

CHAPTER 161.

[H. B. 397.]

AUTHORIZING THE ESTABLISHMENT OF DISTRICTS TO
FURNISH WATER AND POWER.

AN ACT authorizing the establishment of water districts, providing for the acquirement, construction, maintenance, operation, development and regulation of a water supply for all uses and purposes, public and private other than irrigation, with full power to regulate and control the use, distribution and price thereof, and providing the method of payment therefor.

(This act follows closely the provisions of the Port District Act, see ch. 62 *supra*.)

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

SECTION 1. *Water Districts Authorized.* Water districts for the acquirement, construction, maintenance, operation, development and regulation of a water supply system within such districts are hereby authorized to be established in the various counties of this state, as in this act provided.

Districts may be established.

SEC. 2. *Formation of District.* At any general election or any special election which may be called for that purpose the board of county commissioners of any county in this state shall on petition of at least twenty five per cent of the qualified electors residing within the district described in said petition, submit to the voters residing within said district, the proposition of creating a water district which shall be co-extensive with the territory described in the petition and the board of county commissioners shall submit such proposition at a special election to be called therefor when such petition so requests.

Election on petition of twenty per cent. of electors.

SEC. 3. *Petition.* The petition presented to the board of county commissioners shall set forth the territorial extent of the proposed district, particularly describing the same and shall be filed with the county auditor who shall within fifteen days examine the signatures thereto and certify to the sufficiency or insufficiency thereof, and for such purpose the county auditor shall have access to all registration books in the possession of officers of any incorporated city or town in such proposed water district. If

Filing of petition.

Checking petition.

Amendments to petition.

Names not to be withdrawn.

Call for election.

Notice.

Ballot.

Polling places.

such petition be found to be insufficient it shall be returned to the person or persons filing the same who may amend or add names thereto for ten days when the same shall be returned to the county auditor who shall have an additional fifteen days to examine the same and attach his certificate thereto. No person having signed such petition shall be allowed to withdraw his name therefrom after the filing of the same with the county auditor. Whenever such petition shall be certified to as sufficient, the county auditor shall forthwith transmit the same, together with his certificate of sufficiency attached thereto, to the board of county commissioners who shall, at their first meeting thereafter if such petition so requests, by resolution, call a special election to be held not less than thirty nor more than sixty days from the date of such certificate and shall cause to be published a notice of such election at least once a week for four consecutive weeks in a newspaper of general circulation in the county in which said proposed water district is located, which notice shall state the hours during which such polls will be open, the boundaries of the proposed water district and the object of such election, and said notice shall also be posted for ten days in ten public places in such proposed water district. The same notice shall be given in the event of such proposition being submitted at a general election: *Provided*, In submitting the said question to the voters for their approval or rejection, the proposition shall be expressed on said ballot in the following terms: ".Water Supply District. Yes" (Giving the name to such district as may be decided on by the board of county commissioners). ".Water Supply District. No." (Giving the name to such district as may be decided on by the board of county commissioners). There shall be not less than one polling place in each of the various wards of any incorporated city or town in the proposed water districts, and one polling place in each precinct in such proposed water district.

SEC. 4. *Two or More Petitions.* Whenever two or more petitions for the formation of a water district shall be

filed as herein provided the petition describing the greater area shall supersede all others and an election shall first be held thereunder, and no lesser water district shall ever be created within the limits, in whole or in part of any water district.

Petition for greater area supersedes.

SEC. 5. *Elections.* If at such election a majority of the voters voting upon such proposition shall vote in favor of the formation of such district the board of county commissioners shall so declare in its canvass of the returns of such elections and such water district shall then be and become a municipal corporation of the State of Washington, and the name of such water district shall be “. Water District” (inserting the name appearing on the ballot).

Majority vote necessary.

District a municipal corporation.

