If a veto is made, the entire ordinance that was vetoed or each
19 entire section or separate appropriation item that was vetoed shall be
20 returned to the council for its reconsideration. Within thirty days of
21 when the veto or vetoes were made, the council may override the veto or
22 any vetoes by action of at least a majority of the entire council plus
23 one vote and any veto that is so overridden is valid.

24 **Sec. 2.** RCW 35.23.211 and 1994 c 81 s 43 are each amended to read
25 as follows:

26 (1) The enacting clause of all ordinances in a second class city
27 shall be as follows: "The city council of the city of do
28 ordain as follows:"

29 No ordinance shall contain more than one subject and that must be
30 clearly expressed in its title.

31 No ordinance or any section thereof shall be revised or amended
32 unless the new ordinance sets forth the revised ordinance or the
33 amended section at full length.

34 No ordinance and no resolution or order shall have any validity or
35 effect unless passed by the votes of at least four councilmembers.

36 No ordinance shall take effect until five days after the date of
37 its publication unless otherwise provided in this title.

1 (2) Every ordinance which passes the council (~~(in order to become~~
2 ~~valid must)~~) shall be presented to the mayor(~~(; if the mayor approves~~
3 ~~it, the mayor shall sign it, but if not, the mayor shall return it~~
4 ~~with)~~) for his or her approval and signature. During a ten-day period
5 after the ordinance is presented to the mayor, the mayor may sign the
6 ordinance or may veto all or part of the ordinance as follows: (a) The
7 entire ordinance may be vetoed; (b) if the ordinance contains separate
8 sections, one or more entire sections may be vetoed; or (c) if the
9 ordinance appropriates money, each separate appropriation item may be
10 vetoed. The entire ordinance is valid if the mayor signs the ordinance
11 within this ten-day period or if the mayor fails to sign or veto all or
12 a portion of the ordinance during this ten-day period. If an entire
13 section or separate appropriation is vetoed during this ten-day period,
14 the remaining portions of the ordinance are valid. The mayor shall
15 include written objections together with any veto and the vetoed matter
16 shall be returned to the council ((and)) for its reconsideration. The
17 council shall cause the mayor's objections to be entered at large upon
18 the journal and proceed to ((a reconsideration thereof. If upon
19 ~~reconsideration))~~ reconsider the veto or vetoes. The entire vetoed
20 ordinance, or an entire section or separate appropriation item that was
21 vetoed, becomes valid notwithstanding the mayor's veto if the veto is
22 overridden by action of at least five members of the council ((voting
23 ~~upon a call of yeas and nays favor its passage, the ordinance shall~~
24 ~~become valid notwithstanding the mayor's veto. If the mayor fails for~~
25 ~~ten days to either approve or veto an ordinance, it shall become valid~~
26 ~~without the approval of the mayor))~~ within thirty days after the veto
27 or vetoes were made.

28 Every ordinance that becomes valid shall be signed by the mayor and
29 attested by the clerk.

30 NEW SECTION. Sec. 3. A new section is added to chapter 35.27 RCW
31 to read as follows:

32 Each ordinance that is adopted by the council of a town shall be
33 presented to the mayor for his or her approval and signature. During
34 a ten-day period after the ordinance is presented to the mayor, the
35 mayor may sign the ordinance or veto all or part of the ordinance as
36 follows: (1) The entire ordinance may be vetoed; (2) if the ordinance
37 contains separate sections, one or more entire sections may be vetoed;
38 or (3) if the ordinance appropriates money, each separate appropriation

1 item may be vetoed. The mayor shall include written objections
2 together with any veto.

3 The entire ordinance is valid if the mayor signs the ordinance
4 within this ten-day period or if the mayor fails to sign or veto all or
5 a portion of the ordinance within this ten-day period. If an entire
6 section or separate appropriation item is vetoed within this ten-day
7 period, the remaining portions of the ordinance are valid.

8 If a veto is made, the entire ordinance that was vetoed or each
9 entire section or separate appropriation item that was vetoed shall be
10 returned to the council for its reconsideration. Within thirty days of
11 when the veto or vetoes were made, the council may override the veto or
12 any vetoes by action of at least four members of the council and any
13 veto that is so overridden is valid.

14 **Sec. 4.** RCW 35A.12.130 and 1967 ex.s. c 119 s 35A.12.130 are each
15 amended to read as follows:

16 (1) The enacting clause of all ordinances shall be as follows:
17 "The city council of the city of do ordain as follows:" No
18 ordinance shall contain more than one subject and that must be clearly
19 expressed in its title.

20 No ordinance or any section or subsection thereof shall be revised
21 or amended unless the new ordinance sets forth the revised ordinance or
22 the amended section or subsection at full length.

23 No ordinance shall take effect until five days after the date of
24 its publication unless otherwise provided by statute or charter, except
25 that an ordinance passed by a majority plus one of the whole membership
26 of the council, designated therein as a public emergency ordinance
27 necessary for the protection of public health, public safety, public
28 property or the public peace, may be made effective upon adoption, but
29 such ordinance may not levy taxes, grant, renew, or extend a franchise,
30 or authorize the borrowing of money.

31 (2) Every ordinance which passes the council (~~in order to become~~
32 ~~valid must~~) shall be presented to the mayor(~~(; if he approves it, he~~
33 ~~shall sign it, but if not, he shall return it with his)~~) for his or her
34 approval and signature. During a ten-day period after an ordinance is
35 presented to the mayor, the mayor may sign the ordinance or veto all of
36 any portion of the ordinance as follows: (a) The entire ordinance may
37 be vetoed; (b) if the ordinance contains separate sections, one or more
38 entire sections may be vetoed; or (c) if the ordinance appropriates

1 money, each separate appropriation item may be vetoed. The entire
2 ordinance is valid if the mayor signs the ordinance within this ten-day
3 period or if the mayor fails to sign or veto all or a portion of the
4 ordinance during this ten-day period. If an entire section or separate
5 appropriation is vetoed during this ten-day period, the remaining
6 portions of the ordinance are valid. The mayor shall include written
7 objections ((to the council)) together with any veto and the vetoed
8 matter shall be returned to the council for its reconsideration. The
9 council shall cause ((his)) the objections to be entered at large upon
10 the journal and proceed to ((a reconsideration thereof. If upon
11 reconsideration)) reconsider the veto or vetoes. The entire vetoed
12 ordinance, or an entire section or separate appropriation item that was
13 vetoed, becomes valid notwithstanding the mayor's veto if the veto is
14 overridden by action of at least a majority plus one of the whole
15 membership((, voting upon a call of ayes and nays, favor its passage,
16 the ordinance shall become valid notwithstanding the mayor's veto. If
17 the mayor fails for ten days to either approve or veto an ordinance, it
18 shall become valid without his approval. Ordinances)) of the council
19 within thirty days after the veto or vetoes were made.

20 Every ordinance that becomes valid shall be signed by the mayor and
21 attested by the clerk.

--- END ---