

Municipal

Summer 2002

Research News

Municipal Research & Services Center of Washington



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Petition Method of Annexation Unconstitutional Now what?

The state supreme court recently determined that the petition method of annexation to cities is unconstitutional. Since the petition method has been, by far, the most commonly used method of annexation, its legal demise has left many cities with annexation plans scratching their heads, so to speak. The court's decision has also resulted in many inquiries to MRSC asking about other methods of annexation, particularly the election method. So, we thought it might be helpful to provide a general overview of how cities may annex unincorporated territory, sans the petition method. A detailed overview of annexation procedures can be found in our *Annexation Handbook*, at <http://www.mrsc.org/textah.htm>.

Until there is a legislative fix, the basic method of annexation left to cities is the election method. The two other methods – the unincorporated island and the municipal purpose methods – can be used only in limited circumstances, and they will be discussed only briefly at the end of this article. Unfortunately, the election method has some basic drawbacks.

Though it may sound odd to say this, one drawback of the election method is that you need voters to have an annexation election. But, this fact presents a roadblock to annexing property on which no voters live – vacant, undeveloped property or property that is devoted to nonresidential (commercial or industrial) uses. Annexation elections are conducted *only* in the area proposed for annexation. Voters who already live in the city do not get to vote in an

annexation election, and, of course, neither do nonresident owners of property in the proposed annexation area. The ironic result of the state supreme court's decision invalidating the petition method because it grants owners of highly-valued property an unconstitutional privilege is that property owners, regardless of the value of their property, now have no voice regarding annexation unless they live and vote in the area proposed for annexation. So, cities and owners of such property have been thinking of ways around this roadblock, such as moving people onto the property or adding to the proposed annexation area property that already has resident voters and who, presumably, would favor annexation. Without such maneuvers, it is now impossible to annex vacant and nonresidential property, unless one of the other two methods of annexation applies, which is usually not the case.

Another basic drawback of the election method is cost. Elections cost money, and cities are responsible for the entire cost of annexation elections, regardless of the outcome. How much a particular annexation election will cost a city depends on a number of variables, such as how many other jurisdictions have measures being voted on at the same election, how many voters are in those jurisdictions, and how many measures are being voted on. Mail balloting is generally cheaper than conducting an election at polling places, though that method is not available if the measure is being voted on at a primary (September) or general election (November). While it would appear to be more economical for

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Working together for excellence in local government

Web Site Index

For complete information on these topics, go to www.mrsc.org.

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cities to annex larger areas in one election, there is the risk that the voters will reject annexation and cities will get nothing in return for the money they spend. And, these days cities don't have much, if any, funds to put at risk.

So, if a city gets past the issues of having voters on the property and of cost, how does it annex territory by the election method? An annexation using the election method can be initiated in either of two ways. It may be initiated by city council resolution. Or, it can be started by a petition signed by voters in the area proposed for annexation. That petition must contain signatures of at least 10 percent (code cities) or 20 percent (other cities and towns) of the number who voted in the last state general election. An annexation proposed by petition must receive council approval before it may proceed to an election. Both the petition and the resolution must contain certain information, including the boundaries of the proposed annexation area and the number of voters in the area, and certain statements, such as asking for an election on the question of annexation. As in a petition method annexation, the proposed annexation can be linked with a proposed zoning regulation, and the ballot can also include a proposition regarding assumption of city indebtedness. An election method annexation may also ask the voters whether they want to establish a community municipal corporation, which has approval authority over zoning ordinances and comprehensive plan amendments that affect the annexed area.

Election method annexations are subject to review by the boundary review board or, in counties without such a board, are reviewed by either a county annexation review board (code cities) or an "ad hoc" annexation review board. Being "subject" to boundary review board review does not mean that a boundary review board will actually review a proposed annexation. It may not do so unless its jurisdiction is invoked by an affected local government, such as a county or a fire protection district, or by property owner or voter petition. If board jurisdiction is not invoked, the annexation is deemed approved by the board. An annexation of less than 50 acres or of less

than \$2 million in assessed value is exempt from review, except in counties with a boundary review board.