SEC. 6. *Commissioners—Election of.* At the same election, at which the proposition is submitted to the voters as to whether a water district shall be formed, three water commissioners shall be elected to hold office respectively for the terms, one, two, and three years and until their respective successors are elected, the term of each nominee for water commissioner to be expressed on the ballot. And thereafter and at least thirty days prior to the first Tuesday of June in each year such board of water commissioners shall give notice by publication at least once a week for four consecutive weeks in a newspaper of general circulation in said water district that an election will be held on the first Tuesday in June thereafter for a water commissioner to hold office for three years and until his successor is elected and qualified.

Three commissioners.

Annual election.

Nominations for water commissioners shall be by petition of at least ten per cent of the qualified electors of such water district to be filed in the office of the county auditor of the county in which such district is located for the first election and with the secretary of such water district for all succeeding elections such nominations to be so filed at least ten days prior to such election: *Provided, however,* That there shall be no election held on the first Tuesday of June immediately following the creation of

Nominations of commissioners by petition.

Vacancies.

Notice of election to show whether special, etc.

Polls open, when.

Registration officers to deliver books.

Notice given as prescribed in Rem.-Bal., § 4765; Pierce's Code, 1912, 167 § 179.

such water district: *And provided, further,* That in the event of a vacancy caused by death, resignation or otherwise, such vacancy shall be filled by appointment by a majority vote of the remaining board of water commissioners until the next regular election for water commissioner. Said board of water commissioners shall designate in their notice of election whether such election be a general or special election, the time of opening and closing of polls, and the place of voting, but in no event shall there be less than one voting place in each of the wards of any city or town in such district, and at least one voting place in any precinct in the water district outside of any town or city. The polls shall be open at every election held by said water district at least from one o'clock p. m. to eight p. m., but said board of water commissioners may keep the polls open for a longer period of time if they shall so order, but the time of opening and closing the polls must be stated in the notice of election and the polls shall be opened and closed in accordance with such notice. Any person residing in said water district who is at the time of holding of any election, a qualified voter under the laws of the State of Washington, shall be entitled to vote at any election held in such water district.

The officers of any city or town, or in any precinct in a water district where registration is required, having charge of the registration, shall deliver the same to the water commissioners for the use of the election officers at any election held in a water district formed under and in accordance with the provisions, of this act. And the registration of voters for election to be held in such water district shall be conducted by the city or town clerks and officer of registration of the city, town and territory embraced within said water district; and the notice prescribed to be given by section 4765 of Remington and Ballinger's Annotated Codes and Statutes of Washington, shall constitute sufficient notice to citizens residing in within said water district for registration for any general or special election therein, without the necessity for such notice spe-

cially stating that it is for registration for an election to be held in a water district. And any elector who shall have registered in accordance with the laws of this state, entitling him to vote at a general or special election in the city, town or territory comprised within such water district, within time to constitute same a good registration for any general or special election of said water district, shall be entitled to vote thereat without further or other registration. The clerk of such water district shall give notice of the closing of the poll-books for registration for any general or special election of such water district by a notice published at least ten days preceding such closing, such published notice to have at least two insertions in a newspaper of general circulation in such water district. And such poll-books shall be closed for the purpose of registration of voters for any general or special water district election five days preceding such election and such published notice shall so declare: *Provided, however,* That such poll-books shall not thereby be deemed closed for a general, county or city municipal elections, but closed only for general or special water district elections. The city or town clerk or registration officer required to perform the duties enumerated under this act shall receive no additional compensation therefor. The general laws of the State of Washington governing the registration of voters for a general or a special city or town municipal elections, when not inconsistent with the foregoing provision, shall govern the registration of voters for elections held under this chapter, and the registration books of the city, town and territory comprising said water district shall be the books used by said water district, and no separate registration books shall be kept or maintained by it. The manner of holding any general or special election for said water district shall be in accordance with the laws of this state and the charter provisions of the cities or towns within said water district if any there be, in so far as the same are not inconsistent with the provisions of this act. All expense of elections for the formation of such water dis-

General
registration
sufficient.

Notice of
closing
poll books.

General
registration
laws govern...

General
election laws
to apply.

Expenses of election paid by county.

tricts shall be paid by the county in which said election is held and such expenditure is hereby declared to be for a county purpose, and the money paid out for such purpose shall be re-paid to such county by the water district if formed.

