

Chapter 35A.08 RCW
PROCEDURE FOR ADOPTION OF CHARTER AS CHARTER CODE CITY

Sections

- 35A.08.010 Adoption of charter authorized.
- 35A.08.020 Determining population.
- 35A.08.030 Resolution or petition for election.
- 35A.08.040 Election on question—Election of charter commission.
- 35A.08.050 Organization of charter commission—Vacancies—Duties.
- 35A.08.060 Expenses of commission members—Consultants and assistants.
- 35A.08.070 Public hearing.
- 35A.08.080 Submission of charter—Election of officers—Publication.
- 35A.08.090 Conduct of elections.
- 35A.08.100 Ballot titles.
- 35A.08.110 Certificates of election to officers—Effective date of becoming charter code city.
- 35A.08.120 Authentication of charter.

RCW 35A.08.010 Adoption of charter authorized. Any city having a population of ten thousand or more inhabitants may become a charter code city and be governed under the provisions of this title by adopting a charter for its own government in the manner prescribed in this chapter. Once any city, having ten thousand population, has adopted such a charter, any subsequent decrease in population below ten thousand shall not affect its status as a charter code city. [1967 ex.s. c 119 s 35A.08.010.]

RCW 35A.08.020 Determining population. For the purposes of this chapter, the population of a city shall be the number of residents shown by the figures released for the most recent official state or federal census, by a population determination made under the direction of the office of financial management, or by a city census conducted in the following manner:

(1) The legislative authority of any such city may provide by ordinance for the appointment by the mayor thereof, of such number of persons as may be designated in the ordinance to make an enumeration of all persons residing within the corporate limits of the city. The enumerators so appointed, before entering upon their duties, shall take an oath for the faithful performance thereof and within five days after their appointment proceed, within their respective districts, to make an enumeration of all persons residing therein, with their names and places of residence.

(2) Immediately upon the completion of the enumeration, the enumerators shall make return thereof upon oath to the legislative authority of the city, who at its next meeting or as soon thereafter as practicable, shall canvass and certify the returns.

(3) If it appears therefrom that the whole number of persons residing within the corporate limits of the city is ten thousand or more, the mayor and clerk under the corporate seal of the city shall certify the number so ascertained to the secretary of state, who shall file it in his or her office. This certificate when so filed shall be conclusive evidence of the population of the city. [2009 c 549 s 3002; 1979 c 151 s 32; 1967 ex.s. c 119 s 35A.08.020.]

RCW 35A.08.030 Resolution or petition for election. The legislative body of any city having ten thousand or more inhabitants may, by resolution, provide for submission to the voters of the question whether the city shall become a charter code city and be governed in accordance with a charter to be adopted by the voters under the provisions of this title. The legislative body must provide for such an election upon receipt of a sufficient petition therefor signed by qualified electors in number equal to not less than ten percent of the votes cast at the last general municipal election therein. The question may be submitted to the voters at the next general municipal election if one is to be held within one hundred and eighty days or at a special election held for that purpose not less than ninety nor more than one hundred and eighty days after the passage of the resolution or the filing of the certificate of sufficiency of the petition. At such election provision shall also be made for the election of fifteen freeholders who, upon a favorable vote on the question, shall constitute the charter commission charged with the duty of framing a charter for submission to the voters. If the vote in favor of adopting a charter receives forty percent or less of the total vote on the question of charter adoption, no new election on the question of charter adoption may be held for a period of two years from the date of the election in which the charter proposal failed. [2001 c 33 s 4; 1967 ex.s. c 119 s 35A.08.030.]

Sufficiency of petition in code city: RCW 35A.01.040.

RCW 35A.08.040 Election on question—Election of charter commission. The election on the question whether to adopt a charter and become a charter code city and the nomination and election of the members of the charter commission shall be conducted, and the result declared, according to the laws regulating and controlling elections in the city. Candidates for election to the charter commission must be nominated by petition signed by ten registered voters of the city and residents therein for a period of at least two years preceding the election. A nominating petition shall be filed within the time allowed for filing declarations of candidacy and shall be verified by an affidavit of one or more of the signers to the effect that the affiant believes that the candidate and all of the signers are registered voters of the city and he or she signed the petition in good faith for the purpose of endorsing the person named therein for election to the charter commission. A written acceptance of the nomination by the nominee shall be affixed to the petition when filed with the county auditor. Nominating petitions need not be in the form prescribed in RCW 35A.01.040. Any nominee may withdraw his or her nomination by a written statement of withdrawal filed at any time not later than five days before the last day allowed for filing nominations. The positions on the charter commission shall be designated by consecutive numbers one through fifteen, and the positions so designated shall be considered as separate offices for all election purposes. A nomination shall be made for a specific numbered position. [2009 c 549 s 3003; 1990 c 259 s 7; 1967 ex.s. c 119 s 35A.08.040.]

RCW 35A.08.050 Organization of charter commission—Vacancies—

Duties. Within ten days after its election the charter commission shall hold its first meeting, elect one of the members as chair, and adopt such rules for the conduct of its business as it may deem advisable. In the event of a vacancy in the charter commission, the remaining members shall fill it by appointment thereto of some properly qualified person. A majority shall constitute a quorum for transaction of business but final charter recommendations shall require a majority vote of the whole membership of the commission. The commission shall study the plan of government of the city, compare it with other available plans of government, and determine whether, in its judgment, the government of the city could be strengthened, made more responsive or accountable to the people, or whether its operation could be made more economical or more efficient by amendment of the existing plan or adoption of another plan of government. The commission shall consider the plans of government described in this title but shall not be limited to such plans in its recommendations for the government of the city and may frame a charter for any plan it deems suitable for the good government of the city; except that the provisions of such charter shall not be valid if inconsistent with the Constitution of this state, the provisions of this title, or the general laws of the state, insofar as they are applicable to cities governed under this title. [2009 c 549 s 3004; 1967 ex.s. c 119 s 35A.08.050.]