Review board approval is necessary for the proposed annexation to proceed to an election, unless the annexation is exempt from board review. In non-code city annexations, the board of county commissioners must, after review board approval, hold a hearing on the proposed annexation to determine if the petition "complies with the require-

“Until there is a legislative fix, the basic method of annexation left to cities is the election method... Unfortunately, the election method has some basic drawbacks.”

ments of law.” Presumably, this hearing before the county commissioners is merely a formality.

The next step is for the city council to choose the election date. It does so by indicating its preference to the county auditor, and that preference must be for one of the statutory special election dates (in February, March, April, May, September, or November) that is more than 60 days after the city indicates its preference. The county auditor is required to call for an election to be held on the date indicated by the city.

A simple majority vote is all that is needed to approve an annexation proposal. If the issue of assumption of indebtedness is included as a separate proposition, that proposition must be approved by 60 per-

cent of the voters, with a minimum turnout of not less than 40 percent of those who voted at the last general election. If the annexation is approved by a majority of the voters but the indebtedness proposition is not approved, the city council may refuse to annex the property. If the indebtedness proposition is combined with the annexation proposition, the combined measure must also be approved by 60 percent of the voters with a minimum number of votes not less than 40 percent of those from the last general election. However, if the combined proposition receives only a simple majority vote, the city council may accept the annexation without the assumption of indebtedness. A proposition to create a community municipal corporation is approved by a simple majority vote.

If the annexation is approved by the voters, the city council must adopt an ordinance providing for the annexation and also, if appropriate, for adoption of the proposed zoning ordinance and for the assumption of indebtedness. The annexation is effective on the date set out in the annexation ordinance. The city must comply with certain notice requirements, both to the state and to the county, concerning the change in city boundaries. The timing of these notices can have an effect on when the city begins receiving tax revenues from the annexed area.

As noted above, there are two other methods of annexation – the unincorporated island and municipal purpose methods – that are available in limited circumstances. The unincorporated island method is available when there is territory that has at least 80 percent of its boundaries contiguous to the city. The territory must be less than 100 acres, or it can be of any size if the area existed before June 30, 1994, if it is in the same county and urban growth area, and the city was planning at that time under the Growth Management Act (GMA). Under this method, the city council passes a resolution to annex the territory, it holds a public hearing, and then it adopts an ordinance providing for the annexation. The ordinance may also provide for assumption of indebtedness and adoption of a proposed zoning regulation. The ordinance

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is subject to a 45-day referendum period, during which a petition signed by 10 percent of the number of voters who voted in the last general election may be filed. If a sufficient referendum petition is filed and the issue goes to an election, the annexation is approved, or defeated, by a simple majority vote.

The municipal purpose method may be used in code cities when the territory is owned by the city and in non-code cities when the territory is either owned by the city or when all the property owners consent, and, for all cities, where the area is to be used for a "municipal purpose," such as a park, watershed, jail, etc. The property need not be contiguous to the city, although it must be within an urban growth area if the city is in a GMA county. The process is a simple one, requiring only a majority vote of the council.

Given the limitations of all three of these annexation methods, we hope the 2003 legislature will adopt a new, improved, petition method of annexation that the state supreme court will accept as being constitutional. By creating the petition method of annexation in 1945, the legislature provided a needed alternative to the election method. As Justice Madsen notes in her dissent to the court's decision invalidating the petition method, "a municipality is severely handicapped by the election method, and without an alternative method would be 'unable to deal with the people living just outside the city, enjoying its advantages without having to pay for them [quoting from an Arizona court decision].'" But, until the legislature acts, if it ever does, cities will have to depend primarily upon the election method as the means of adding territory.▶

By Bob Meinig
Legal Consultant
Municipal Research & Services Center

MRSC IS RELOCATING

Municipal Research & Services Center will be moving to a new Seattle location. We have been located in the IBM building in downtown Seattle for the past seven years. Our present lease will expire at the end of July and, due to the rising cost of rent at our present site, we are "movin' on."

After an extensive search, we have chosen an office site at Fourth & Vine, several blocks north of our present location. The actual move will occur over the weekend of **July 27-28**. Our plan is to relocate with a minimum of service disruption. There may be some disruption of our services on **Friday, July 26**, and possibly on **Monday, July 29**. However, our intent is to be operational by Monday morning, with business as usual. We ask that you plan accordingly.