Commissioners to serve without pay.

SEC. 7. *Board of Water Commissioners—Officers.* When the said water district shall be created as hereinbefore provided for, the officers of such district shall be a board of water commissioners consisting of three members elected as provided in section 6 of this act and said board of water commissioners shall annually elect one of their number as president and another of their number as secretary of said board. All water commissioners shall serve without compensation. They shall by resolution adopt rules governing the transaction of its business and shall adopt an official seal. All proceedings shall be by resolution recorded in a book or books kept for such purpose which shall be public records.

District may acquire property.

SEC. 8. *Board of Water Commissioners—Powers and Duties.* All water districts organized under the provisions of this act shall be and are hereby authorized to acquire by purchase or condemnation, or both, all lands, property, property rights, water, water rights, leases or easements necessary for the purposes of the water district and to exercise the right of eminent domain in the acquirement or damaging of all land, property, property rights, water or water rights, leases and easements necessary in carrying out the purposes for which said district shall have been created and such right of eminent domain shall be exercised in the same manner and by the same procedure as is or may be provided by law for cities of the third class, except in so far as such law may be inconsistent with the provisions of this act, and except that all assessment or re-assessment rolls provided by law to be prepared and filed by eminent domain commissioners or commissioners appointed by the court shall be prepared and filed by the water district, and the duties devolving upon the city treasurer under said law be, and the same

Eminent domain.

Procedure same as by cities of third class. (See Rem.-Bal. §§ 7690, 7767-7821; Pierce's Code, 1912, 77 § 337, 171 §§ 31-141.)

are hereby imposed upon the county treasurer for the purposes of this act; to construct, condemn and purchase, purchase, acquire, add to, maintain and supply water works for the purpose of furnishing such water district and inhabitants thereof, and any city or town within such district, and any other persons with an ample supply of water for all uses and purposes public and private, except irrigation, with full authority to regulate and control the use, distribution and price thereof. And for the purposes aforesaid, it shall be lawful for any water district so organized in this state to take, condemn and purchase, purchase, acquire and retain water from any public or navigable lake, river or water course, percolating or subterranean or any underflowing water within the state and, by means of aqueducts or pipe line to conduct the same throughout such water district, and throughout any city or town within such district and to construct and lay the same along and upon public highways, roads and streets, within such district, and to condemn and purchase, purchase or acquire, lands and rights of way necessary for said aqueducts, and pipe lines, and such water district is hereby authorized and empowered to erect and build dams or other works across or at the outlet of any lake, river or other water course therein up to and above high water mark; and for all the purpose of constructing or laying such aqueducts or pipe lines, dams or water works or other necessary structures in storing and retaining water as above provided, or for any of the purposes provided for by this chapter, such water districts shall have the right to occupy the beds and shores up to the highwater mark of any such lake, river, or other water course, and to acquire the right by purchase or by condemnation and purchase or otherwise to any water, water rights, easements or privileges, named in this chapter or necessary for any of said purpose and any such water district, shall have the right to acquire by purchase or by condemnation and purchase any lands, properties or privileges necessary to be had to protect the water sup-

Construct waterworks for all uses except irrigation.

Storage.

Beds and shores of streams may be used.

May take water rights.

Protection of supply.

ply of such water district from pollution: *Provided*, That should private property be necessary for any such purposes or for storing water above high water mark, such water district may condemn and purchase or purchase and acquire such private property.

SEC. 9. *Local Improvement Districts.* Said water district shall have the power to establish local improvement districts within its territory; to levy special assessments under the mode of annual installments extending over a period not exceeding twenty years on all property specially benefited by any local improvement on the basis of special benefits to pay in whole or in part the damages or costs of any improvements ordered in such water district; to issue local improvement bonds in any such improvement district to be repaid by the collection of local improvement assessments: *Provided*, That the levying and collection of all public assessments and issuance of bonds hereby authorized shall be in the manner now and hereafter provided by law for the levying and collection of local improvement assessments and the issuance of local improvement bonds by cities of the third class in so far as the same shall not be inconsistent with the provisions of this act: *Provided, however*, That the duties devolving upon the city treasurer under said laws be and the same hereby are imposed upon the county treasurer for the purposes of this act, the mode of assessment shall be in the manner to be determined by the tax commissioner by resolution.

