

2230
8-8-75

ORIGINAL

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 2230

AN ORDINANCE adopting for the qualified electors of the City of Bellevue the powers of initiative and referendum and prescribing procedures.

WHEREAS, the City of Bellevue is a municipal corporation located in King County and is duly organized as a non-charter code city governed by Title 35A of the Revised Code of Washington; and

WHEREAS, the City Council is authorized to declare the powers of initiative and referendum for the City of Bellevue pursuant to Chapter 35A.11, Revised Code of Washington; and

WHEREAS, the Council declared its intent to adopt the powers of initiative and referendum for the qualified electors of the city by Resolution 2506, which was duly published as required by state law; and

WHEREAS, no timely and sufficient referendum has been filed within the prescribed ninety day period; and

WHEREAS, the Council has determined that it would serve the best interests and general welfare of the City of Bellevue to adopt the powers of initiative and referendum; now therefore

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

I. GENERAL

Section 1. Statement of Intent. The Council hereby adopts the powers of initiative and referendum for the qualified electors of the City of Bellevue.

Section 2. General Ordinance Definition. For the purposes of this ordinance and this ordinance only, a general ordinance is defined as an ordinance of general application throughout the City.

Section 3. Effective Date of General Ordinances. General Ordinances of the city shall not go into effect before thirty days from the time of final passage and are subject to referendum during that period. This clause shall not apply to ordinances herein exempted.

Section 4. Ordinances not subject to initiative and referendum. Ordinances of the City which shall not be subject to the powers of initiative and referendum and which shall become effective five days following their passage and legal publication are as follows:

- (1) Ordinances initiated by petition;
- (2) 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;
- (3) Ordinances providing for local improvement districts;
- (4) Ordinances appropriating money;
- (5) Ordinances providing for or approving collective bargaining;
- (6) Ordinances providing for the compensation of or working conditions of city employees; and
- (7) Ordinances authorizing or repealing the levy of taxes; and
- (8) Ordinances which are not defined as general ordinances; and
- (9) Any ordinance exempted now or hereafter by state law from initiative and referendum processes.

II. INITIATIVE PROCESS

Section 5. 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.

Section 6. 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 ten 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.

Section 7. 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.

Section 8. Time for filing initiative petitions. Initiative petitions containing the required signatures of registered voters of the city as provided in RCW 35A.11.100 must be filed with the City Clerk within ninety 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.

Section 9. Initiative petition - Requirements. Every signer to a petition submitting a proposed ordinance to the city council shall add to his/her signature, signer's printed name and his/her place of residence giving street and number. The signatures need not all be appended to one paper, but one of the signers on each paper must attach thereto an affidavit stating the number of signatures thereon, that each signature thereon is a genuine signature of the person whose name it purports to be and that the statements therein made are true as he believes.

Section 10. Form of petitions for ordinances referred to people. The form and sufficiency of the petition shall be as follows:

- (1) 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:
 - (a) The text or prayer of the petition shall be a concise statement of the action or relief sought by petitioners.
 - (b) A copy of the ordinance to be referred to the electorate.
 - (c) 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.
 - (d) The warning statement prescribed in subsection (2) of this section.
- (2) 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

Any person who signs this petition with any other than their true name, or who knowingly signs more than one of these petitions, or signs a petition seeking an election when he/she is not a legal

voter, or signs a petition when he/she is otherwise not qualified to sign, or who makes herein any false statement, shall be guilty of a misdemeanor.

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

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

- (3) The term "signer" means any person who signs his own name to the petition.
- (4) To be sufficient a petition must contain valid signatures of qualified electors in number equal to not less than 15% of the names of persons listed as registered voters within the city on the day of the last preceding city general election.

Within three working days after the filing of a petition, the city clerk shall proceed to make a determination of sufficiency with reasonable promptness and shall file a certificate stating the date upon which such determination was begun, which date shall be referred to as the terminal date. Additional pages of one or more signatures may be added to the petition by filing the same with the city clerk prior to such terminal date. No signatures shall be accepted or withdrawn after such terminal date.

Any signer of a filed petition may withdraw his or her signature by a written request for withdrawal filed with the receiving officer 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.

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

- (6) A variation on petitions between the signatures on the petition and that on the voter's permanent registration caused by the substitution of initials instead of the first or middle names, or both, shall not invalidate the signature on the petition if the surname and handwriting are the same.
- (7) Signatures, including the original, of any person who has signed a petition two or more times shall be stricken.
- (8) Signatures followed by a date of signing which is more than ninety days prior to the date of filing of the petition shall be stricken.

Section 11. Initiative petition - Checking by clerk. Within ten (10) days from the filing of a petition submitting a proposed ordinance the city clerk shall ascertain and append to the petition a certificate stating whether or not it is signed by a sufficient number of registered voters, using the registration records and returns of the preceding municipal election for sources of information, and the council shall allow the clerk extra help for that purpose, if necessary. If the signatures are found by the clerk to be insufficient the petition may be amended in that respect within ten days from the date of the certificate. Within ten days after submission of the amended petition the clerk shall make an examination thereof and append a certificate thereto in the same manner as before. If the second certificate shall also show the number of signatures to be insufficient, the petition shall be returned to the person filing it.