Our new address will be:

**2601 Fourth Ave, Suite 800
Seattle, WA 98121-1280**



Our phone and fax numbers will be the same:

**(206) 625-1300 • (800) 933-6772
(206) 625-1220 Fax**

And, of course, our Web site address is:

www.mrsc.org

We are looking forward to being in our new home. If you're ever "in the neighborhood," drop by; we would be delighted to show you around our new quarters.

MRSC Welcomes New Web Developer

Don Edlin joined MRSC in March in the capacity of Web Developer/E-government Specialist. As a member of MRSC's Web team, Don is responsible for Web application and database programming. Watch for many new features on the MRSC Web site in the coming months. Don will also work with Fred Ward to assist local governments in implementing their own e-government programs. A graduate of Whitworth College, Don has worked for Safeco, Internet start-up companies, and, most recently, for Boeing.

Siting Secure Community Transition Facilities

Deadline September 2002

In 2001 and in 2002, the Growth Management Act was amended to require that cities and counties establish a process and adopt regulations for the siting of secure community transition facilities (SCTFs). "Secure community transition facility" (SCTF) is the statutory name for a less restrictive alternative living arrangement (less restrictive than total confinement) operated or contracted by the Washington State Department of Social and Health Services (DSHS). As stated in RCW 71.09.020, "a secure community transition facility has supervision and security, and either provides or ensures the provision of sex offender treatment services." The program offers 24-hour intensive staffing and line-of-sight supervision by trained escorts when residents leave the facility.

SCTFs are considered "essential public facilities," and local comprehensive plans or development regulations may not preclude the siting of "essential public facilities." As a result of the 2002 amendments, RCW 36.70A.200 sets a deadline of September 1, 2002 for establishing a process and adopting regulations for the siting of SCTFs. This deadline applies to all cities and counties whether or not they are fully planning under the Growth Management Act. This deadline is different from the dates for updating comprehensive plans to comply with new critical areas and other growth management requirements.

Although there are no fiscal penalties for failing to complete the mandated planning, six counties and their cities are subject to preemption by the state: Clark, King, Kitsap, Snohomish, Spokane, and Thurston counties and their cities. These six counties and Pierce County have a least five residents in the Special Commitment Center for sexual offenders at McNeil Island Corrections Center. However, Pierce County is exempt from the preemption requirement because it is the site of a 24-bed SCTF on McNeil Island. If DSHS decides to site a SCTF in any of the preempted jurisdictions, the department will consult

with the local government and attempt to follow local procedures and practices. However, if the jurisdiction fails to comply with the deadline of September 1, 2002 for establishing siting regulations for SCTFs, the state can supersede local development regulations and plans in order to site, construct, and operate the SCTF.

The new law also provides that no person may bring a cause of action for civil damages based on the good faith actions of any county or city to provide for the siting of SCTFs. The law also amends the siting criteria for SCTFs, and a recommended average law enforcement response time not greater than five minutes has been eliminated from the siting guidelines.

There is no model ordinance available for the siting of SCTFs; however, MRSC is collecting sample policies as they become available, and these will be posted on MRSC's Web site. Copies also may be requested from our library. State regulations recommend that local governments take a cooperative, inter-jurisdictional approach in planning for essential public facilities of a countywide, regional, or statewide nature that are difficult to site.

For further information, see the Washington State DSHS Special Commitment Center Web page at <http://www.wa.gov/dshs/geninfo/sccoverview.html>. This Web page includes information on SCTFs, including "Frequently Asked Questions about the DSHS Special Commitment Center and Requirements for Siting Secure Community Transition Facilities." If you have additional questions, contact Elaine Taylor, Land Use Administrator for SCTFs Special Commitment Center/Lands and Buildings, DSHS, at (360) 902-8184 or TAYLOEA@dshs.wa.gov.■

Resignation from Public Office

A court of appeals decision has clarified when an official's resignation from an elective public office is effective. The court in *Munroe v. City of Poulsbo* held that the vacancy occurs upon the effective date of an elected official's resignation; acceptance of the resignation is not required to create a vacancy.