SEC. 10. It shall be the duty of the water district commissioners of every water district before creating any improvements hereunder or submitting to vote any plan for incurring any indebtedness, to consider and determine upon and adopt a comprehensive scheme or plan of water supply for such district for the purposes authorized in this act, and for such purpose, the water district commissioners shall investigate the several portions and sections of such water district for the purpose of determining the present and future needs of such district in regard to a water supply; to examine and investigate, determine

Local improvement districts.

Special assessments.

Procedure in conformity with ch. 98, L. '11; Pierce's Code, 1912, 77 §§ 689-835.

Commissioners must adopt scheme.

and select a water supply or water supplies for such district suitable and adequate for present and future needs thereof; to consider and determine a general system or plan for acquiring such water supply or water supplies, and the lands, waters and water rights and easements necessary therefor, and for retaining and storing any such waters, erecting dams, reservoirs, aqueducts and pipe lines to convey the same throughout such district; for determining the plan or system for distributing such water throughout such district by means of subsidiary aqueducts and pipe lines, and the method of distributing the cost and expense thereof against such water district and against local improvement districts within such water district for any purpose authorized in this act, and including any such local improvement district lying wholly or partially within the limits of any city or town in such district.

Distributing system.

Such general comprehensive scheme and plan, when finally considered or determined upon by such board of water commissioners, shall be by them adopted by resolution, which resolution shall provide for the submission thereof at a general or special election specified in such resolution to the qualified voters within such district for their ratification or rejection. No expenditure for the carrying on of any part of such plan shall be made by the water district commissioners other than the necessary salaries of engineers, clerical and office expenses of such water district, and the cost of engineering, surveying, preparation and collection of data necessary for the making and adoption of a general scheme of improvements in such water district unless and until such general scheme of improvements has been so officially adopted by the water district commissioners and ratified by the affirmative vote of a majority of the voters of such water district voting thereon at the election which shall be held for such purpose. Twenty days notice of such election shall be published in one or more weekly newspapers of general circulation in such water district. If at such election a majority of the votes cast upon such question shall be in

Scheme submitted to vote.

No expenditures until plan is adopted.

Notice of election to adopt scheme.

favor of the adoption thereof, the same shall thereupon be ratified and adopted and proclamation thereof made by such commission within ten days after such election. Such commission may submit at the same election at which the proposition to adopt the comprehensive plan or scheme is submitted, or at any general or special election a proposition that said water district incur a general indebtedness for the construction of any part or all of said comprehensive plan.

Indebtedness
proposition
separate.

Provided, however, That such proposition to incur indebtedness shall be so submitted as to enable the voters to vote for or against the same independent of any vote on the proposition of adopting or rejecting such comprehensive plan or scheme. If such general indebtedness is to be incurred, the amount of such indebtedness and the terms thereof shall be included in the proposition submitted to the qualified voters as aforesaid and such proposition shall be adopted and assented to by three-fifths of the qualified voters of the said water district voting at said election.

Whenever a proposition has been adopted as aforesaid, the water district commissioners shall have power to proceed forthwith to carry out said general scheme or plan to the extent specified in the proposition to incur such general indebtedness.

Bonds may
be issued.

SEC. 11. *Issuance of Bonds.* Whenever the qualified voters of any such water district shall have heretofore adopted or shall hereafter adopt a proposition for a water supply, as set out in the preceding section, and shall have authorized a general indebtedness for all of said proposition or any part thereof, general water district bonds may be issued as hereinafter provided. Said bonds shall be registered or coupon bonds; shall be issued in denominations of not less than one hundred or more [than] one thousand dollars; shall be numbered from one up consecutively; shall bear the date of their issue; shall be payable not more than forty years from date; and shall bear interest not to exceed six per cent per annum, payable semi-

Coupons.

