



King County Public Rules

Title

Proposing Municipal Incorporations

Document Code No.

LUD 8-1 (PR)

Department/Issuing Agency

Records and Elections Division

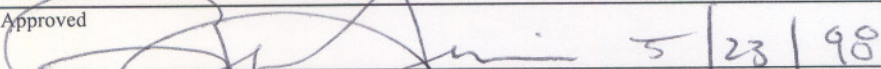
Effective Date

June 23, 1998



King County
 Rules
Public Rules and Regulations

Public

Title Proposing Municipal Incorporations	Document Code No. LUD 8-1(PR)
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Approved  5/23/98	

- 1.0 **SUBJECT TITLE:** Proposing Municipal Incorporations
 - 1.1 **EFFECTIVE DATE:** June 23, 1998
 - 1.2 **TYPE OF ACTION:** New
 - 1.3 **KEY WORDS:** (1) Incorporation, (2) Petition, (3) Municipal, (4) Election, (5) Hearing

- 2.0 **PURPOSE:** To provide the process for proposing the incorporation of an area of unincorporated King County, implementing the provisions of state law.

- 3.0 **ORGANIZATIONS AFFECTED:** King County Records and Elections Division, Clerk of the King County Council, any person or group of persons intending to propose an incorporation, the Washington State Boundary Review Board.

- 4.0 **REFERENCES:**
 - 4.1 Chapter 35.02 RCW, Incorporation Proceedings (Municipal).
 - 4.2 RCW 35A.01.040, Optional Municipal Code - Sufficiency of Petitions.
 - 4.3 Chapter 36.93 RCW, Boundary Review Boards.
 - 4.4 King County Policies and Procedures Document ELE 7-19 (DP) - Processing Petitions.

5.0 DEFINITIONS: As used within the context of this document:

- 5.1 “Canvassing of signatures” means the act of verifying that the petition signer is a registered voter and resides within the area described or identified in the petition, that the signature matches that contained in the signer’s voter registration file, and that the signature is dated not earlier than six months prior to commencement of the canvassing.
- 5.2 “Notice of Propoposed Incorporation” means a piece of correspondence addressed to the appropriate legislative authority advising that body of the initiator’s proposal to incorporate an area of the county, describing the area, the type of incorporation, intended plan of government, estimated population, and other information required by law.
- 5.3 “Notice of Intention to Incorporate” means a specific, detailed documentation of the proposed incorporation submitted to the Washington State Boundary Review Board for King County (BRB), as prescribed in the rules and procedures established by the Board, after a petition to incorporate has been found sufficient.
- 5.4 “Petition” means a formal document calling for the incorporation of a described area, containing the information in the Notice of Proposed Incorporation, and signed by the percentage of the eligible registered voters residing within the area proposed to be incorporated as prescribed by law.
- 5.5 “Public meeting” means a meeting called by the BRB within thirty days of when the Notice of Proposed Incorporation is filed for the purpose of exchanging information between proponents of the incorporation and the community to be affected by the incorporation.
- 5.6 “Public hearing” means that public forum at which the BRB reviews the proposed incorporation, including the material provided with the Notice of Intention to Incorporate and testimony of interested parties, in order to arrive at a decision to approve, modify, disapprove or recommend against the proposal, considering the factors affecting the proposal as described in RCW 36.93.170 and attempting to achieve the BRB’s objectives expressed in RCW 36.93.180.

6.0 POLICIES:

6.1 Initiation of the Process - Filing the Notice of Proposed Incorporation:

- 6.1.1 Any person or group of persons proposing the incorporation of a city or town under the provisions of RCW 35.02.010—Authority for Incorporation, shall file a Notice of Proposed Incorporation with the Clerk of the King County Council (the Clerk).
- 6.1.2 If the area to be incorporated lies in King County and an adjoining county, the original notice is filed with the legislative authority of the county containing the major portion of the area and a copy of the notice is sent to the county containing the minority portion. If King County, does not contain a major portion, then a copy of the notice will be sent to the Clerk for information.
- 6.1.3 The notice shall include the following information:
- a. Whether the proposed city or town shall be a non-charter code city operating under Title 35A RCW, Optional Municipal Code, or a class city or town under Title 35 RCW, Cities and Towns;
 - b. The form or plan of government the city or town is to have;
 - c. The name to be given to the proposed city or town;
 - d. The approximate number of inhabitants residing in the area;
 - e. The proposed boundaries of the proposed city or town must be particularly described with a true legal description. A map of the area must be attached as an illustrative attachment.
- 6.1.4 The notice shall be accompanied by:
- a. Payment of the required filing fee by check made out to “King County Finance Director;” and
 - b. A notarized affidavit from the person or lead person of a group submitting the notice that he or she is a registered voter residing within the proposed city or town.

