

## **ANNEXATION PROCESS FOR NON-CODE CITIES IN PIERCE COUNTY**

### **Election Method Initiation by Voters**

RCW 35.13.020-.120 is the State law that describes the process for the election method of annexation for all non-code cities. This process is outlined below with the procedural steps for the Boundary Review Board (BRB) (RCW 36.93) inserted where appropriate.

1. Prior to submittal of the petition, the proposed legal description (from point of beginning around the perimeter and back to point of beginning) and 2 copies of Pierce County Assessor-Treasurer 1/4 section maps (200 scale) indicating the boundaries should be submitted to the Chief Clerk of the BRB for pre-review. County staff will review proposals to help cities avoid, in part: overlapping boundaries, gaps or islands, split parcels, and use of right-of-way centerlines (which are prohibited unless the other half has already been annexed). County staff will provide city staff with comments about any corrections that may be necessary before city council approval. A correct legal description must be part of the resolution adopted by the city council, not just changed by city staff.
2. A petition (contents described in RCW 35.13.030) signed by 20% of registered voters who voted at the last election is submitted to the BRB Clerk who forwards it to the County Auditor for certification (the law says it's submitted to the Prosecuting Attorney, but our Prosecuting Attorney does not have the means to certify petitions, so they're sent to those who do). The Auditor has 21 days to certify the petition.
3. If the petition is sufficient, within 60 days, the city council shall by resolution approve or reject the petition and notify the petitioners of its approval or rejection of the annexation. It may also determine:
  - Whether it will require simultaneous adoption of a comprehensive plan; and
  - Whether it will submit to the voters a proposition to assume all or any portion of city indebtedness by the area to be annexed.
4. Within 180 days, the city files a Notice of Intention (submittal requirements attached) with the Boundary Review Board. If the Chief Clerk of the BRB determines that the Notice of Intention is incomplete in any respect, no filing date will be assigned until corrections are made or additional materials received. An affected agency or citizens, pursuant to RCW 36.93.100(3), have 45 days to request a public hearing before the BRB. If the 45-day period passes without such a request, the annexation is deemed approved by the Board. If there is a request for hearing, the Board must hold a hearing within 120 days of the request (an extension may be granted through an agreement with the city). It may approve, approve with modifications, or deny the annexation. The Board's decision is appealable within 30 days to Superior Court. If the BRB denies the annexation, no further action (election) shall be taken and no proposal for annexation of the same territory shall be initiated for 12 months.

5. If the annexation proposal is approved or approved/modified by the BRB, the County Council must, within 2-4 weeks, hold a hearing and grant the petition for an election if it meets legal requirements.
6. The city council notifies the County Auditor of its preference for a special election date that is 60 days or more after that notification.
7. If the majority of votes cast are in favor of the annexation (and simultaneous adoption of a comprehensive plan, if applicable), the annexation is deemed approved. If the issue of assumption of indebtedness is also included as a separate proposition, that proposition must be approved by 60% of the voters with a minimum number of votes not less than 40% of those from 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% of the voters with a minimum number of votes not less than 40% 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.
8. The County Auditor transmits certified election results to the County Council and city clerk. If annexation is approved, the city council must adopt an ordinance annexing the territory (and adopting the comprehensive plan and assuming indebtedness, if applicable). The final ordinance contains the effective date of the annexation and legal description of the annexation area.
9. The city must send a certified copy of the final ordinance to the County Council and to the Chief Clerk of the BRB, who will notify various affected agencies of the boundary change. The city must also file with the State Office of Financial Management the certificate required by RCW 35.13.260 within 30 days of the effective date specified in the ordinance (note other requirements). The city is encouraged to record the annexation ordinance with the Pierce County Auditor.