Six per cent.

annually, with interest coupons attached; and the principal and interest shall be made payable at such place as may be designated. The bonds and each coupon shall be signed by the presiding officer of the board of water district commissioners and shall be attested by the secretary of the said board under the seal of the water district. There shall be levied each year a tax upon the taxable property within such water district, sufficient to pay the interest on said bonds as the same accrues: *Provided, however,* That no levy shall be made for such purposes, if the revenues from the sale of water or power is sufficient to pay said interest; before ten years prior to the maturity of said bonds an annual sinking fund sufficient for the payment of said bonds at maturity may be established by the levy of a tax; all taxes shall become due and collectable as other taxes. Said bonds shall be printed and engraved or lithographed on good bond paper and a duly authenticated copy of this act, and a copy of the resolution of the water district commission directing the submission of such plan or system to the qualified voters of such water district for ratification or rejection shall be printed on each bond, together with a printed copy of a signed statement by the presiding officer of the board of water commissioners and the secretary of such board, showing the result of said election. Such bonds shall be sold in such manner as the corporate authorities shall deem for the best interest of the water district. A register shall be kept of all bonds which register shall show the number, date, amount, interest, to whom delivered—if coupon bonds—and the name of the payee—if registered bonds; and when and where payable and each and every bond executed, issued or sold under the provisions of this subdivision.

Interest tax.

Sinking
fund tax.Style of
bonds.

How sold.

Registry.

SEC. 12. *Improvements on Local Assessment Plan.* Whenever a petition signed by a majority of the owners of land in the district to be therein described shall be filed with the water district commission, asking that any portion of the general plan adopted be ordered, and defining the boundaries of a local improvement district to be cre-

Local
assessment
districts.

ated to pay in whole or in part to pay the cost thereof, it shall be the duty of the water district commission to fix a date for hearing on such petition after which it may alter the boundaries of such proposed district and prepare and adopt detailed plans of any such local improvement, declare the estimated cost thereof, what proportion of such cost shall be borne by such proposed local improvement district and what proportion of the cost, if any, shall be borne by the entire water district: *Provided, however,* That engineering and office expenses in all cases shall be borne by the general water district.

District created. The water district commission shall forthwith by resolution order such improvement, provide the general funds of the water district to be applied thereto, acquire all necessary lands therefor, pay all damages caused thereby and commence in the name of the water district such eminent domain proceedings and supplemental assessment or reassessment proceedings to pay all eminent domain awards as may be necessary to entitle said water district to proceed with such work, and said water district commission shall thereafter proceed with such work and shall make and file with the county treasurer, its roll levying special assessments in the amount to be paid by special assessment against the property situated within such local improvement district in proportion to the special benefits to be derived by the property in such local improvement district from such improvement. Before the approval of such roll a notice shall be published once a week for four consecutive weeks in a newspaper of general circulation in such local improvement district, stating that such roll is on file and open to inspection in the office of the clerk of the water district commission, and fixing the time not less than fifteen nor more than thirty days from the date of the first publication of such notice within which protests must be filed with the secretary of said water district commission against any assessments shown thereon and fixing a time when a hearing shall be held by said commission on said protests. After such hearing the

Assessment roll.

Notice of assessment roll.

Hearing on assessment roll.

water district commission may alter any and all assessments shown on such roll and may then by resolution approve the same, but in the event of any assessment being raised a new notice similar to such first notice shall be given, after which final approval of such roll may be made by the water district commission: *Provided*, That whenever any property shall have been entered originally upon such roll and the assessment upon any such property shall not be raised, no objection thereto shall be considered by the water district commission or by any court on appeal unless such objection be made in writing at, or prior to the date fixed for the original hearing upon such roll.

Objection
to be made
in writing.