The facts of the case:

Poulsbo Councilmember Munroe's participation at a land use hearing was challenged by a member of the public. In response, the councilmember stepped down from the council, stating "You can take this as my formal resignation from the Council." Asked by another councilmember if she was actually resigning from the council, Councilmember Munroe stated "That's right," and left the meeting. The following day Ms. Munroe returned her key and city code book to city hall. Later, however, Ms. Munroe decided her resignation was a mistake and sought to withdraw it. The city attorney advised that the resignation was effective immediately and could not be withdrawn. Over Ms. Munroe's objection, the city council interviewed candidates and appointed a person to fill the vacancy. Ms. Munroe then filed a lawsuit arguing, among other things, that she could withdraw her resignation until it had been accepted by the council.

Under the common law, recognized by the Washington courts in a 1907 decision, a resignation required an acceptance before it would be effective and create a vacancy. So, until the elective body accepted a resignation, the resignation could be withdrawn, and the elected official could continue in office. The court in *Munroe*, however, noted that the state statute relating to vacancies in office was amended in 1981 so that now a vacancy occurs "upon the effective date of the resignation." (RCW 42.12.010(2)) Since Councilmember Munroe's announced resignation was effective immediately (she did not state, for example, "I am resigning effective next Tuesday") a vacancy was created upon her

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ASK MRSC

Summaries of recent inquiries answered by MRSC consultants

Jails • Does a city have authority to contract for overflow jail facilities with a county other than the one in which it is located?

Yes, as of June 13, 2002. The 2002 legislature, in SHB 2541 (Chapter 125, Laws of 2002), amended the first sentence of RCW 70.48.090 to read: "Contracts for jail services may be made between a county and a city, and among counties and cities." Formerly, this language read: "Contracts for jail services may be made between a county and city located within the boundaries of a county, and among counties."

Meeting Cancellations • Does the mayor have the authority to cancel a regular or special meeting?

Probably not, although there is no statute that addresses canceling a meeting and how it can be done. While the mayor or a majority of the council may call a special council meeting (RCW 42.30.080), this does not mean conversely, that the mayor by him- or herself would have the authority to cancel a meeting. On the other hand, it would appear self-evident that a council majority should be able to cancel a meeting.

Military Leave • If a firefighter is called into active military service and returns in one year, does he go back to the job he left or to the job he likely would have been in had he not left for military service?

Under the Uniformed Services Employment and Reemployment Rights Act, the firefighter would return to the job he likely would have been in had he not been called into service, if he is qualified for the position or could become qualified for the position after reasonable efforts by the city. (See 38 USC 4313(2).) If, after reasonable efforts, the person is not qualified, he would be returned to the position held when he left for military service.

Pay Rate • What rate of pay should be paid to a person who works two different jobs for a public entity and, in the process, works overtime?

A nonexempt employee who performs two or more different kinds of work for the same employer is typically paid on the weighted average hourly rate earned during the work week. (29 CFR 778.115) Alternatively, an employee may agree with the employer in advance that he/she will be paid overtime for the type of work that is performed during the overtime hours. (29 CFR 778.419)

However, when local government employees, at their option, work "occasionally or sporadically on a part-time basis" for the same government in a capacity different from their regular employment, the hours worked in the different job do not have to be combined with the regular hours for the purpose of determining overtime liability. (29 USC 207(p)(2)) "Occasional or sporadic" means infrequent, irregular, or occurring in scattered instances. (29 CFR 553.30(b)(1)) The federal Department of Labor has determined that hours worked will be excluded only if the occasional or sporadic assignment is not within the same general occupational capacity as the employee's regular work. (29 CFR 553.30(c)(3))

Public Art • What is the state requirement to fund art for new or remodeled government buildings?

The statutory requirement for funding art for new government buildings applies only to state buildings and is set at one-half of one per cent. (RCW 43.17.200) The requirement does not appear to apply to remodeled buildings.

However, a number of cities and counties have established their own requirements for art in new public buildings. But these requirements are not based on the above referenced statute.

Public Disclosure • Are the names of finalists for a city manager position open to public inspection?

No. RCW 42.17.310 exempts from public inspection and copying all applications for public employment, including the names of applicants, resumes, and other related materials.

Sale of Property • When a city appraises its property for purposes of sale, should the appraisal be based on the current zoning of the property or based on what the property could or might be rezoned to?