- 6.2 The Public Meeting: As soon as possible after the filing of the Notice of Proposed Incorporation, the Clerk, on behalf of the legislative authority, shall notify the BRB of the proposed incorporation. The Clerk shall forward the notice to the BRB with a copy to the Manager, Records and Elections Division. If the BRB finds the notice to be complete, it shall schedule and hold a public meeting on the proposed incorporation as required by law.
- 6.3 The Petition to Incorporate:
- 6.3.1 Within one working day after the conclusion of the public meeting indicated in Section 6.2, the Manager, Records and Elections Division, shall provide a sequential identification number for the incorporation effort to the person or group submitting the Notice of Proposed Incorporation with copies to the Clerk and the BRB.
- 6.3.2 The Manager shall also provide the last date by which the petition may be filed, which shall be no later than one hundred and eighty days from the date of the public meeting, or the next working day thereafter if that date is not a work day. The Clerk and the BRB shall be notified of the last date by which the petition may be filed.
- 6.3.3 The petition shall be prepared as prescribed by law and:
- a. Shall contain the same information contained in the Notice of Proposed Incorporation (see Section 6.1.3).
 - b. The identification number assigned by the Manager, Records and Elections Division.
- 6.3.4 The petition to be valid must be signed by registered voters residing within the limits of the proposed city or town equal in number to at least ten percent of the total number of registered voters residing within the proposed city or town at the time the petition is filed and who have signed the petition no earlier than six months prior to the filing of the petition.
- 6.3.5 The completed petition shall be filed with the Clerk no later than the deadline date established when the identification number was provided.

6.4 Petition Validation:

- 6.4.1 Within three working days of filing the petition, the Clerk shall transmit the petition to the Manager, Records and Elections Division, to validate the signatures and to certify sufficiency, as prescribed in RCW 35.02.035-037.
- 6.4.2 Upon commencing the canvassing of the signatures on the petition, the Manager, Records and Elections Division, shall establish that date as the terminal date of the petition, shall so certify to the Clerk, and no further signatures may be added to nor any existing signatures be withdrawn from the petition.
- 6.4.3 The Manager, Records and Elections Division, shall follow the departmental policies and procedures for validating the signatures contained in the reference at Section 4.4 except that in the event of insufficiency, no grace period is permitted.
- 6.4.4 If found sufficient, the certificate of sufficiency shall be sent to the petitioner via certified mail with a copy to the Clerk, to the Boundary Review Board, and to the permanent file as required.

6.5 Notice of Intention to Incorporate

- 6.5.1 Upon receipt of a certification of sufficiency, the proponents of incorporation shall file a formal Notice of Intention to Incorporate as required by RCW 36.93.090 with the BRB. Upon request, the BRB will provide guidelines regarding the requirements for submission including the filing fee.
- 6.5.2 As required, the BRB shall schedule a public hearing upon the receipt of a complete and acceptable Notice of Intention to Incorporate.

6.6 Election on the Question of Incorporation

- 6.6.1 Unless disapproved, the County Council shall, upon notification from the BRB that it has completed its action on the questions of incorporation, prepare an ordinance directing that the question be placed on the ballot at the next special election date specified in RCW 29.13.020 that occurs sixty or more days after the completed action by the BRB.

- 6.6.2 The ordinance shall contain the same information regarding the proposed city as was required for the Notice of Proposed Incorporation and the petition. (See section 6.1.3 above.) The ordinance, as adopted by the Council and signed by the Executive, must be delivered to the Records and Elections Division prior to the forty-fifth day before the date calling for the election. An ordinance adopted by the Council is enacted either: a) Upon adoption as an emergency ordinance or b) When approved by the Executive or ten days after it is presented if it is not vetoed. If vetoed or partially vetoed, an ordinance is enacted on the date the Council overrides the veto or partial veto.
- 6.6.3 The Records and Elections Division Manager shall deliver a copy of the ordinance to the Prosecuting Attorney for certification of the ballot title; shall prepare the appropriate orders of election to implement the ordinance; and shall conduct the election in accordance with Title 29 RCW.
- 6.6.4 When the election results are certified, an election certificate bearing the results shall be prepared and copies delivered to the Clerk: one for the Council files, one for the Boundary Review Board and, if the measure is carried, one to be forwarded to the Petition Initiator. When the newly incorporated city or town is established, a copy should also be sent to the Clerk of the City Council.

