



TO: Elizabeth Pauli, City Manager
FROM: From Bill Fosbre, City Attorney; Debra Casparian, Deputy City Attorney
COPY: City Council and City Clerk
SUBJECT: Questions on placing an item on the November Ballot
DATE: June 6, 2023

Timeline for Actions Needed to Place Item on the November Ballot

- June 27-July 25—Council to pass resolution to put a measure on the ballot (this can be done after advertising for the for/against committees and having Council committee make recommendations; it is awkward but has been done)
- June 28—Clerk's office to publish notice soliciting members for the for/against committees
- July 7—deadline for interested parties to submit letters of interest for the for/against committees
- July 18—GPFC committee to review for/against committee applications and recommend members for appointment. (The Clerk's office said GPFC has been the committee to do this. It is possible another committee could do it).
- July 25—For/Against committee appointed by Council
- August 1--Final submission to County—
 - Includes Resolution with ballot title, explanatory statement, and For/Against committee appointments
- August 3—deadline for For/against statements; rebuttals due August 7

What Will it Cost?

- The cost depends on what other jurisdictions have on the ballot, as the costs are shared across the jurisdictions based on their size and registered voters participating in the elections.
- The cost for the City to have measures on the November 2015 ballot, which included the alternative Minimum Wage measure, and many other items (a charter amendment initiative, Proposition No. 3 (levy lid lift and gross earning tax increase), a TBD sales and use tax measure, Councilmember and civil service board elections) was nearly \$60,000.
- The lowest City cost for a November election since 2001 was about \$35,000 in 2007; the highest was 2010 with a cost of about \$132,000.

How would the City's ordinance appear on the ballot?

- They will be listed as alternatives like the Minimum wage measures in 2015.
- **Which comes first.** Typically, the ballot will include an explanation of the alternatives (**see below** for example for the Minimum Wage explanation in the 2015 pamphlet). The Citizen's initiative will then be placed first and then the City's alternative.



Tacoma Initiative Measures No. 1 and No. 1B

Additional Information for Citizens' Initiative Measure No. 1 and City of Tacoma Initiative Measure No. 1B

(Prepared by the City of Tacoma)

This ballot measure includes a citizens' initiative measure relating to minimum wage in the City of Tacoma, and an alternative minimum wage measure proposed by the Tacoma City Council.

The ballot format required by state law presents the voter with two questions. The first question is whether either of the two alternative measures should be enacted into law. The second question is, regardless of the answer to the first question, if one of these measures is enacted, which measure should it be?

If a majority of voters vote "No" on the first question, then neither alternative measure will be enacted into law.

If a majority of voters vote "Yes" on the first question, then the alternative measure receiving the greatest number of votes in the second question will be adopted.

Voters may vote on the second question regardless of how they voted on the first question.

Explanatory statements for the citizens' minimum wage initiative measure and the Tacoma City Council alternative measure appear on the next page of this voters' pamphlet.

City of Tacoma	
Special Election Initiative Measures No. 1 and 1B	
Citizens' Initiative Measure No. 1 and Tacoma City Council Initiative Measure No. 1B concern establishing a minimum wage in the City of Tacoma.	
City of Tacoma Citizens' Initiative Measure No. 1 would require employers of a certain size to pay employees who work in the City of Tacoma, or maintain, report to, or are supervised from, an office in the City, an hourly wage of not less than fifteen dollars (\$15.00), adjusted annually by the rate of inflation. This measure would also create a citizen commission to monitor the City's administration and enforcement of the minimum wage requirements, and make violation a crime.	
As an alternative, the Tacoma City Council, through Resolution No. 39237, has proposed City of Tacoma Initiative Measure No. 1B.	
City of Tacoma Initiative Measure No. 1B would require employers to pay a minimum hourly wage to employees aged sixteen (16) and over performing work in Tacoma of not less than \$10.35 per hour beginning February 2016, \$11.15 beginning January 2017, and \$12.00 beginning January 2018, adjusted annually thereafter based on the Consumer Price Index (CPI) as calculated and used by the State of Washington at that time, and requiring that an impact assessment be conducted in 2018 and every two years thereafter.	
1. Should either of these measures be enacted into law?	
Yes	←
No	←
2. Regardless of whether you voted yes or no above, if one of these measures is enacted, which one should it be?	
Initiative Measure No. 1	←
Initiative Measure No. 1B	←

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What are the limitations on council speech once the item is on the ballot?

- Generally, state law prohibits the Council, and city staff, from using public facilities to support or oppose a ballot measure.
- There are some things that the state law does allow Council to do:
 - **1. Legislative body motions/resolutions.** The City Council may vote on a motion or resolution to express support of or opposition to a ballot proposition.
 - **2. Statements by Councilmembers.** A Council member may make a statement in support or opposition to a ballot proposition at an open press conference or in response to a specific inquiry.
 - **3. As part of "normal and regular conduct."** This exception is somewhat broader and allows activities which are part of the normal and regular conduct of the city. Under this exception, the City could prepare an objective and neutral presentation of facts concerning a ballot measure. For example, details could be provided to citizens concerning the financial impact of an initiative on the local government, such as how revenues would be affected by its passage. Care must be taken that this information be presented in a fair, objective manner.

If the Council adopts the RHC Ordinance now, and then an initiative passes, how would those chapters be reconciled?

- The complication with this is that the Initiative overlaps with our current RHC in some ways (notices to increase rent, penalties, enforcement) and so having two separate and potentially conflicting codes would be complicated.

If the City's Ordinance is adopted now and not sent to the ballot, what would an education and outreach look like, and what would be the cost?

- The full cost of education and outreach about the City's ordinance would be staff intensive and The total cost could range significantly.
- One postcard mailing alone would cost at least \$50,000, and there could be multiple mailings and other paid media.
- An education and outreach plan beyond the existing education by OEHR would require significant MCO focus and shift their priorities for the year and would require unbudgeted funding to support increased efforts.