SEC. 13. *Method of Appeal.* The decision of the water district commission upon any objections made within the time and in the manner herein prescribed, may be reviewed by the superior court upon an appeal thereto taken in the following manner. Such appeal shall be made by filing written notice of appeal with the secretary of said water district commission and with the clerk of the superior court in the county in which such water district is situated within ten days after the resolution confirming such assessment roll shall have become published, and such notice shall describe the property and set forth the objections of such appellant to such assessment; and, within ten days from the filing of such notice of appeal with the clerk of the superior court, the appellant shall file with the clerk of said court, a transcript consisting of the assessment roll and his objections thereto, together with the resolution confirming such assessment roll, and the record of the water district commission with reference to said assessment, which transcript, upon payment of the necessary fees therefor, shall be furnished by such secretary of said water district commission and by him certified to contain full, true and correct copies of all matters and proceedings required to be included in such transcript. Such fees shall be the same as the fees payable to the county clerk for the preparation and certification of

Appeals to
superior
court.

Notice of.

Transcript.

Fees.
(See Rem.-
Bal., § 497;
Pierce's
Code, 1912,
179 § 1)

Appeal bond.

Additional
bond.

Notice of
hearing.

Judgment.

Appeal to
supreme
court.

transcripts on appeal to the supreme court in civil actions. At the time of the filing of the notice of appeal with the clerk of the superior court a sufficient bond in the penal sum of two hundred dollars, with at least two sureties, to be approved by the judge of said court, conditioned to prosecute such appeal without delay, and if unsuccessful, to pay all costs to which the water district is put by reason of such appeal. The court may order the appellant upon application therefor, to execute and file such additional bond or bonds as the necessity of the case may require. Within three (3) days after such transcript is filed in the superior court, as aforesaid, the appellant shall give written notice to the head of the legal department of such water district, and to the city clerk, that such transcript is filed. Said notice shall state a time (not less than three (3) days from the service thereof) when the appellant will call up the said cause for hearing; and the superior court shall, at said time or at such further time as may be fixed by order of the court, hear and determine such appeal without a jury; and such cause shall have preference over all civil causes pending in said court, except proceedings under an act relating to eminent domain in such water district and actions of forcible entry and detainer. The judgment of the court shall confirm, correct, modify or annul the assessment in so far as the same affects the property of the appellant. A certified copy of the decision of the court shall be filed with the officer who shall have custody of the assessment roll, and he shall modify and correct such assessment roll in accordance with such decision. An appeal shall lie to the supreme court from the judgment of the superior court, as in other cases: *Provided, however,* That such appeal must be taken within fifteen (15) days after the date of the entry of the judgment of such superior court; and the record and opening brief of the appellant in said cause shall be filed in the supreme court within sixty (60) days after the appeal shall have been taken by notice as provided in this act. The time for filing such record and serving and filing

of briefs in this section prescribed may be extended by order of the superior court, or by stipulation of the parties concerned. And the supreme court, on such appeal may correct, change, modify, confirm or annul the assessment in so far as the same affects the property of the appellant. A certified copy of the order of the supreme court upon such appeal shall be filed with the officer having custody of such assessment roll, who shall thereupon modify and correct such assessment roll in accordance with such decision.

SEC. 14. *Proceedings Conclusive.* Whenever any assessment roll for local improvements shall have been confirmed by the water district commission of such water district as herein provided, the regularity, validity and correctness of the proceedings relating to such improvement, and to the assessment therefor, including the action of the water district commission upon such assessment roll and the confirmation thereof, shall be conclusive in all things upon all parties, and cannot in any manner be contested or questioned in any proceeding whatsoever by any person not filing written objections to such roll in the manner and within the time provided in this act, and not appealing from the action of the water district commission in confirming such assessment roll in the manner and within the time in this act provided. No proceeding of any kind shall be commenced or prosecuted for the purpose of defeating or contesting any such assessment, or the sale of any property to pay such assessment, or any certificate of delinquency issued therefor, or the foreclosure of any lien issued therefor: *Provided*, That this section shall not be construed as prohibiting the bringing of injunction proceedings to prevent the sale of any real estate upon the grounds (1) that the property about to be sold does not appear upon the assessment roll, or (2) that said assessment had been paid.

Action of
commission
conclusive
unless
objection is
filed in time.

Proceedings
barred.