The only legal authority that deals with this issue is in the context of condemnation, which should be applicable, although a city should have somewhat more flexibility when selling property. In the condemnation context, the value of property is normally limited to the uses for which it is available under existing zoning regulations. (*Bellevue v. Kravik*, 69 Wn. App. 735, 738 (1993)). However, this general rule is subject to an exception "when a particular use of the property, to which it is adapted, is prohibited or restricted by law, but there is a reasonable probability that the prohibition or restriction will be modified or removed in the near future." (*State v. Motor Freight Terminals, Inc.*, 57 Wn.2d 442, 443 (1960); see also *Bellevue v. Kravik*, 69 Wn. App. at 738-39). So, if there is a reasonable probability that the city will rezone the property in the future, that fact should be taken into account in appraising the property for sale.

Sign Regulation • May a city or county restrict commercial signs to commercial messages only?

No. In *Desert Outdoor Advertising v. City of Moreno Valley*, 103 F.3d 814 (9th Cir. 1996), the Ninth Circuit Court of Appeals held a sign ordinance to be unconstitutional where it limited on-site signs to commer-

cial messages, while allowing both commercial and non-commercial messages on off-site signs. See also, *Metromedia, Inc. v. San Diego*, 453 U.S. 490, 513 (1981). It is unconstitutional to impose greater restrictions on noncommercial signs than on commercial signs. See, generally, McQuillin, *Municipal Corporations*, § 24.381.

Taxation of Direct Broadcast Satellite (DBS) Services • May a city tax the monthly fee paid by subscribers to satellite broadcast services?

No. Section 602(a) of the Telecommunications Act of 1996 preempts all local government taxation of DBS services, except for sales of equipment, such as satellite reception dishes. ▀

How to "Ask MRSC." Assistance from MRSC may be obtained by **Phone** (206) 625-1300 or 1-800-933-6772 for long-distance calls; **Letter** 1200 5th Avenue, Suite 1300, Seattle, WA, 98101-1159; **Fax** (206) 625-1220; or **E-mail** mrsc@mrsc.org. Telephone inquiry service is available from 8:00 a.m. to 5:00 p.m. If a consultant is not immediately available, you can record a detailed request on voice mail 24-hours a day, and a staff member will call back as soon as possible.

Rosters MRSC Us!

Small works rosters, consultant rosters, and vendor lists are necessary evils for local government agencies in Washington State. Almost all agencies use these procurement lists in one form or another. Municipal Research and Services Center, in partnership with the *Daily Journal of Commerce*, will soon offer local governments electronic rosters and vendor lists.

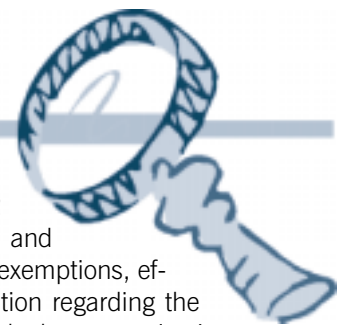
Records will be in a master statewide database that will be searchable on a county or county sub-area basis. The "Roster" Web page will provide electronic forms that will enable contractors, consultants, and vendors to register quickly and inexpensively and then revise their information as needed.

Agencies across the state will be able to search and download lists of eligible contractors, consultants, and vendors in a county, a county sub-area, or a group of counties for further consideration. The agency would then notify eligible contractors, consultants, and vendors of solicitations by sending requests for quotes or proposals (RFQs/RFPs) directly to them.

Local agencies will benefit by having uniform work types; access to a larger number of contractors, consultants, and vendors; and reduced staff time and filing cabinet space to maintain these lists. Contractors, consultants, and vendors will realize very real benefits and cost savings by having to submit only one application to be considered by several agencies in a countywide area

Please call MRSC's Public Works Consultant, John Carpita, at (206) 625-1300, or email him at jcarpita@mrsc.org for more information. ▀

New Exemptions from Public Inspection



SSB 6439, Chapter 335, Laws of 2002 adds exemptions from public inspection and copying to RCW 42.17.310. These new exemptions, effective June 13, 2002, relate to information regarding the infrastructure and security of computer and telecommunications networks. Exemptions consist of security passwords, security access codes and programs, access codes for secure software applications, security and service recovery plans, security risk assessments, and security test results to the extent that they identify system vulnerabilities. See RCW 42.17.310(1)(ww)(i) and 42.17.310(1)(aaa). ▀

HEADS UP

Emerging information for local government

Return of Two Way Streets

Converting some one-way streets back to two-way is receiving consideration among planners. Depending on local circumstances, two-way streets can enhance a neighborhood's environment and reduce speeds to levels that are more compatible with pedestrian traffic. Also, a "busy" street can be an indicator of a healthy business environment. Cities that have either converted some streets or are considering conversion include Austin, Baltimore, Berkeley, Oakland, Columbus, and Edmonton. ("*Way to Go: Converting Streets to Two-way has its Advantages*," Downtown Idea Exchange, May 1, 2002; *Sacramento Two Way Conversion Study* at <http://www.pwsacramento.com/traffic/centralpurpose.html>.)

