

MINUTES RECAP

MARYSVILLE CITY COUNCIL MEETING	JULY 6, 1995	00147
<u>CALL TO ORDER:</u>	6:30 p.m.	00134 LL
<u>ROLL CALL:</u>	All Present	
<u>MINUTES OF PREVIOUS MEETINGS:</u>	6/26/95 Council Minutes Approved	
<u>AUDIENCE PARTICIPATION:</u>	None	
<u>CONSENT AGENDA:</u>	None	
<u>STAFF'S BUSINESS:</u>		
<u>MAYOR'S BUSINESS:</u>		
<u>CALL ON COUNCILMEMBERS:</u>		
<u>PRESENTATIONS:</u>		
1. MPD "Little Hero" Award to Blake Wintch		
<u>PUBLIC HEARINGS:</u>	None	
<u>REVIEW BIDS:</u>	None	
<u>CURRENT BUSINESS:</u>	None	
<u>NEW BUSINESS:</u>		
1. Initiatives and Referendums.	Continued to 8/14/95 (Public Hearing)	
<u>ORDINANCES & RESOLUTIONS:</u>	None	
<u>LEGAL MATTERS:</u>	None	
<u>OTHER DISCUSSION:</u>		
<u>ADJOURNMENT:</u>	8:40 p.m.	

MARYSVILLE CITY COUNCIL MEETING MINUTES

JULY 6, 1995

6:30 p.m.

Council Chambers

Present: Dave Weiser, Mayor
Donna Pedersen, Mayor Pro Tem
Councilmembers:
John Myers
Ken Baxter
Donna Wright (6:35 p.m.)
Mike Leighan
Otto Herman
Shirley Bartholomew
Administrative Staff:
Dave Zabell, City Administrator
Grant Weed, City Attorney
Wanda Iverson, Recording Secretary

00148
~~00135~~ LZ

CALL TO ORDER:

Mayor Weiser called the City Council Meeting to order at 6:30 p.m. and led us in the flag salute.

ROLL CALL:

City Administrator Zabell called the roll with all members present/absent as indicated above.

MINUTES OF THE PREVIOUS MEETING:

Councilmember Myers noted on page 4, in the 2nd paragraph, it should read "it is a great hardship for a person" rather than "it is a hardship for a great person."

Councilmember Pedersen noted on page 5, 4th paragraph, she asked about the exact route the emergency vehicles would use "and if he had checked with the Fire Dept." She asked that the end of the sentence, after the word "use" be deleted and the above wording added.

Councilmember Bartholomew moved and Councilmember Pedersen seconded to adopt the 6/26/95 minutes as amended. Passed unanimously.

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS: None.

NEW BUSINESS:

1. Initiatives and Referendums.

City Attorney Weed explained that the City Council has the right to set this process as a code city. This right was granted to cities in 1912 and there are presently of the 270 cities in the state, only 41 that have the powers of Initiatives & Referendums, he said. Of the "code" cities, 25 have adopted the Initiatives and Referendum powers: Mill Creek recently put it on the ballot but it was defeated, he noted.

He gave some examples of initiatives that various Washington code cities have put on the ballot: Years ago there was a term limit issue in Spokane brought about by the initiative process; Vancouver had an initiative allowing City Councilmembers to get direct advice from the City Attorney and Chelan wanted to get rid of parking meters through the initiative process.

He said this is also known as direct legislation by the people and is a method to enact legislation/start a new bill. He explained that the petition method must be drawn up and signed by 15% of the number of registered voters from the last general election and then it goes before City Council. Once it is approved by Council, it goes before the voters and he gave Initiative 164 as an example of this method: They need 190,000 signatures for this to come before the voters; this is an initiative on the state level.

The other method of an initiative is for the City Council itself to draw up the initiative, he said.

He noted that when the petition is first presented, it must be filed with and certified by the City Clerk. Then signatures are obtained within 90 days after that. If no petition is submitted, City Council may enact an ordinance but if there is a petition submitted, it is then allowed to go before the voters at the next general election or at a special election. The city attorney would be responsible for wording of the ballot title. 00149

City Attorney Weed noted that there are limitations as to which issues are subject to this process; legislative limitations that exempt certain issues from being put forward on an initiative such as LIDs, ULIDs, annexations, emergency/safety ordinances such as a sewer moratorium, for example. Also appropriating money, issues having to do with providing for collective bargaining and non-bargaining employees, repealing taxes are exempt from the initiative process.

He stated the court's test is whether an issue is legislative action or administrative and if it's administrative it is not subject to the initiative/referendum process. An example of an administrative issue would be the adoption of a rezone because that would come under the jurisdiction of a City ordinance.

