

ORIGINAL

ORDINANCE NO. 159

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON ADOPTING THE POWERS OF INITIATIVE AND REFERENDUM FOR THE QUALIFIED ELECTORS OF THE CITY

WHEREAS, the City Council of the City of Shoreline, Washington, passed Resolution No. 145 on February 9, 1998, stating its intent to adopt the powers of initiative and referendum for the qualified electors of the City as provided in RCW Chapter 35A.11,

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SHORELINE DO ORDAIN AS FOLLOWS:

Section 1. The City of Shoreline hereby adopts the powers of initiative and referendum for the qualified electors of the City as provided pursuant to RCW 35A.11.080 through 35A.11.100. Such powers are to be exercised as provided in the above-referenced sections of the Revised Code of Washington as they now exist or may be amended from time to time and said sections are hereby incorporated in full by this reference.

Section 2. A new Chapter 1.12 entitled "Initiative and Referendum" is hereby added to the Shoreline Municipal Code to read as set forth in the attached Exhibit A.

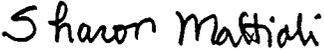
Section 3. This ordinance will be in full force and effect five days after passage and publication by posting as provided by law.

PASSED BY THE CITY COUNCIL ON MAY 26, 1998.



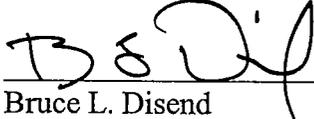
Mayor Scott Jepsen

ATTEST:



Sharon Mattioli, CMC
City Clerk

APPROVED AS TO FORM:



Bruce L. Disend
City Attorney

Date of Publication: May 29, 1998
Effective Date: June 3, 1998

**Chapter 1.12
INITIATIVE AND REFERENDUM PROCEDURES**

Sections:

- 1.12.010 Statement of intent.
- 1.12.020 Purpose.
- 1.12.030 Effective date of ordinances.
- 1.12.040 Ordinances not subject to initiative and referendum.
- 1.12.050 Initiative petitions.
- 1.12.060 Initiative - Procedure by the city clerk - City attorney.
- 1.12.070 Initiative statement.
- 1.12.080 Time for filing initiative petitions.
- 1.12.090 Initiative petition - Requirements - number of signatures required.
- 1.12.100 Form of petitions for ordinances referred to people.
- 1.12.110 Initiative petition - Council action.
- 1.12.120 Initiative petition - Appeal to court.
- 1.12.130 Initiative - Conduct of election.
- 1.12.140 Ballot title.
- 1.12.150 Initiative - Effective date - Record.
- 1.12.160 Initiative - Repeal or amendment.
- 1.12.170 Initiative - Repeal or amendment - Method.
- 1.12.180 Initiative - Repeal or amendment - Record.
- 1.12.190 Referendum petitions.

ORIGINAL

- 1.12.200 Referendum statement.
- 1.12.210 Referendum - Filing suspends ordinance.
- 1.12.220 Initiative provisions applied to referendum process.
- 1.12.230 Referendum - Effective date - Record.

- 1.12.010 Statement of intent.

The council adopts the powers of initiative and referendum for the qualified electors of the city.

- 1.12.020 Purpose.

The purpose of this chapter is to establish procedures for the exercise of the powers of initiative and referendum.

- 1.12.030 Effective date of ordinances.

Ordinances of the city subject to the exercise of the powers of initiative and referendum shall not go into effect before 30 days from the time of final passage and are subject to referendum during that period. This section shall not apply to ordinances exempted by SMC 1.12.040 or by state law.

- 1.12.040 Ordinances not subject to initiative and referendum.

In accordance with RCW 35A.11.090, the following ordinances shall not be subject to the powers of initiative and referendum:

- A. Ordinances initiated by petition;
- B. Ordinances necessary for immediate preservation of public peace, health, and safety or for the support of city government and its existing public institutions which contain a statement of urgency and are passed by unanimous vote of the council;
- C. Ordinances providing for local improvement districts;
- D. Ordinances appropriating money;
- E. Ordinances providing for or approving collective bargaining;
- F. Ordinances providing for the compensation of or working conditions of city employees;

G. Ordinances authorizing or repealing the levy of taxes;

H. Any ordinance exempted now or hereafter by state law from initiative and referendum processes.

These ordinance shall go into effect as provided by the general law or by applicable sections of Title 35A RCW as now or hereafter amended.