Rethinking Parking Requirements

For the past half-century, planners have been specifying minimum parking standards for different land uses to insure adequate parking for all cars that are projected to drive to a site. There is a new trend. More than 30 cities have adopted *maximum* parking standards on a region-wide basis, including Portland and neighboring cities. Maximum parking requirements have a limiting effect on the number of automobile trips, persuading people to use alternative transportation such as carpools, transit, bicycles, and walking. It is also seen as a tool to bolster transit-oriented development. ("*Putting on Their Parking Caps*," Planning, April 2002.)

Tourism – Experience Washington

The Washington State tourism office has launched a new Web site, *ExperienceWashington.com*. Visitors to the site are initially asked to choose a region they would like to explore and are then taken on a graphic-based tour of information. Each community in Washington has the opportunity to provide information on community activities, attractions, and other major visitor highlights.

Tourism – Promotional Post Cards

The city of Federal Way's Lodging Tax Advisory Committee and the Federal Way Chamber of Commerce have embarked on a tourism-promotion project to create and distribute scenic and/or venue-oriented postcards from Federal Way. The committee and chamber hope to produce six to eight postcards, including photographs taken by Federal Way residents. A \$200 honorarium will be awarded to the originator of each selected photograph. The postcards are to be on racks throughout the city by July, when residents and visitors can purchase and send them throughout the country and the world.

Cities Providing Services through eCityGov.net

Several King County cities have collaborated through the e-Gov Alliance to provide services through the Internet on *eCityGov.net*. The Alliance is composed of cities within King County partnering together to provide online services and information to their customers.

MyBuildingPermit.com is the collaborative effort of Bellevue, Issaquah, Kirkland, and Mercer Island to provide a unified approach to building processes and services. The Web site is being developed in phases. Phase 1 is the information-only phase and provides construction tip sheets, inspection checklists, links to resources and contacts, and lists of events and seminars. In Phase 2, applicants can register for, apply for, pay for, and receive permits - electrical, mechanical, and plumbing permits fairly limited in scope and typically not requiring plan review by city staff. Subsequent phases will include additional cities and/or counties and additional permit types and functions - such as inspection requests, permit status, and other services.

On *MyParksAndRecreation.com*, Bellevue, Bothell, Issaquah, Kirkland, and Mercer Island have created a central gateway to activity registration, facility

reservations, and related services. This site is also being developed in phases. Phase 1 provides access to activity brochures, information on activity registration, facility reservations, and related policies, as well as links to other resources and contacts. General information on parks, facilities, trails, and special events in the area is also provided. Phase 2 will provide advanced capabilities, enabling the completion of online registration and payment for activities in all five cities. Phase 3 will enable online facility reservations, deposits, and online payments of fees. Subsequent phases will include additional cities and/or counties and additional activity registration and facility reservation functions.

Pipeline Safety Reminder

Pipelines raise issues involving the safety of those living or working in proximity to them. As franchises come up for renewal and new pipelines are proposed, remember that MRSC has information available on our Web site, including a model franchise and setback recommendations. The issues are sometimes complex, but need to be addressed. Avoiding the issues may put your residents at risk.

Honors Noted

Tukwila was honored by the National Wildlife Federation as the first community in Washington State, and the fourth nationally, to be certified as a Community Wildlife Habitat. The Seattle area Lakes-to-Locks Water Trail recently received the National Park Service's "2002 National Park Partnership Award in Recreation." Trail partners include the cities of Seattle, Renton, Mercer Island, Issaquah, Bellevue, Redmond, Woodinville, Bothell, and Kirkland and King County, Washington State Parks, Washington Department of Fish and Game, the Port of Seattle, and the Army Corps of Engineers. The water trail includes more than 100 miles of shoreline and a chain of 100 launch and landing sites. ■

WEB TALK

News and information about www.mrsc.org

What's New?

