

CHAPTER 197.

[Engrossed House Bill No. 306.]

SEWER DISTRICTS—CONSOLIDATION—MERGER.

AN ACT relating to sewer districts; providing procedure for consolidations and mergers thereof; and adding a new chapter to Title 56 RCW.

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

New chapter.

Section 1. There is added to Title 56 RCW a new chapter to read as set forth in sections 2 through 13 as follows:

Sewer dis-  
tricts—  
Consolidation  
—Authorized  
—Methods.

Sec. 2. Two or more sewer districts, adjoining or in close proximity to and in the same county with each other, may be joined into one consolidated sewer district. The consolidation may be initiated in either of the following ways: Ten percent of the legal electors residing within each of the sewer districts proposed to be consolidated may petition the board of sewer commissioners of each of their respective sewer districts to cause the question to be submitted to the legal electors of the sewer districts proposed to be consolidated; or, the boards of sewer commissioners of each of the sewer districts proposed to be consolidated may by resolution determine that the consolidation of such districts shall be conducive to the public health, welfare, and convenience and to be of special benefit to the lands of such districts.

Petition  
method—  
Signers—Filing—Certificate of  
sufficiency.

Sec. 3. If consolidation proceedings are initiated by petition, upon the filing of such petitions with the boards of sewer commissioners of the sewer districts, the boards of sewer commissioners of all of the districts shall file such petitions with the county auditor who shall within ten days examine the signatures thereon and certify to the sufficiency or insufficiency thereof. If all of the petitions shall be

found to contain a sufficient number of signatures, the county auditor shall transmit them, together with his certificate of sufficiency attached thereto, to the boards of sewer commissioners of each of the districts proposed for consolidation. In the event that there are no legal electors residing in one or more of the sewer districts proposed to be consolidated, the petitions may be signed by such a number as appear of record to own at least a majority of the acreage in the pertinent sewer district, and the petitions shall disclose the total number of acres of land in the sewer district and shall also contain the names of all record owners of land therein.

Sec. 4. Upon the receipt of the county auditor's certificate of sufficiency of the petitions by the boards of sewer commissioners of the districts proposed for consolidation, hereinafter referred to as the "consolidating districts", or upon adoption by the boards of sewer commissioners of the consolidating districts of their resolutions for consolidation, the boards of the consolidating districts shall, within ninety days, enter into an agreement providing for consolidation.

Agreements  
by consolidat-  
ing districts—  
Contents—  
Comprehen-  
sive plan.

The agreement shall set forth the method and manner of consolidation, a comprehensive plan or scheme of sewer supply for the consolidated district and, if such comprehensive plan or scheme of sewer supply provides that one or more of the consolidating districts or the proposed consolidated district issue revenue bonds for the construction and/or other costs of any part or all of the comprehensive plan, then the details thereof shall be set forth.

The requirement that a comprehensive plan or scheme of sewer supply for the consolidated district be set forth in the agreement for consolidation, shall be satisfied if the existing comprehensive plans or schemes of the consolidating districts are incorpo-

Sewer districts  
—Consolida-  
tion.

rated therein by reference and any changes or ad-  
ditions thereto are set forth in detail.

Election—  
Proposition—  
Notice.

Sec. 5. The respective boards of sewer commis-  
sioners of the consolidating districts shall certify  
such agreement to the county auditor of the county  
in which the districts are located. Thereupon, the  
county auditor shall call a special election for the  
purpose of submitting to the voters of each of the  
consolidating districts the proposition of whether or  
not the several districts shall be consolidated into  
one sewer district. The proposition shall give the  
title of the proposed consolidated district. Notice of  
the election shall be given and the election con-  
ducted in accordance with the general election laws.

Rights and  
powers of  
new districts.

Sec. 6. If at the election a majority of the voters  
in each of the consolidating districts shall vote in  
favor of the consolidation, the county canvassing  
board shall so declare in its canvass and the return  
of the election shall be made within ten days after  
the date thereof. Upon the return the consolidation  
shall be effective and the consolidating districts  
shall cease to exist and shall then be and become a  
new sewer district and municipal corporation of the  
state of Washington.