1.12.050 Initiative petitions.

Ordinances may be initiated by petition of electors of the city. If any individual, or committee of individuals, desires to petition the council to enact a proposed measure that individual or committee shall file in the office of the city clerk five printed or typewritten copies of the measure proposed, accompanied by the name and post office address of the proposer.

1.12.060 Initiative - Procedure by the city clerk - City attorney.

Upon filing of the proposed initiative measure, the city clerk shall assign a number to each such initiative petition and forthwith transmit one copy of the measure proposed, bearing such number, to the city council, the city manager and to the city attorney. Within 10 days after the receipt of an initiative measure the city attorney shall formulate therefor and transmit to the city clerk, the city council, the city manager and the individual or committee proposing such measure an initiative statement in the form of a question containing the essential features of the measure.

1.12.070 Initiative statement.

An initiative statement shall be phrased in language so that a "yes" vote will clearly be a vote in favor of the action or condition that would result from the approval of the measure, and a "no" vote will clearly be a vote in opposition to such action or condition. The statement may be distinct from the petitioner's title of the measure, and shall express and give a true and impartial statement of the purpose of the measure. It shall not be intentionally an argument, nor likely to create prejudice, either for or against the measure.

1.12.080 Time for filing initiative petitions - number of signatures required.

Initiative petitions containing the required number of signatures of registered voters of the city must be filed with the city clerk within 90 days from the date of issuance of the initiative statement by the city attorney. If petitioner fails to file such petition within the prescribed time limit, it shall have no validity and the petition will not be considered by the council as an initiative petition. The number of registered voters needed to sign a petition shall be fifteen percent of the total number of names of persons listed as registered voters within the city on the day of the last preceding city general election.

1.12.090 Initiative petition - Requirements.

ORIGINAL

Every signer to a petition submitting a proposed ordinance to the city council shall add to his/her signature the signer's printed name and his/her place of residence giving street and number. The signatures need not all be appended to one paper.

1.12.100 Form of petitions for ordinances referred to people.

The form and sufficiency of the petition shall be as follows:

A. A petition may include any page or group of pages containing the statement prepared by the city attorney along with the initiative number and shall contain the following essential elements when applicable:

1. The text or prayer of the petition which shall be a concise statement of the action or relief sought by petitioners and shall include a reference to the applicable state statute or city ordinance, if any;
2. A copy of the ordinance;
3. Numbered lines for signatures with space provided beside each signature for the printed name of the signer, the address of the signer, and the date of signing;

B. Petitions shall be printed or typed on single sheets of white paper of good quality and each sheet of petition paper having a space thereon for signatures shall contain the text or prayer of the petition and the following warning:

WARNING

Every person who signs this petition with any other than his or her true name, or who knowingly signs more than one of these petitions, or signs a petition seeking an election when he or she is not a legal voter, or signs a petition when he or she is otherwise not qualified to sign, or who makes herein any false statement, shall be guilty of a misdemeanor.

C. Each signature on a petition shall be executed in ink or indelible pencil and shall be followed by the printed name of the signer, the address of the signer, and the date of the signing, as follows:

	Petitioner's Signature	Printed Name	Residence Address	Date
1.				
2.				
3.				
4.				

"Signer" means any person who signs his own name to the petition.

D. Immediately after the filing of a referendum or initiative petition in accordance with the provisions of this chapter, the City Clerk shall transmit the petition to the King

County Manager, Records and Elections Division, (the "Manager") to ascertain whether it is signed by a sufficient number of registered voters in accordance with this ordinance and governing state law. The Manager shall notify the City Clerk and the petitioner in writing of the terminal date for adding or withdrawing signatures. The Manager, on completion of the canvassing of the signatures, shall issue a certificate of the results of his or her review to the City Clerk with a copy to the petitioner. The City Clerk, in turn, will provide a copy to the City Council.

Any signer of a filed petition may withdraw his or her signature by a written request for withdrawal filed with the Manager prior to such terminal date. Such written request shall so sufficiently describe the petition as to make identification of the person and the petition certain. The name of any person seeking to withdraw shall be signed exactly the same as contained on the petition and, after the filing of such request for withdrawal, prior to the terminal date, the signature of any person seeking such withdrawal shall be deemed withdrawn.

E. Petitions containing the required number of signatures shall be accepted as prima facie valid until their invalidity has been proved.