7.0 PROCEDURES:

ACTION BY:

ACTION:

Incorporation
Petitioner Initiator
(Petitioner)

- 7.1 Prepares Notice of Proposed Incorporation, including information prescribed in Section 6.1.3.
- 7.2 Prepares an affidavit that he or she is a registered voter.
- 7.3 Submits notice, filing fee and affidavit to the Clerk.

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| Council Clerk | 7.4 | Notifies the Boundary Review Board (BRB) of the proposed incorporation. As soon as possible after filing, forwards copies of the notice to the BRB and to the Manager, Records and Elections Division. Retains original on file. |
| Boundary Review Board (BRB) | 7.5 | Checks notice for completeness. If complete, schedules a public meeting on the proposed incorporation within thirty days of the filing for proponents and other interested parties in or near the proposed new city. |
| | 7.6 | Publishes a public notice regarding the meeting in the official County newspaper at least once ten days prior to the public meeting and, if there is a local community newspaper in the area of the proposed incorporation, publishes the notice at least once in the local newspaper if feasible. |
| | 7.7 | Mails notice to water, sewer, fire and school districts within the proposed incorporation area, to existing cities in the immediate vicinity of the proposed incorporation area, to appropriate County offices and agencies, and as feasible, to the news media. |
| | 7.8 | Holds the public meeting as scheduled in accordance with rules and procedures established by the BRB. |
| Manager, Records & Elections Division | 7.9 | Within one working day after conclusion of the meeting: <ul style="list-style-type: none">a. Provides a sequential identification number for the proposed effort in the form "Incorporation No. . . ."b. Establishes the last date by which the petition must be filed.c. Determines the approximate number of registered voters residing in the proposed incorporation area. |
| | 7.10 | Provides the number, date, and registered voter count to the incorporation initiator(s) with copies to the Clerk of the Council and the BRB. |
| | 7.11 | Prepares the petition form essentially in the format of Appendix 9.1 and as prescribed by the reference in Section 4.2 containing the information from the Notice of Proposed Incorporation and the assigned sequential number. |
| Incorporation Initiator (Petitioner) | | |

- 7.12 Obtains sufficient signatures from eligible registered voters residing in the proposed incorporation area within the time authorized.
- 7.13 Files the signed petition pages with the Clerk of the Council.
- Council Clerk
 - 7.14 Accepts the petition for filing and transmits it to the Manager, Records and Elections Division, within three working days to determine sufficiency of the signatures.
 - 7.15 If incorporation measure passes, files notice with Secretary of State that the city or town is incorporated as of the official date of incorporation.
- Manager, Records & Elections Division
 - 7.16 Establishes the terminal date of the petition and the total number of signatures required for sufficiency upon commencing the canvassing of the signatures.
 - 7.17 Canvasses the signatures of the petition to determine validity and sufficiency.
 - 7.17.1 If sufficient, prepares a certificate of sufficiency and sends via certified mail to the petitioner with copies to the Council Clerk and BRB. Returns the petition to the Council Clerk for temporary retention or disposition as determined by Council rules and procedures.
 - 7.17.2 If insufficient, sends a deficiency notice to the petitioner with copies to the Council Clerk and BRB indicating the deficiency of signatures.
- Incorporation Initiator (Petitioner) 7.18 If petition is sufficient, files formal Notice of Intention to Incorporate with the BRB in accordance with rules and procedures established by the BRB and includes the filing fee.
- Boundary Review Board
 - 7.19 Schedules a public hearing if filing is complete and acceptable. Notifies all interested parties. (See Sections 7.6 and 7.7.)
 - 7.20 Conducts the public hearing, after which it approves, modifies, disapproves or recommends against the proposal.