Another question is whether the power is granted to the City Council as a legislative authority or to the electorate/City in general and if it is granted to the City then it is subject to the initiative/referendum process.

Other examples of issues not subject to the initiative process are assumption of water and sewer projects, B&O taxes, revenue bonds, setting rates, street projects, local housing authority issues.

Things that are subject to the I & R process could be collection of funds, authority to provide garbage system, curbs, gutters and sidewalks; acquisition of property for parks; authority to provide jails, water & sewer systems, harbor and navigation rights.

He read a summary of the arguments for and against the initiative/referendum process from the Municipal Research Book.

PRESENTATION:

Mayor Weiser and two representatives of the Marysville Police Dept. presented a "Little Hero" certificate and teddy bear to 3 year old Blake Wintch who was involved in an incident recently and made a valiant attempt to help his neighbors.

NEW BUSINESS:

1. Initiatives and Referendums, Continued.

In the event City Council adopts this, City Attorney Weed stated it would be 6 years minimum before they could repeal or reverse the decision to have this power.

There was discussion about the fact that there are no limitations as to whom can start the process, i.e., they could be from outside your jurisdiction and start a petition within your jurisdiction. Also, it was noted that there has not been a whole lot of guidance as to whether issues are appropriate and there was discussion about signature gatherers being paid versus unpaid volunteers. Outside funding by special interest groups was discussed as well as the Ohio Commission decision where you don't have to disclose the origin of funding.

There was further discussion about having to have 15% of the total number of registered voters as of the last general election on the petition, what would happen if the city limits changed after the last election, once the issue goes to the polls it needs a simple majority to pass, what if something was mandated how the city would come up with the funding, budgetary implications, indirect financial impacts.

A number of issues were raised including whether some issues are more appropriate to be brought up at the state level vs the local level, if people wanted parks acquisition is this implying they are willing to pay for parks, for example? It was noted this would require 2 elections, one to pass a bond issue after the original decision was made to acquire the parks. It was also noted that this whole issue is not as clear cut as it was first thought to be and not simply a way of furthering the democratic process.

Paid versus non-paid signature gatherers was brought up again, including the fact that these people maybe should have to disclose this information to people they are trying to get a signature from. It was noted that a lot of times there is very poor understanding of the process of signature gathering, what the petition is all about and there is a lot of confusion and probably uninformed decisions being made as a result. The petition format and title wording quite often are not as clear as they should be.

Other points made were that elected officials don't always come up with good laws, there are some obvious abuses, the right of the people does need to be considered but at what expense, term limits have been attempted to be changed by this method in the past and it didn't get adopted, discussion about having a representative from another code city make a presentation or give written comments about their experience with the initiative and referendum process. It was noted there is very little experience in the area of using the initiative and referendum process to draw from and the need in the community was questioned here. It was noted it would be interesting to find out out of 41 cities how many petitions/initiatives were initiated by the people and how many by the City Council.

There was discussion about the referendum process also needing 15% support for an ordinance, advisory matters, cost of an election, holding a public hearing, whether this would make the process more cumbersome, the form of govt. in Marysville creating a very stable community, change in mayor and Councilmembers could change philosophy of City Council, having faith in our system, a lot of political change in local communities recently, being responsive to the people's needs, having an "open door" policy in Marysville.

It was decided more information is needed and people need to understand the length of the process.

Councilmember Herman moved to hold a public hearing Aug. 14, 1995 when information is available as discussed. Councilmember Bartholomew seconded and the motion passed unanimously.

OTHER DISCUSSION:

There was short discussion about getting more information regarding televising City Council meetings, liability concerns.

City Administrator Zabell noted he will be on vacation a couple days next week but he won't be "out of town."

There was extensive discussion about the 4th St. Bypass, about the fact that the Tulalip Rd. was opened even though the DOT did not think it safe but after a meeting with City and DOT representatives it was decided to move the road north before connecting it with the Tribes road and the City Public Works would do the paving and striping. It was noted there is parking available still for the boat ramp users.

Councilmember Baxter explained his discussion with DOT and the barriers being removed by the Tulalip Tribes and Welco and how the road is now open.

There was further discussion about parking, further improvements, signage, light at 1st & State, traffic congestion, the need for

DOT financial help, the lack of communication that has occurred with this sensitive issue, forming a group to solve the problem of the new boat launch facility, getting help to reduce the gridlock in Marysville, the boat ramp being used and there is better parking but the traffic speed is too high, MPD utilizing their bicycle patrol in the Mall area.

ADJOURNMENT: 8:40 p.m.

Accepted this 24th day of July, 1995.

David Weiser

MAYOR

Mary E. Iverson

CITY CLERK

Standa A. Iverson

RECORDING SECRETARY