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Local Government Law

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lender." In the case of insurance which is being renewed, the renewal policy must be delivered to such creditor or lender "not later than thirty days prior to the renewal date."

This second section portends even more difficulty of construction, as many of its provisions are not clear. Who are included in the terms "debtor and borrower"? Does the term "property insurance" include all kinds of automobile insurance as well as the more usual types of property insurance? What shall constitute "reasonable opportunity and choice" in the selection of the agent, broker and insurer? There could be considerable opportunity for argument as to this. When is insurance "properly provided" for the protection of the creditor or lender, and under what circumstances can he object on the basis that the insurance is not proper? There could easily be disagreement as to what insurance properly protects the creditor or lender. The wording of this section is unfortunate and it may well invite controversy and litigation in the future to facilitate its construction.

ROBERT L. TAYLOR

LOCAL GOVERNMENT LAW

The 1957 Washington Legislature enacted many statutes in the local government law field. It would be impossible in the space available to summarize all of such statutes to indicate the changes from the heretofore existing law and the new enactments. Hence, only a few of the most significant statutes will be discussed in this comment.

Time In Which Claims Must Be Filed Against Cities. Chapter 224 changes the time within which claims against a city must be filed. The old statutes provided that claims for damages against cities must be filed within thirty days. The new act provides that claims for damages against cities of certain classes must be filed within ninety days. An exception is made to the effect that claims for damages arising from alleged defective sidewalks must be filed within thirty days from the date the damage occurred or the injury was sustained. Apparently, the Legislature felt that the thirty-day rule on claims in general was too harsh on claimants. For some reason, this rationale did not extend to claims for damages arising from alleged defective sidewalks.

"Metro Act." Chapter 213 is the Metropolitan Municipal Corporations Act, the so called "Metro Act." This act is probably the most interesting and unusual act of its kind passed by the 1957 Legislature.

The metro act is enabling legislation. It permits, but does not require, the people of any first-class city and its surrounding area to establish a metropolitan council. This council can be established only if a majority of the people inside the largest city and a majority of the people in the suburban area outside the largest city both vote in favor of its formation at an election.

The metropolitan council would consist of representatives from the mayors, city councils and county commissioners of the cities and counties in the metropolitan area. Representation from these cities and counties would be approximately in proportion to their population.

The people of each metropolitan area would determine for themselves which of the metropolitan functions in the act would be performed by their metropolitan council. They could authorize the council to act only in the field of sewage disposal or only in the field of water supply or in any one or more of the metropolitan functions. These functions are: sewage disposal, water supply, garbage disposal, mass transportation, parks and parkways, and comprehensive planning.

The metropolitan council would perform the metropolitan phases of the particular function involved. For example, in the field of sewage disposal metro would build the major interceptor sewers and treatment plants while cities, towns and districts would continue to construct and operate their own local sewer collection facilities. Metro would be the "wholesaler" and the individual cities and districts would be the "retailer."

Use of metropolitan facilities by the cities, towns and districts would be optional, with the single exception of sewage disposal, where each district or city would be required to discharge its sewage into available metropolitan facilities. This is necessary to insure that water pollution will be cleaned up and that one community will not continue to pollute waters after others have removed their sewage. If the voters should authorize the metropolitan council to provide water supply or garbage disposal facilities, however, use of these metropolitan facilities by the cities, towns and districts would be wholly voluntary. The metropolitan comprehensive planning function would be advisory only.

No municipally owned facilities may be acquired by the metropolitan council without the consent of the municipality owning such facilities. Thus, the water system of a city could not be acquired by metro without the consent of that city.

Metropolitan facilities, such as large sewage treatment plants, would be financed by revenue bonds paid from charges to the cities or districts

using such facilities based upon the amount of sewage contributed to the metropolitan facilities. Each city or district would pay metro for the cost of treatment of sewage delivered to the metropolitan treatment plant. Each city or district would continue to collect its own sewer charges from its own residents. Other revenue producing functions would also be financed from charges for the use of facilities constructed or acquired. Non-revenue producing functions, such as planning, would be financed by pro-rata payments from the cities and counties in the metropolitan area, since these entities would, to a large extent, be relieved from making expenditures in their own budgets to provide such services. General obligation bonds or tax levies may be issued or levied by the metropolitan council only if, in each case, the voters of the metropolitan area have approved such bonds or levy at an election held thereon. Local facilities would continue to be financed on a local basis.

