

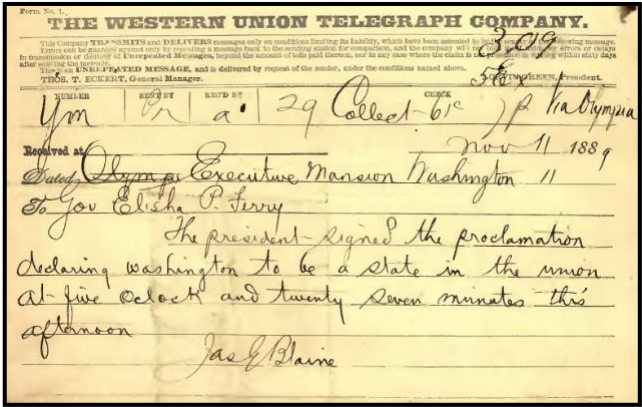
# Part one — Tracing our roots: Origins of local government in Washington



# Constitution



# 1889 Washington Statehood



Article XI, section 11 of the Washington Constitution provides that “[a]ny county, city, town or township may make and enforce within its limits all such local police, sanitary and other regulations as are not in conflict with general laws.”



# Government sovereignty

- Taxes
- Eminent Domain
- Police power



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This is a direct delegation of the police power as ample within its limits as that possessed by the legislature itself. It requires no legislative sanction for its exercise so long as the subject-matter is local, and the regulation reasonable and consistent with the general laws.

*Hass v. City of Kirkland*, 78 Wn.2d 929, 481 P.2d 9 (1971)



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# 1st class and code city authority

The “home rule” principle seeks to increase government accountability by limiting state-level interference in local affairs. . . .

In this context, it is appropriate for Washington courts to “liberally construe[.]” legislative grants of power to cities, particularly first class cities.

*Watson v. City of Seattle*, 180 Wn.2d 149 (2017)



# Cannabis?

Clark County can lawfully ban the retail sale of cannabis within its unincorporated areas.

*Emerald Enterprises v. Clark County*, 2 Wn. App. 2d 794 (2018)



## Emergency Authority (remember 1980?)



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## City emergency authority

In carrying out the provisions of this chapter each political subdivision . . . shall have the power to enter into contracts and incur obligations necessary to combat such disaster, protecting the health and safety of persons and property, and providing emergency assistance to the victims of such disaster. Each political subdivision is authorized to exercise the powers vested under this section in the light of the exigencies of an extreme emergency situation without regard to time-consuming procedures and formalities prescribed by law . . .

RCW 38.52.070 (2)



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# City emergency authority - Exercise

"Executive head" and "executive heads" means . . . the mayor in those cities and towns with mayor-council or commission forms of government, where the mayor is directly elected, and it means the city manager in those cities and towns with council manager forms of government. Cities and towns may also designate an executive head for the purposes of this chapter by ordinance.

RCW 35.82.010 (12)

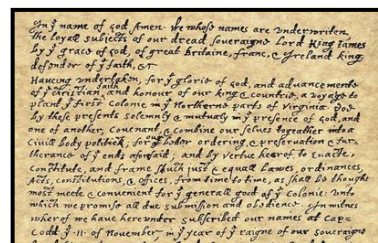
See also RCW 43.06.220 for State authority



# Charter

The Charter is the local enabling legislation of the people for the local government. Except where preempted by State law, the Charter acts as a further limit or control on municipal authority and procedure.

Examples may include term limits, certain residency requirements and procedures for adoption of ordinances.



# Ordinance

The Legislative authority “may adopt and enforce **ordinances of all kinds** relating to and regulating its local and municipal affairs and appropriate to the good government of the city.”

RCW 35A.11.020



## “What kind of city is this anyway?”





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## City classifications

- Code city
- First class city
- Second class city
- Towns

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## First class and code city authority

- 35.22.570 also grants first class cities all powers Title 35 RCW gives to other cities. . . With respect to municipal business taxes, Seattle has the authority to "collect a license tax for the purposes of revenue and regulation," a power granted to second class cities. RCW 35.23.440(8).
- *Watson v. City of Seattle* (August 10, 2017)
- [see RCW 35A.11.020 for code cities]