SEC. 15. *Annexation of Territory—Petition for Election for.* The territory adjoining and in the same county with any water district organized under this chapter may

Enlarging
district.

Petition.

Notice of hearing on petition to enlarge.

Election to enlarge.

be annexed to and become a part of such water district, in the manner following: Any twenty-five (25) legal voters, residents within the territory proposed to be annexed, may petition the said water district commission of such water district to cause the question to be submitted to the legal voters of the territory proposed to be annexed whether they will be annexed and become a part of such adjoining water district: *Provided, however,* That where such territory to be annexed shall be within the limits of an incorporated city or town other than the first class, such petition shall be signed by at least twenty (20) per cent of the qualified electors residing within such territory. The petition shall define the limits of the territory proposed to be annexed to such water district. Upon the filing of such petition with the board of water commissioners, if said commissioners shall concur in said petition, they shall provide for a hearing to be held for the discussion of such proposed annexation at the office of said board of water commissioners, and shall give due notice of such hearing by publication in a weekly newspaper published in said water district for at least two weeks prior to said hearing. If said water commissioners shall concur in said petition, it shall be their duty to submit the proposal to the electors of such territory proposed to be annexed, at an election to be held in such territory. The said commissioners shall, by order of such board duly adopted, fix a time and place or places within the limits of the territory proposed to be annexed for the holding of such election to determine the question of annexation, and said commissioners shall name the persons to act as judges at such election, and shall give notice thereof by causing notice to be published for two weeks in two consecutive issues of a weekly newspaper published in said water district, and by posting notices in five (5) public places within the territory proposed to be annexed to said district. The ballot to be used at such election shall be in the following form:

“For annexation to water district.”

“Against annexation to water district.”

The judge or judges at such election shall make return

thereof to the board of water commissioners, who shall canvass such return and cause a statement of the result of such election to be entered on the record of such commissioners. If the majority of the votes cast upon the question at such election shall be for annexation, then such territory shall immediately be and become annexed to such water district, and the same shall thenceforth be a part of said water district, the same as though originally included in such district.

SEC. 16. *Election—Officers—Expenses.* All election officers for any election held pursuant to this chapter shall be named by the board of water commissioners and the expense of all such elections shall be paid out of the funds of such water district.

Officers of election.

SEC. 17. *Tax Levy—Limit of—Collection.* The board of water commissioners are hereby authorized to levy, or cause to be levied, to carry out the purposes of this act in addition to that mentioned in section 11 of this act, a general tax on all property located in said water district each year not to exceed two mills on the assessed valuation of the property in such water district. Said taxes when so levied shall be certified to the proper county official for the collection of the same as other general taxes. When such money is collected it shall be placed in a separate fund to be known as the.....Water District Fund and paid out on warrants issued on the board of water commissioners for the purposes specified in this act.

Additional tax not to exceed two mills.

SEC. 18. *Limit of Indebtedness.* Each and every water district that may hereafter be organized pursuant to this act is hereby authorized and empowered, by and through its board of water commissioners to contract indebtedness for water purposes, and the maintenance thereof not exceeding one per cent. of the taxable property in such water district to be ascertained by the last assessment for state and county purposes previous to and the incurring of such indebtedness.

District may contract indebtedness.

SEC. 19. *Additional Indebtedness—Election to Authorize.* Each and every water district hereafter to be organ-

Additional
indebtedness
by vote.

ized pursuant to this act, may contract indebtedness in excess of the amount named in the preceding section, but not exceeding in amount, together with existing indebtedness, five (5) per centum of the taxable property in said district, to be ascertained as provided in the preceding section, whenever three-fifths (3-5) of the voters voting at said election in such water district assent thereto, at an election to be held in said water district in the manner provided by this act, which election may either be a special or a general election, and the board of water commissioners are hereby authorized and empowered to submit the question of incurring such indebtedness, and issuing negotiable bonds of such water district to the qualified voters of such water district at any time they may so order: *Provided*, That all bonds so to be issued shall be subject to the provisions regarding bonds as set out in section eleven (11) of this act.

Notice of
contract.