Section 12. Initiative Petition - Council Action. If the petition accompanying the proposed ordinance is signed by the registered voters in the city equal in number to fifteen percent (15%) 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 people, the council shall either:

- (1) Pass the proposed ordinance without alteration within twenty days after the city clerk's certificate that the number of signatures on the petition are sufficient; or
- (2) Within twenty days after the clerk's certificate of sufficiency is attached to the petition, cause to be called a special election to be held not less than thirty nor more than sixty days thereafter, for submission of the proposed ordinance without alteration, to a vote of the people unless a general election will occur within ninety days, in which event submission must be made thereat.

Section 13. 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 for the purpose of requiring 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.

Section 14. 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. Any number of proposed ordinances may be voted on at the same election, but there shall not be more than one special election for that purpose during any one six-month period.

Section 15. Initiative - Notice of election. The city clerk shall cause any ordinance or proposition required to be submitted to the voters at an election to be published in each of the weekly newspapers published within the city. This publication shall be in addition to the notice required in chapter 29.27 RCW.

Section 16. Initiative - Ballots. The ballots used for voting upon a proposed ordinance shall be similar to those used at a general municipal election and shall contain the words "for the ordinance" (stating the nature of the proposed ordinance) and "against the ordinance" (stating the nature of the proposed ordinance).

Section 17. Ballot title. When any initiative petition is found to be sufficient by the clerk and the proposal or question is to be submitted to the voters the question or proposal shall be advertised as provided for nominees for office for code cities, and in such cases there shall also be printed on the ballot a concise statement not exceeding one hundred 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 ten 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.

Section 18. Initiative - Effective date - Record. If a majority of 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.

Section 19. 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.

Section 20. 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 thereon as is an ordinance initiated by petition when submitted to election.

Section 21. 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."

III. REFERENDUM PROCESS

Section 22. Referendum Petitions. A petition may be filed with the City Clerk within thirty days from the passage of a general ordinance by the Council, petitioning the Council to reconsider an ordinance which is subject to referendum, or to submit same to a vote of the people.

Section 23. Referendum Statement. A referendum statement on a petition shall be phrased in the following language:

"Should Bellevue City Ordinance No. _____ relating to _____, enacted by the Bellevue 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.

Section 24. Referendum - Filing suspends ordinance. Upon the filing of a referendum petition, which must contain valid signatures of fifteen percent (15%) 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, within thirty (30) days of the passage of an ordinance petitioning therein that such ordinance be submitted to the electorate, 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.

Section 25. Initiative provisions applied to Referendum process. All provisions applicable to the form of the petition and sufficiency of signatures required for an initiative petition as set forth in Sections 9, 10 and 11 herein, and to the submission to the vote of the people as set forth in Sections 14, 15, 16 and 17 herein, shall apply to a referendum petition and to the ordinance sought to be defeated thereby.

Section 26. 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.

IV. RESTRICTION OR ABANDONMENT OF INITIATIVE AND REFERENDUM

Section 27. Restriction on or abandonment of Powers. The exercise of such initiative and referendum powers may be restricted or abandoned upon passage of a resolution by the Council or by the filing of a sufficient petition with the city clerk signed by qualified electors in number equal to not less than ten (10%) percent of the votes cast at the last general municipal election. The sufficiency of the petition for restriction or abandonment shall be determined by the city clerk and certified as to sufficiency.

The proposal for restriction of the initiative and/or referendum powers and/or the proposal for abandonment of such powers shall be voted upon at the next general municipal election if one is to be held within 180 days from the date of filing of the petition, or at a special election to be called for that purpose not less than 90 days nor more than 180 days after the passage of the resolution or the certification of sufficiency of the petition. The ballot title and statement of proposition shall be prepared by the city attorney as provided in Section 17 herein.

Section 28. Ordinance restricting or abandoning powers - After election. If a majority of votes cast at the election favor restriction or

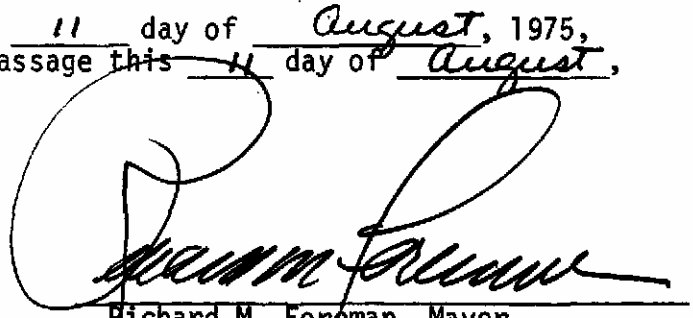
2230
8-11-75

abandonment, such powers of initiative or referendum shall be deemed so restricted or abandoned.

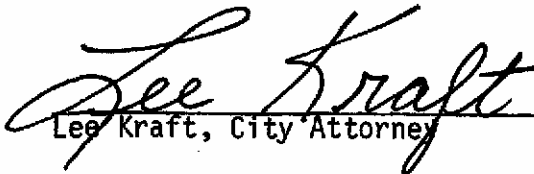
Section 29. This ordinance shall take effect and be in force thirty (30) days after enactment by the council.

PASSED by the City Council this 11 day of August, 1975,
and signed in authentication of its passage this 11 day of August,
1975.


(SEAL)


Richard M. Foreman, Mayor

Approved as to form:


Lee Kraft, City Attorney

Attest:


Sharon S. Stewart, Deputy City Clerk

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