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| | 7.21 | Files the formal decision with the Clerk of the County Council with copies to appropriate agencies. |
| County Council | 7.22 | Unless disapproved, introduces and passes an ordinance placing the question of incorporation on the ballot at the next prescribed available election date. (See Section 6.6.1 and 6.6.2.) |
| Manager, Records & Elections Division | 7.23 | Places the measure on the specified election ballot and conducts the election as prescribed by law. |
| | 7.24 | If the measure passes, provides certified results to the Clerk of the Council, Assessor, Secretary of State, and others as required. |

8.0 RESPONSIBILITIES:

8.1 Incorporation Initiator (Petitioner) is responsible for:

- 8.1.1 Preparing and submitting Notice of Proposed Incorporation, along with affidavit of registered voter status and filing fee with the Clerk of the County Council.
- 8.1.2 Preparing a presentation describing the incorporation and its effects on residents and presenting it at the public meeting scheduled by the Boundary Review Board.
- 8.1.3 After the public meeting, obtaining the incorporation petition identification number, deadline date for submission, and estimated number of registered voters from Records and Elections, preparing the petition forms and obtaining the appropriate number of valid signatures.
- 8.1.4 Filing the signed petition pages with the Clerk of the County Council.
- 8.1.5 If petition is sufficient, filing formal Notice of Intention to Incorporate with the Boundary Review Board along with prescribed attachments and filing fee, and participating in the scheduled public hearing.

- 8.2 The Clerk of the Council is responsible for:
 - 8.2.1 Accepting the filed Notice of Proposed Incorporation, notifying the Manager, Records and Elections Division, and the Executive Secretary of the Boundary Review Board, and forwarding them copies of the notice.
 - 8.2.2 Accepting the petition for incorporation and transmitting it to the Manager, Records and Elections Division, within three days.
 - 8.2.3 Notifying the appropriate Councilmembers and staff if a certificate of sufficiency for the petition is received.
- 8.3 The Boundary Review Board is responsible for:
 - 8.3.1 Checking the Notice of Proposed Incorporation for completeness, and if found so, scheduling and facilitating a public meeting on the question of the proposed incorporation, sending appropriate notices of the meeting to interested parties.
 - 8.3.2 Upon receipt of a complete and acceptable Notice of Intention to Incorporate, scheduling a public hearing in accordance with RCW 36.93.100, notifying all interested parties.
 - 8.3.3 Holding the public hearing, considering all the pertinent facts related to the proposed incorporation, and rendering a decision.
 - 8.3.4 Providing copies of the BRB's findings and conclusions to all interested parties.
- 8.4 The Manager, Records and Elections Division, is responsible for:
 - 8.4.1 Within twenty-four hours of a public meeting scheduled by the Boundary Review Board, providing to the Initiator (Petitioner) a sequential identification number for the incorporation petition, designating the final day for filing the petition, and identifying the estimated registered voter population of the proposed incorporation area.
 - 8.4.2 Establishing the terminal date of the petition and the total number of signatures required for sufficiency upon receipt of the petition.

- 8.4.3 Canvassing the signatures on the petition and determining sufficiency following procedures of the reference at Section 4.4 and notifying interested parties of the determination.
- 8.4.4 If the petition is approved and an ordinance enacted to place the question of incorporation before the resident registered voters of the area proposed for incorporation, holding the election in compliance with RCW 35.02.078 and Title 29 RCW and certifying the results of the election.
- 8.5 The County Council is responsible for preparing and passing an ordinance to place the question of incorporation before the voters residing in the area proposed for incorporation on the appropriate date called for in law.

9.0 APPENDICES:

9.1 Sample Petition Form

Appendix 9.1 - Special Petition Form

WARNING

Every person who signs this petition with any other than his true name, or who knowingly signs more than one of these petitions, or signs a petition seeking an election when he is not a legal voter, or signs a petition when he is otherwise not qualified to sign, or who makes herein any false statement, shall be guilty of a misdemeanor.

PETITION: INCORPORATION NO. XX

TO: The County Council of King County, Washington

We, the undersigned citizens of King County, Washington, and legal voters of an area of unincorporated King County known as Euphoria, respectfully request that this petition be acted upon in the manner provided for by Chapter 35.02, RCW. And we further state:

1. That the area know as Euphoria, as described herein, be incorporated as a non-charter code city under the council/manager form of government pursuant to Title 35A, RCW, and
2. That the approximate number of inhabitants residing in the area is 15,000, and
3. That the name of the proposed city shall be "Upper Euphoria."

Petitioner's Signature	Petitioner's Printed Name	Residence Address	Zip Code	Date
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