1.12.110 Initiative petition - Council action.

If the petition accompanying the proposed ordinance is signed by the registered voters in the city equal in number to 15 percent of the total number of names of persons listed as registered voters within the city on the day of the last preceding city general election, and if it contains a request that, unless passed by the city council, the ordinance be submitted to a vote of the registered voters of the city, the council shall either:

A. Pass the proposed ordinance without alteration within 20 days after the city clerk's certificate that the number of signatures on the petition are sufficient; or

B. Immediately after the clerk's certificate of sufficiency is received, cause to be called a special election to be held on the next election date, as provided in RCW 29.13.020, that occurs not less than 45 days thereafter, for submission of the proposed ordinance without alteration to a vote of the people unless a general election will occur within 90 days, in which event submission must be made on the general election ballot.

1.12.120 Initiative petition - Appeal to court.

If the clerk finds the petition insufficient or if the council refuses either to pass an initiative ordinance or order an election thereon, any taxpayer within the city may commence an action in the superior court against the city and procure a decree ordering an election to be held in the city for the purpose of voting upon the proposed ordinance if the court finds the petition to be sufficient.

1.12.130 Initiative - Conduct of election.

Publication of notice, the election, the canvass of the returns, and declaration of the results shall be conducted in all respects as are other city elections as provided by state law.

1.12.140 Ballot title.

When any initiative petition is found to be sufficient, and the proposal or question is to be submitted to the voters, there shall also be printed on the ballot a concise statement not exceeding 75 words containing the essential features thereof expressed in such a manner as to clearly identify the proposition to be voted upon, which statement shall be prepared by the city attorney. In addition to such a statement, the city attorney preparing the statement shall also prepare a caption, not to exceed 10 words in length, to permit the voters readily to identify the proposition and distinguish it from other propositions on the ballot. This caption shall be placed on the ballot immediately before the statement, and shall be printed in heavy black type in such a manner as to be readable at a glance. The caption and statement together shall constitute the ballot title.

1.12.150 Initiative - Effective date - Record.

If the number of votes cast thereon favor the proposed ordinance, it shall become effective immediately and shall be made a part of the record of ordinances of the city.

1.12.160 Initiative - Repeal or amendment.

Upon the adoption of an ordinance initiated by petition, the city clerk shall write on the margin of the record thereof "ordinance by petition No. __," or "ordinance by vote of the people," and it cannot be repealed or amended except by a vote of the people.

1.12.170 Initiative - Repeal or amendment - Method

The council may by means of an ordinance submit a proposition for the repeal or amendment of an ordinance, initiated by petition, by submitting it to a vote of the people at any general election and if a majority of the votes cast upon the proposition favor it, the ordinance shall be repealed or amended accordingly.

A proposition of repeal or amendment must be published before the election thereof as in an ordinance initiated by petition when submitted to election.

1.12.180 Initiative - Repeal or amendment - Record

Upon the adoption of a proposition to repeal or amend an ordinance initiated by petition, the city clerk shall write upon the margin of the record of the ordinance "repealed (or amended) by ordinance No. __," or "repealed (or amended) by vote of the people."

1.12.190 Referendum petitions

A petition may be filed with the city clerk within 30 days from the date of passage of an ordinance subject to referendum petitioning the council to reconsider the ordinance or to submit the same to a vote of the people. The petition must be signed by the registered voters in the city equal in number to 15 percent of the total number of names of persons listed as registered voters within the city on the date of the last preceding city general election.

1.12.200 Referendum statement

A referendum statement on a petition shall be phrased in the following language:

Should Shoreline City Ordinance No. ___ relating to ____, enacted by the Shoreline City Council on _____ be repealed in its entirety? Your signature on this petition indicates your vote in favor of repeal of the attached ordinance in its entirety.

A copy of the ordinance subject to such referendum petition shall be attached to each referendum petition for the information of the parties requested to sign such petition.

1.12.210 Referendum - Filing suspends ordinance

Upon the filing of a referendum petition, the council shall reconsider an ordinance subject to referendum and upon reconsideration shall defeat it in its entirety or shall submit it to a vote of the people. The operation of an ordinance so protested against shall be suspended until the referendum petition is finally found insufficient or until the ordinance protested against has received a majority of the votes cast thereon at the election.

1.12.220 Initiative provisions applied to referendum process.

All provisions applicable to the character, form, and number of signatures required for an initiative petition, to the examination and certification thereof, and to the submission to the vote of the people of the ordinance proposed thereby, shall apply to a referendum petition and to the ordinance sought to be defeated thereby.

1.12.230 Referendum - Effective date - Record.

If a majority of the number of votes cast thereon oppose the ordinance subject to the referendum, such ordinance shall be deemed repealed immediately.