RCW 35A.08.060 Expenses of commission members—Consultants and

assistants. Members of the charter commission shall serve without compensation but shall be reimbursed by the city from any funds for their necessary expenses incurred in the performance of their duties. The legislative body may, in its discretion, make a reasonable appropriation of the city funds to provide for public information and discussion concerning the purposes and progress of the commission's work and/or to provide technical or clerical assistance to the commission in its work. Within the limits of any such appropriation and privately contributed funds and services as may be available to it, the charter commission may appoint one or more consultants and clerical or other assistants to serve at the pleasure of the commission and may fix a reasonable compensation to be paid such consultants and assistants. [1967 ex.s. c 119 s 35A.08.060.]

RCW 35A.08.070 Public hearing.

The charter commission shall hold at least one public hearing in the course of its deliberations, may hold committee meetings and may sponsor public forums and promote public education and discussion respecting its work. [1967 ex.s. c 119 s 35A.08.070.]

RCW 35A.08.080 Submission of charter—Election of officers—

Publication. Within one hundred and eighty days from the date of its first meeting, the charter commission, or a majority thereof, shall frame a charter for the city and submit the charter to the legislative body of the city, which, within five days thereafter shall initiate proceedings for the submission of the proposed charter to the qualified electors of the city at the next general election if one is

to be held within one hundred and eighty days or at a special election to be held for that purpose not less than ninety nor more than one hundred and eighty days after submission of the charter to the legislative body. The legislative body shall cause the proposed charter to be published in a newspaper of general circulation in the city at least once each week for four weeks next preceding the day of submitting the same to the electors for their approval. At this election the first officers to serve under the provisions of the proposed charter shall also be elected. If the election is from wards, the division into wards as specified in the proposed charter shall govern; in all other respects the then existing laws relating to such elections shall govern. The notice of election shall specify the objects for which the election is held and shall be given as required by law. [1967 ex.s. c 119 s 35A.08.080.]

RCW 35A.08.090 Conduct of elections. The election upon the question of becoming a charter code city and framing a charter and the election of the charter commission, and the election upon the adoption or rejection of the proposed charter and the officers to be elected thereunder, the returns of both elections, the canvassing thereof, and the declaration of the result shall be governed by the laws regulating and controlling elections in the city. [1967 ex.s. c 119 s 35A.08.090.]

RCW 35A.08.100 Ballot titles. Ballot titles for elections under this chapter shall be prepared by the city attorney. The ballot statement in the election for adopting or rejecting the proposed charter shall clearly state that, upon adoption of the proposed charter, the city would be governed by its charter and by this title. [2015 c 53 s 51; 1967 ex.s. c 119 s 35A.08.100.]

RCW 35A.08.110 Certificates of election to officers—Effective date of becoming charter code city. If a majority of the votes cast at the election upon the adoption of the proposed charter favor it, certificates of election shall be issued to each officer elected at that election. Within ten days after the issuance of the certificates of election, the newly elected officers shall qualify as provided in the charter, and on the tenth day thereafter at twelve o'clock noon of that day or on the next business day if the tenth day is a Saturday, Sunday or holiday, the officers so elected and qualified shall enter upon the duties of the offices to which they were elected and at such time the charter shall be authenticated, recorded, attested and go into effect, and the city shall thereafter be classified as a charter code city. When so authenticated, recorded and attested, the charter shall become the organic law of the city and supersede any existing charter and amendments thereto and all special laws inconsistent therewith. [1967 ex.s. c 119 s 35A.08.110.]

RCW 35A.08.120 Authentication of charter. The authentication of the charter shall be by certificate of the mayor in substance as follows:

"I,, mayor of the city of, do hereby certify that in accordance with the provisions of the Constitution and statutes of the state of Washington, the city of caused fifteen freeholders to be elected on the day of, (year) as a charter commission to prepare a charter for the city; that due notice of that election was given in the manner provided by law and that the following persons were declared elected to prepare and propose a charter for the city, to wit:

That thereafter on the day of, (year) the charter commission returned a proposed charter for the city of signed by the following members thereof:

That thereafter the proposed charter was published in (indicate name of newspaper in which published), for at least once each week for four weeks next preceding the day of submitting the same to the electors for their approval. (Indicate dates of publication.)

That thereafter on the day of, (year), at an election duly called and held, the proposed charter was submitted to the qualified electors thereof, and the returns canvassed resulting as follows: For the proposed charter votes; against the proposed charter, votes; majority for the proposed charter, votes; whereupon the charter was declared adopted by a majority of the qualified electors voting at the election.

I further certify that the foregoing is a full, true and complete copy of the proposed charter so voted upon and adopted as aforesaid.

IN TESTIMONY WHEREOF, I hereunto set my hand and affix the corporate seal of the said city at my office this day of, (year)

.....
Mayor of the city of.....

Attest:

.
Clerk of the city of (corporate seal)."

Immediately after authentication, the authenticated charter shall be recorded by the city clerk in a book provided for that purpose known as the charter book of the city of and when so recorded shall be attested by the clerk and mayor under the corporate seal of the city. All amendments shall be in like manner recorded and attested.

All courts shall take judicial notice of a charter and all amendments thereto when recorded and attested as required in this section. [2016 c 202 s 28; 1967 ex.s. c 119 s 35A.08.120.]