See our new page on best practices in local government programs and management. A number of organizations have made a special effort to identify and collect information about successful local government programs and management practices. The page also contains links to several local government awards programs - excellent sources for best practices information. Please send us information about any innovative or cost-savings programs you have implemented in your city, town, or county.

We have also added a page on sources of economic and demographic information by county that lists information sources for the county, and for cities and towns within the county. The page lists major organizations providing economic development services: port districts, economic development councils, districts, and chambers of commerce.

Both of these new pages can be found on the "Governance" Web page.

How Do I?

To locate a court decision on the MRSC Web site:

1. Go to www.legalwa.org.
2. By default, you will search on the full text of the Washington State Supreme Court (1939-) and appellate court (1969 -) decisions.
3. By using the checkboxes, you can restrict your search to either supreme or appellate court decisions, and you can limit your search to case titles only.
4. See the online search tips to learn how to search by phrase or to locate terms within a specified number of words of one another.

Please note that these decisions are the final official opinions as published in the bound volumes.

What's Coming?

Over the summer, we will be updating the look of our site and improving the navigation options. We will also be adding ways for you to set up your own MRSC links on our home page and to receive e-mail update notices by topic (e.g., growth management, planning, annexation, etc.). We have now completed the online business license payment pilot with the cities of Federal Way and SeaTac, and we will be expanding the project to include other cities for the 2003 renewal year. We are hoping to develop a master contract on behalf of local governments for use of the state's payment services that will be less expensive than individual contracts.

If you have your city or county code posted on the MRSC Web site, please be sure to have it converted from the old Folio format to HTML or PDF for use with our newer search system. We will be discontinuing support of Folio on our Web site on August 31, 2002. As of May, about 40 cities and counties had not yet converted their codes. ▀

Resignation from Public Office continued from page 5

statement, and she was then unable to withdraw the resignation at a later date. The council's vote to fill the vacancy was valid.

For additional information see *Munroe v. City of Poulsbo*, Court of Appeals Docket No. 27002-1-II, decided January 4, 2002, <http://www.courts.wa.gov/opinions/opindisp.cfm?docid=270021MAJ>. ▀



LIBRARY LISTINGS

New resource materials now available

New Acquisitions

This list contains new publications, ordinances, and other materials recently received by the MRSC library. We also prepare a more comprehensive list of new acquisitions each month which is posted on our Web site at www.mrsc.org/library/newacq.htm. If you would like to borrow one or more of these publications, please contact Sarah Sordt in our library at (206) 625-1300.

▼Construction

Smart Codes in Your Community: A Guide to Building Rehabilitation Codes, prepared by Building Technology, Inc., prepared for the Department of Housing and Urban Development Office of Policy Development and Research, 2001

Partnerships in Communities: Reweaving the Fabric of Rural America, by Jean Richardson, 2000

Saving Face: How Corporate Franchise Design Can Respect Community Identity, by Ronald Lee Fleming, 2002

▼Finance

The Fundamentals of Municipal Bonds, by Judy Wesalo Temel, 2001

▼Public Safety

"Longview Fire Department-Cowlitz 2 Fire Rescue Consolidated Fire Protection Feasibility Study," prepared by Emergency Services Consulting Group, 2000

▼Governance

"City Council Rules of Procedure," City of Federal Way, Washington, 2002

Managing the Threat of Terrorism, by David A. McEntire, 2001

Trust and Government (video recording), produced by TVW with support from the Office of Superintendent of Public Instruction, directed and written by Mike Bay, 2001

▼Public Works and Utilities (Water)

The Water Board Bible: The Handbook of Modern Water Utility Management, by Ellen G. Miller and Elmer Ronnebaum, 1995

Under the Influence: Spokane, the Cowles Family and River Park Square, by Tim Connor and Larry Shook, 2001