The name of such new sewer district shall be  
“....(name).... Sewer District of .....  
County”, which shall be the name appearing on the  
ballot.

The district shall have all and every power, right  
and privilege possessed by other sewer districts of  
the state of Washington. The district may issue  
revenue bonds to pay for the construction of any  
additions and betterments set forth in the compre-  
hensive scheme and plan of sewer supply contained  
in the agreement for consolidation and any future  
additions and betterments to the comprehensive  
scheme and plan of sewer supply, as its board of

sewer commissioners shall by resolution adopt, without submitting a proposition therefor to the voters of the district.

Sec. 7. Upon the formation of any consolidated sewer district, all funds, rights and property, real and personal, of the former districts, shall vest in and become the property of the consolidated district. Unless the agreement for consolidation provides to the contrary, any outstanding indebtedness of any form, owed by the districts, shall remain the obligation of the area of the original debtor district and the sewer commissioners of the consolidated sewer district shall make such levies, assessments, or charges for service upon that area or the sewer users therein as shall pay off the indebtedness at maturity.

Vesting of property in consolidated district—Outstanding indebtedness.

Sec. 8. The sewer commissioners of all sewer districts consolidated into any new consolidated sewer district shall become sewer commissioners thereof until their respective terms of office expire. When the terms of expiration reduce the total number of remaining sewer commissioners to less than three then the board of commissioners of the consolidated sewer district shall be maintained at the number of three, in accordance with the provisions of RCW 56.12.020 and 56.12.030.

Sewer commissioners—Number.

Sec. 9. Whenever there are two sewer districts, the territories of which are adjoining or in close proximity to and in the same county with each other, either district hereinafter referred to as the “merging district”, may merge into the other districts, hereinafter referred to as the “merger district”, and the merger district will survive under its original number.

Sewer districts—Merger.

Sec. 10. A merger of two sewer districts may be initiated in any of the following ways:

Merger.

Sewer districts  
—Initiation of  
merger—  
Methods.

(1) Whenever the boards of sewer commissioners of both such districts determine by resolution that the merger of such districts shall be conducive to the public health, welfare and convenience and to be of special benefit to the lands of such districts.

(2) Whenever ten percent of the legal electors residing within the merging district petition the board of sewer commissioners of the merging sewer district for a merger, and the board of sewer commissioners of the merger district determines by resolution that the merger of the districts shall be conducive to the public health, welfare and convenience of the two districts.

(3) Whenever the boards determine that the merger of the districts shall be conducive to the public health, welfare and convenience and to be of special benefit to the lands of the districts, they shall enter into an agreement providing for the merger.

Election on  
merging of  
districts.

Sec. 11. The respective boards of sewer commissioners of the districts shall certify the agreement to the county auditor of the county in which the districts are located. Thereupon, the county auditor shall call a special election for the purpose of submitting to the voters of the merging district the proposition of whether the merging district shall be merged into the merger district. Notice of the election shall be given and the election conducted in accordance with the general election laws.

Return of  
election—  
Effect.

Sec. 12. If at the election a majority of the voters of the merging sewer district shall vote in favor of the merger, the county canvassing board shall so declare in its canvass and the return of the election shall be made within ten days after the date thereof. Upon the return the merger shall be effective and the merging sewer district shall cease to exist and shall become a part of the merger sewer district.

The sewer commissioners of the merging district shall cease to hold office and the affairs of the merged districts shall be managed by the sewer commissioners of the merger district.

Sec. 13. All funds, rights and property, real and personal, of the merging district, shall vest in and become the property of the merger district. Unless the agreement of merger provides to the contrary, any outstanding indebtedness of any form, owed by the district shall remain the obligation of the area of the original debtor district and the sewer commissioners of the merger sewer district shall make such levies, assessments, or charges for service upon that area or the sewer users therein as shall pay off the indebtedness at maturity.

Vesting of  
property in  
merged dis-  
trict—Out-  
standing  
indebtedness.

Passed the House February 22, 1967.

Passed the Senate March 6, 1967.

Approved by the Governor March 21, 1967.