SEC. 20. *Contracts.* The board of water commissioners shall have authority to create and fill such positions and fix salaries and bonds thereof as it may by resolution provide. All materials purchased and work ordered, the estimated cost of which is in excess of one thousand dollars shall be let by contract [; but] before awarding any such contract the board of water commissioners shall cause to be published in some newspaper published within the district a notice for at least ten days before the letting of such contract, inviting sealed proposals for such work, plans and specifications which must at the time of publication of such notice be on file in the office of the board of water commissioners subject to public inspection. Such notice shall state generally the work to be done and shall

Call for bids.

call for proposals for doing the same to be sealed and filed with the board of water commissioners on or before the day and hour named therein. Each bid shall be accompanied by a certified check payable to the order of the board of water commissioners for a sum not less than five per cent. of the amount of the bid and no bid shall be considered unless accompanied by such check. At the time

and place named such bids shall be publicly opened and read and the board of water commissioners shall proceed to canvass the bids and may let such contract to the lowest responsible bidder upon plans and specifications on file or to the best bidder submitting his own plans and specifications: *Provided, however,* That no contract shall be let in excess of the cost of said materials or work, or if in the opinion of the board of water commissioners all bids are unsatisfactory they may reject all of them and re-advertise and in such case all checks shall be returned to the bidders; but if such contract be let, then and in such case all checks shall be returned to the bidders, except that of the successful bidder, which shall be retained until a contract shall be entered into for the purchase of such materials or doing such work, and a bond to perform such work furnished with sureties satisfactory to the board of water commissioners in the full amount of the contract price between the bidder and the commission in accordance with the bid. If said bidder fails to enter into said contract in accordance with said bid and furnish such bond within ten days from the date at which he is notified that he is the successful bidder, the said check and the amount thereof shall be forfeited to the water district.

Opening
of bids.Bids
rejected.

Bond.

Forfeiture
of deposit.

SEC. 21. *Interest Coupon—Payment of.* The coupons hereinbefore mentioned for the payment of interest on said bonds shall be considered in all purposes as warrants drawn upon the general fund of the said water district issuing such bonds, and when presented to the treasurer of the county having custody of the funds of such water district at maturity, or thereafter, and when so presented, if there are not funds in the treasury to pay the said coupons, it shall be the duty of the county treasurer to endorse said coupons as presented for payment, in the same manner as county warrants are indorsed, and thereafter said coupons shall bear interest at the same rate as the bond to which it was attached.

Coupons as
warrants.Coupons
draw
interest.

SEC. 22. *County Treasurer—Funds.* The county treasurer shall create a fund to be known as the ".....

Water Dis-
trict Fund.

Water District Fund," into which shall be paid all money received by him from the collection of taxes in behalf of such water district, and no money shall be disbursed therefrom except upon warrants of the county auditor as in this act provided. The county treasurer shall also maintain such other special funds as may be prescribed by the water district, into which shall be placed such moneys as the board of water commissioners may by its resolution direct, and from which disbursements shall be made upon proper warrants of the county auditor issued against the same by authority of the board of water commissioners.

Special
funds.

SEC. 23. *Cumulative.* This act shall not be construed to repeal, amend, or modify any law heretofore enacted providing a method for water supply for any city or town in this state, but shall be held to be an additional and concurrent method providing for such purpose.

Act
cumulative.

Passed the House March 3, 1913.

Passed the Senate March 12, 1913.

Approved by the Governor March 22, 1913.

CHAPTER 162.

[H. B. 458.]

RELATING TO THE LEASING OF COUNTY PROPERTY.

AN ACT relating to the leasing of county property and amending section 3854 of Remington & Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. That section 3854 of Remington & Ballinger's Annotated Codes and Statutes of Washington be and the same is hereby amended to read as follows:

Section 3854. At the day and hour designated in such notice or at any subsequent time to which such meeting may be adjourned by said board of county commissioners, but not more than thirty days after the day and hour designated for the meeting in said published notice, the board

[Amends
Rem.-Bal.,
§ 3854;
Pierce's
Code, 1912,
115 § 279.]