



City Council

Approval of Ordinance Related to the Opportunity for Olympia (OFO) Initiative Petition, or Approval of Resolution Placing the OFO Petition on the November 8, 2016, General Election Ballot, or Approval of Resolution to Take No Action to Pass OFO's Proposed Ordinance or to Order an Election

Agenda Date: 7/26/2016
Agenda Item Number: 6.B
File Number: 16-0878

Type: resolution **Version:** 1 **Status:** Passed

Title

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Recommended Action

Committee Recommendation:

Not referred to a committee.

City Manager Recommendation:

Move to either adopt the proposed Resolution placing the OFO Initiative Petition on the November 8, 2016, General Election Ballot, or to adopt the proposed Resolution to take no action to pass OFO's proposed ordinance or to order an election.

Report

Issue:

Whether to 1) adopt the Ordinance related to the OFO Initiative Petition; or 2) adopt the proposed Resolution placing the OFO Initiative Petition on the November ballot; or 3) adopt the proposed Resolution to take no action to pass the OFO's proposed ordinance or to order an election.

Staff Contact:

Mark Barber, City Attorney, 360.753.8338

Presenter(s):

Mark Barber, City Attorney

Background and Analysis:

The local organization known as Opportunity for Olympia filed an initiative petition with the City Clerk

on July 6, 2016. The OFO Initiative Petition (the Petition) calls for the Olympia City Council to adopt an ordinance or submit it unaltered to a city-wide vote pursuant to state law to establish a fund dedicated to paying for one year of free community college for each year's public high school graduates and those students receiving GED high school equivalency certificates who live in the City of Olympia, or an equivalent amount of money for those public high school graduates and GED recipients who choose to attend public universities and colleges in the State of Washington; and where ninety-five (95) percent of all funds raised must be spent on tuition, not administrative costs; and that such measure would be funded by establishing an income tax of 1.5% on City of Olympia households with income exceeding \$200,000.

The Petition was received by the City on July 6, 2016, and then filed with the Thurston County Auditor on July 7, 2016. The Auditor determined that the Petition was signed by the requisite number of persons listed as registered voters within the City and issued a Certificate of Sufficiency on Petition No. 070716P on July 13, 2016. (See attached.)

The City Council's options under law are:

- (1) pass OFO's proposed ordinance without alteration within 20 days after issuance of the Auditor's Certificate of Sufficiency has been received by the City Clerk;
- (2) immediately following receipt of the Auditor's issuance of the Certificate of Sufficiency for the Petition, request that the Auditor place the Petition on the ballot on the next election date, as provided in RCW 29A.04.330 (see RCW 35.17.260); or
- (3) take no action to pass OFO's proposed ordinance or to order an election thereon, leaving to any City taxpayer the option to commence an action against the City to obtain a decree ordering an election to be held in the City upon the proposed ordinance attached to the initiative petition (see RCW 35.17.290).

Under either option 2 or 3, the Council has previously directed the City to test the validity of the Income Tax Initiative by court action, and to enjoin the Income Tax Initiative from appearing on the ballot.

Neighborhood/Community Interests (if known):

Comments have been received from community members favoring and opposing Opportunity for Olympia's Initiative Petition.

Options:

1. Adopt a form of Resolution placing the OFO Initiative Petition on the November 8, 2016, General Election Ballot.
2. Adopt a form of Resolution (under No. 1), but direct staff to make changes.
3. Adopt a form of Resolution to take no action to pass OFO's proposed ordinance or to order a special election thereon.
4. Adopt a form of Resolution (under No. 3), but direct staff to make changes.

5. Adopt the Ordinance attached to the Opportunity for Olympia Initiative Petition without alteration, as authorized by state law.

Financial Impact:

Estimated cost to City for placing Initiative Petition on the November 2016 ballot is \$5,000.

Attachments:

1. Alternative forms of Resolutions
2. Ordinance related to the Opportunity for Olympia Initiative Petition
3. Thurston County Auditor's Certificate of Sufficiency Petition No. 070716P