Urban Renewal Law. Chapter 42 of the 1957 session laws enables a city or town to improve what the act calls "blighted areas." The definition of a blighted area is very broad, so that a city or town may take steps to improve an area which is physically dilapidated or obsolescent or unsanitary, or contains inappropriate or mixed uses of land and buildings, or is overcrowded or has faulty lot lay out, or has defective or unusual conditions of title or improper subdivision or obsolete platting, or has other conditions which endanger life or property and are thereby conducive to ill health, transmission of disease, infant mortality, juvenile delinquency or crime, and thereby substantially impairs or arrests the sound growth of the city or its environs.

The act enables cities or towns to accomplish the improvement of blighted areas by either of two methods. The first is to redevelop the area. When a city redevelops an area, it may acquire the blighted area or any part of it and demolish the buildings and improvements in the area. It may then install streets, utilities, playgrounds, etc., and make the land available for development by private enterprise or public agencies. In other words, redevelopment means what is generally considered to be slum clearance.

The second means is rehabilitation. Although there is some overlap between redevelopment and rehabilitation, the latter generally means the carrying out of a plan of improvement by the private owner. The owner may carry out the plan voluntarily, or he can be forced to repair and rehabilitate his properties. This program of voluntary or compul-

sory repair can be combined with acquisition of property by the city or town, with demolition of improvements, and installation of streets, utilities, parks and playgrounds in the same manner as under a redevelopment program.

There are a number of procedural steps to be taken to set the redevelopment or rehabilitation program in motion. The first is the making of a comprehensive plan for the municipality as a whole. Also, there must be a plan for the urban renewal project in particular. The city or town governing body must by appropriate action determine an area to be a blighted area and designate it as appropriate for an urban renewal project. The local governing body of the city or town must then approve the project. A hearing is necessary on the matter, and the local governing body of the city or town must make certain findings. One required finding is that the urban renewal plan affords maximum opportunity consistent with the sound needs of the municipality for the rehabilitation or redevelopment of the area by private enterprise. The city or town carrying out an urban renewal plan may receive grants and loans from the federal government. The city or town is further empowered to issue bonds to finance an urban renewal project. These bonds are made payable solely from the income and revenues of the municipality derived from or held in connection with its carrying out of urban renewal projects.

The urban renewal project powers may be exercised by the city or town itself, or, at the election of the local governing body, such powers may be exercised by an urban renewal agency created under the act.

The urban renewal law gives cities and towns broad powers in dealing with blighted areas. Although the procedures under the act may at times appear cumbersome, this new legislation gives cities and towns the power effectively to clean up any type of metropolitan blight.

Local Assessment Procedure. Some very desirable changes have been made in the laws relating to local assessment procedure in cities and towns. Chapter 143 is an attempt to take some of the "sting" out of the result reached in *In re Schmitz*¹ by requiring the court, in any appeal taken from the action of the city or town council in confirming the assessment roll, to uphold such council's action unless the court shall find from the evidence that such assessment is founded upon a fundamentally wrong basis and/or the decision of the council or other legislative body thereon was arbitrary or capricious, in which event

¹ 44 Wn.2d 429, 268 P.2d 436 (1954).

the judgment of the court shall correct, change, modify or annul the assessment insofar as it affects the property of the appellant.

Chapter 144 makes changes in the provisions with respect to the restraint by protest on the authority of the legislative body to proceed with a local improvement initiated by resolution. Under prior law the authority of the city or town council to proceed could be divested by sufficient protest filed at any time prior to the awarding of the contract for the improvement. The time for filing such protests has now been changed to a period within thirty days following the date of passage of the ordinance ordering the improvement. The new act states that such protests must be signed by the owners of property within the proposed local improvement district subject to sixty percent or more of the total estimated cost of the improvement *including federally owned or other nonassessable property*. Chapter 144 gives legislative sanction to the use of the "assessable units of frontage" formula for spreading special assessments in addition to the traditional "zone and termini" formula.

Air Pollution. Chapter 232, the Air Pollution Control District Act, gives cities, towns, counties or specially-created "air pollution control districts" considerable power in preventing or controlling air pollution.

In controlling air pollution a city, town or county may take unilateral action or may join with any other city, town or county to form a district for the control of air pollution. The district when formed is deemed a political corporate body. It is given the usual powers of a municipal corporation and, if authorized by popular vote, may levy district taxes against real and personal property in the district.

The city, town, county or district, for the purpose of controlling and preventing air pollution, may consult with other bodies and political subdivisions, conduct studies and research relating to air pollution, and receive moneys from any source for the study, dissemination of educational information and control and prevention of air pollution. The political body may pass ordinances, resolutions or rules and regulations pertaining to the control or prevention of air pollution. These enactments shall have the effect of a statute of the state within the district. A violation of such an enactment may be enjoined in a civil action brought by the prosecuting attorney of the county in which the violation occurred.

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