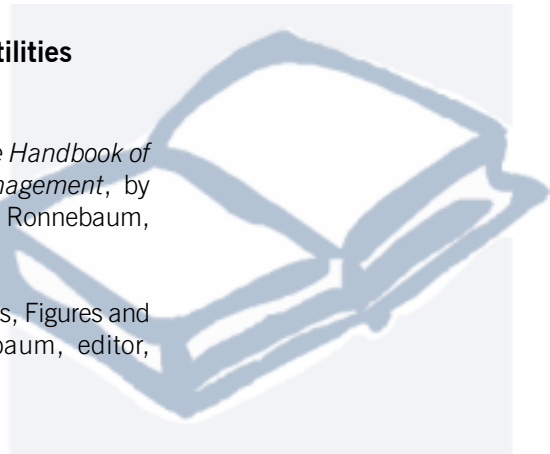
"Operator's Handbook: Facts, Figures and More," by Elmer Ronnebaum, editor, 2000

▼Personnel

"Law Enforcement Officers' and Fire Fighters' (LEOFF) Disability Board Policy and Procedure Manual," 2002-2003, City of Auburn, 2002

▼Planning and Land Use

How Cities Work: Suburbs, Sprawl, and the Roads Not Taken, by Alex Marshall, 2000



Resource Sharing

The *Information Partnership Program* seeks and collects current materials from Washington local governments. The materials received provide answers and support to the challenges faced by cities and counties every day. You may order the materials below by contacting the MRSC library at (206) 625-1300 or 1-800-933-6772 or e-mail us at mrsc@mrsc.org. Due to space limitations, the list below may not be complete. A comprehensive list of IP materials received may be requested from the library or viewed on our Web site at www.mrsc.org/library/rshare.htm.

▼Fixed Asset Inventory Consultants

Walla Walla Asset Valuation Services, Lynnwood, WA (G 9.5200)

▼Pole Attachment Agreements

Auburn Resolution No. 3110, authorizing execution of pole attachment agreement with Puget Sound Energy, 7 p., 1999; Coulee Dam General agreement for joint use of wood poles with PUD No.1 of Grant County, 5 p., 2001 (U 9.0000)

▼Job Descriptors for Public Works Directors

Anacortes Director of Public Works, 4 p., 2000; Auburn Public Works Director, 3 p., 1997; Benton City Maintenance/Utility Foreman, 4 p., nd; Camas Public Works Director/City Engineer, 4 p., 1999; Coulee Dam Public Works Supervisor, 2 p., nd; Dayton Public Works Supervisor, 2 p., nd; Des Moines Director of Public Works, 4 p., 1996; DuPont Director of Public Works/Building Official, 4 p., 2001; Ellensburg Director of Public Works, 4 p., 1996; Everett Utilities Director, 3 p., 2001; Kennewick Director of Public Works, 2 p., 1992; Leavenworth Director of Public Works, 3 p., nd; Olympia Public Works Director, 2 p., 1995; Omak Public Works Director, 5 p., nd; Port Angeles Director of Public Works and Utilities, 1 p., 1998; Sammamish Director of Public Works, 3 p., 2001; Spokane Director of Public Works and Utilities, 2 p., nd; Walla Walla Director-Public Works, 5 p., 2001 (PE 11.7700)

▼Contracts for Hazardous Waste Cleanup

Everett Demolition and site remediation for Everett Station, 62 p., 1999; Spokane Finch Arboretum – asbestos abatement, 19 p., 1996 (EN 9.5000)

▼Vehicle Impoundment – Forms

Coulee Dam Chapter 10.20, Impoundment of Vehicles Involving DUI, 3 p., 2000; Everett Chapter 46.10, Vehicle Removal, 2 p., 1999; Grand Coulee Chapter 10.12, Vehicle Impoundment, 4 p.; Vehicle impound authorization for release, instructions and example, 4 p., 2000; Kennewick Ordinance No. 3908 relating to impounding of vehicles, 2 p.; Vehicle impound sheet, 1 p., 1999; Sammamish Ordinance No. 02001-82, vehicle impoundment upon arrest of driver for driving while license suspended or revoked, 7 p., 2001; Spokane Section 16.20.342, Driving while license invalidated – Penalties – Extension of invalidation, 2 p., 2000 (T 3.2200)●

See You at the AWC Conference!

Be sure to look for MRSC's booth in the exhibit hall and our Web display near the conference registration desk at the **AWC Conference** in **Yakima, June 19-21**. It's a great opportunity



to learn more about our research and services programs and meet with MRSC staff members. During the exhibit, we'll also be holding several book drawings as well as a Grand Prize Drawing for the ultimate "Local Government Official's Survival Kit."

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