

C5: Rumbaugh Amendment 2 – Initiative Fiscal Notes

Council Proposed Amendment

Amendment Summary Article II, Section 2.18 – 2.22

Brief Summary of Amendment

- Adds language to require a fiscal impact statement for any initiative petition ask the voters to approve or reject an ordinances or amendments to existing ordinances.

Amendment:

Powers of the People

Section 2.18 – Amendments to this charter may be submitted to the voters by the City Council or by initiative petition of the voters in the manner provided by the state constitution and laws.

Section 2.19 – Citizens of Tacoma may by initiative petition ask the voters to approve or reject ordinances or amendments to existing ordinances, subject to any limitation on topics in state law, by the following process:

- a. The petitioners shall file an Initiative Petition with the City Clerk.
- b. The City Clerk shall forward the petition to the City Attorney within one (1) working day of receipt.
- c. Within ten (10) working days of receipt, the City Attorney shall review the petition and make contact with the petitioner as necessary, and if the petition is proper in terms of form and style, the City Attorney will write a concise, true, and impartial statement of the purpose of the measure, not to exceed the number of words as allowed under state law for local initiatives. The statement will be phrased in the form of a positive question.
- d. The City Attorney shall file this concise statement with the City Clerk as the official ballot title.
- e. The City Clerk shall assign an initiative number to the ballot title and notify the petitioner that the ballot title becomes final and signature gathering may begin in ten (10) working days if there is no judicial review. Notification of the ballot title shall be posted at City Hall and on the City's web page.
- f. Persons dissatisfied with the ballot title prepared by the City Attorney may seek judicial review by petitioning the Pierce County Superior Court within ten (10) working days of the notification of the ballot title having been posted as required under (e). The Court shall endeavor to promptly review the statements and render a decision as expeditiously as possible. The decision of the Court is final.
- g. Petitions must include the final, approved ballot title, initiative number, the full text of the ordinance, or amendment to existing ordinance, that the petitioners seek to refer to the voters, and all other text and warnings required by state law.
- h. Petitioners have one hundred and eighty (180) calendar days to collect signatures from registered voters.

- i. The number of valid signatures shall be equal to ten percent (10%) of the votes cast in the last election for the office of Mayor.
- j. The City Clerk shall forward the signatures to the County Auditor to be verified. Based on the Auditor's review, the City Clerk shall determine the validity of the petition.
- k. Upon determining the validity of the petition, the Clerks' office shall notify the City Manager and the Manager will create a factual and neutral "Fiscal Impact Statement" that will describe any projected increase or decrease in revenues, costs, expenditures, or indebtedness that the City will experience if the ballot measure were approved by voters. The Fiscal Impact Statement shall be posted on the City's web page.
- l. If the petition is validated, the City Council may enact or reject the Initiative, but shall not modify it. If it rejects the Initiative or within thirty (30) calendar days fails to take final action on it, the City Council shall submit the proposal to the people at the next Municipal or General Election that is not less than ninety (90) days after the date on which the signatures on the petition are validated.

Section 2.20 – Citizens of Tacoma may ask that ordinances passed by the City Council, except for ordinances which take effect immediately as allowed in Section 2.13 of the Charter, or as otherwise prohibited by state law, be referred to the voters for approval or rejection by the following process:

- a. The petitioners shall file a Referendum Petition with the City Clerk not later than ten (10) calendar days after the City Council approved the ordinance.
- b. The filing of a Referendum Petition, and progression by the petitioners through the steps outlined as follows, causes the suspension of the effective date of the ordinance.
- c. The City Clerk shall forward the petition to the City Attorney within one (1) working day of receipt.
- d. Within ten (10) working days of receipt, the City Attorney shall review the petition and make contact with the petitioner as necessary, and if the petition is proper in terms of form and style, the City Attorney will write a concise, true, and impartial statement of the purpose of the measure, not to exceed the number of words as allowed under state law for local referendums. The statement will be phrased in the form of a positive question.
- e. The City Attorney shall file this concise statement with the City Clerk as the official ballot title.
- f. The City Clerk shall assign a referendum number to the ballot title and notify the petitioner that the ballot title becomes final and signature gathering may begin in ten (10) working days if there is no judicial review. Notification of the ballot title shall be posted at City Hall and on the City's web page.
- g. Persons dissatisfied with the ballot title prepared by the City Attorney may seek judicial review by petitioning Pierce County Superior Court within ten (10) working days of the notification of the ballot title having been posted as required under (f). The Court shall endeavor to promptly review the statements and render a decision as expeditiously as possible. The decision of the Court is final.
- h. Petitions must include the final, approved ballot title, referendum number, the full text of the ordinance that the petitioners seek to refer to the voters, and all other text and warnings required by state law.
- i. Petitioners have thirty (30) calendar days to collect signatures from registered voters.

- j. The number of valid signatures shall be equal to ten percent (10%) of the votes cast in the last election for the office of Mayor.
- k. The City Clerk shall forward the signatures to the County auditor to be verified. Based on the Auditor's review, the City Clerk shall determine the validity of the petition. If the petition is validated, the City Council shall immediately reconsider the ordinance, and if it does not repeal the ordinance, submit the proposal to the people at the next Municipal or General Election that is not less than ninety (90) days after the date on which the signatures on the petition are validated.

Section 2.21 – Any ordinance initiated or referred may be submitted to the qualified electors for their approval or rejection at a special municipal election to be called in the manner provided by law for the submission of questions or propositions to the qualified electors.

Section 2.22 – The Council by its own motion may submit any proposed ordinance to the qualified electors for their approval or rejection in the same manner as provided for its submission upon petition.

Rationale for Amendment:

The people have reserved for themselves the power to enact or reject legislation through the initiative and referendum process, as provided in Article II, Section 2.18 – 2.22 of the City Charter. When exercising this right, the people are entitled to know the fiscal impact that their vote will have on public revenues and investments at the time they cast their ballots. When a ballot measure will affect funding for public investments, a factual, neutral, nonprejudicial disclosure of the public revenues and investments affected will provide greater transparency and necessary information for voters.”