

## Incorporation Process for Cities in Spokane County

The statutes guiding new incorporation proceedings in the State of Washington are described in the Revised Code of Washington (RCW) 35 and 35A. The role of the Boundary Review Boards in the incorporation process is outlined in RCW 36.93. The necessary legal steps for the incorporation of a new city under 35A.02 for a non-charter code city with a population over 7,500 in the State of Washington are outlined below:

1. The person proposing the incorporation shall file a notice with the county legislative authority, a one hundred dollar filing fee, and an affidavit stating that he or she is a registered voter residing in the proposed city. The notice shall include:
  - Type of city proposed.
  - Form of government proposed.
  - Legal description of the proposed boundaries.
  - Proposed name of the new city.
  - Estimated population of the new city.
  - Official request for incorporation.
2. The County Commissioners shall promptly notify the Boundary Review Board.
3. The Boundary Review Board shall hold a public meeting in the proposed incorporation area within 30 days of notification by the County to allow persons, both in favour of and opposed to the incorporation, an opportunity to state their views.
4. Within one working day after the public meeting, the County Auditor shall provide an identification number for the incorporation proposal. This is to be included on the petition to be circulated by the proponent. The boundaries and other matters on the petition may be different from those originally filed with the County Commissioners.
5. A petition for incorporation is submitted to the County Auditor for validation within 180 days of the public meeting. The number of signatures on the petition must be at least 10% of the voters registered within the proposed incorporation area. The petition must include the same items that are listed above.
6. The County Auditor notifies the County Commissioners that the number of signatures on the petition is sufficient.
7. A Notice of Intention for incorporation is submitted to the Boundary Review Board, declared sufficient, and filed. The jurisdiction of the Boundary Review Board is also invoked.
8. The Boundary Review Board distributes the Notice of Intention to affected governmental agencies for their review. At this time, the Board commissions a study of the incorporation proposal.
9. The Boundary Review Board holds one or more public hearings on the proposal, reviews the factors and objectives required by state law, insures consistency with the Growth Management Act, and then decides to approve the proposal, modify it by increasing or decreasing the land area, or recommend against the proposal. The Board then files its written decision. There is an appeal period of 30 days following the filing of the written decision.

10. The Board shall, if necessary, determine the division of assets and liabilities between two or more governmental units and determine whether, or the extent to which, functions of a special purpose district are to be assumed by the newly incorporated city, an adjacent city or another special purpose district.
11. The County Commissioners set the incorporation proposal for the next regularly scheduled general election, at least sixty days from when the Boundary Review Board's written decision is filed, to be voted on by registered voters in the proposed incorporation area.
12. If the new city is approved by a majority of voters within its proposed jurisdiction, the new city has between 180 and 360 days to incorporate. At least 60 days after the election on incorporation, a primary election for city officials will be held. Candidates may file for office 30 to 45 days prior to this primary election. If more than 60% of the votes are against incorporation, another election for incorporation of any portion of the area cannot be held for three years. If the new city is less than 7,500 people, the new city is liable for a proportionate cost of all elections after the incorporation election (RCW 35.02.125).
13. The final election of city officials is to be held at least 30 days after the certification of the results of the primary election.
14. An interim period exists between the time the new city officials are elected and qualified and the official date of incorporation. During this interim period, the newly elected officials are authorized to adopt ordinances and resolutions, enter into contracts and agreements, issue tax or revenue anticipation notes or warrants, and submit ballot propositions to the voters to authorize taxes or annexation by a fire protection district or library district. However, these cannot become effective until on or after the official date of incorporation. The new city may acquire needed facilities, supplies, equipment, insurance, and staff as if they were in existence.
15. After the transition period of 180 to 360 days elapses, the new city officially incorporates.