

ORDINANCE NO. 1082

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, ADOPTING A POWER OF INITIATIVE AND REFERENDUM FOR THE QUALIFIED ELECTORS OF THE CITY.

WHEREAS, the City Council of the City of Redmond, Washington, passed Resolution No. 614 on June 1, 1982, stating its intent to adopt the powers of initiative and referendum for the qualified electors of the City as provided in RCW Chapter 35A.11, now, therefore,

THE CITY COUNCIL OF THE CITY OF REDMOND, WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1. A new Chapter 1.12 entitled "Initiative and Referendum" is hereby added to the Redmond Municipal Code to read as follows:

Section 1.12.010 Power of Initiative and Referendum Adopted.

The City of Redmond hereby adopts the power of initiative and referendum for the qualified electors of the City as provided pursuant to RCW 35A.11.080 through 35A.11.100. Such powers are to be exercised as provided in the above referenced sections of the Revised Code of Washington as they now exist or may be amended from time to time and said sections are hereby incorporated in full by this reference.

Section 2. This ordinance will be in full force and effect five days after passage and publication by posting as provided by law.

CITY OF REDMOND

  
MAYOR, CHRISTINE T. HIMES

ATTEST/AUTHENTICATED:

  
CITY CLERK, PAUL F. KUSAKABE

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY:

BY 

FILED WITH THE CITY CLERK: September 2, 1982  
PASSED BY THE CITY COUNCIL: September 7, 1982  
SIGNED BY THE MAYOR: September 9, 1982  
POSTED: September 9, 1982  
EFFECTIVE DATE: September 14, 1982

specifically denied to code cities by law. By way of illustration and not in limitation, such powers may be exercised in regard to the acquisition, sale, ownership, improvement, maintenance, protection, restoration, regulation, use, leasing, disposition, vacation, abandonment or beautification of public ways, real property of all kinds, waterways, structures, or any other improvement or use of real or personal property, in regard to all aspects of collective bargaining as provided for and subject to the provisions of chapter 41.56 RCW, as now or hereafter amended, and in the rendering of local social, cultural, recreational, educational, governmental, or corporate services, including operating and supplying of utilities and municipal services commonly or conveniently rendered by cities or towns. In addition and not in limitation, the legislative body of each code city shall have any authority ever given to any class of municipality or to all municipalities of this state before or after the enactment of this title, such authority to be exercised in the manner provided, if any, by the granting statute, when not in conflict with this title. Within constitutional limitations, legislative bodies of code cities shall have within their territorial limits all powers of taxation for local purposes except those which are expressly preempted by the state as provided in RCW 66.08.120, RCW 82.36.440, RCW 48.14.020, and RCW 48.14.080. [1969 ex.s. c 29 § 1; 1967 ex.s. c 119 § 35A.11.020.]

**Effective date**—1969 ex.s. c 29: "The effective date of this act is July 1, 1969." [1969 ex.s. c 29 § 2.] This applies to the 1969 amendment to RCW 35A.11.020.

**35A.11.030 Applicability of general law.** Powers of eminent domain, borrowing, taxation, and the granting of franchises may be exercised by the legislative bodies of code cities in the manner provided in this title or by the general law of the state where not inconsistent with this title; and the duties to be performed and the procedure to be followed by such cities in regard to the keeping of accounts and records, official bonds, health and safety and other matters not specifically provided for in this title, shall be governed by the general law. For the purposes of this title, "the general law" means any provision of state law, not inconsistent with this title, enacted before or after the passage of this title which is by its terms applicable or available to all cities or towns. [1967 ex.s. c 119 § 35A.11.030.]

**35A.11.035 Nonpolluting power generation by individual—Exemption from regulation—Authorization to contract with utility.** See chapter 80.58 RCW.

**35A.11.040 Intergovernmental cooperation and action.** The legislative body of a code city may exercise any of its powers or perform any of its functions including purchasing, and participate in the financing thereof, jointly or in cooperation, as provided for in chapter 39.34 RCW. The legislative body of a code city shall have power to accept any gift or grant for any public purpose and may carry out any conditions of such gift or grant when not in conflict with state or federal law. [1979 ex.s. c 18 § 17; 1967 ex.s. c 119 § 35A.11.040.]

**Severability**—1979 ex.s. c 18: See note following RCW 35A.01.070.

**35A.11.050 Statement of purpose and policy.** The general grant of municipal power conferred by this chapter and this title on legislative bodies of noncharter code cities and charter code cities is intended to confer the greatest power of local self-government consistent with the Constitution of this state and shall be construed liberally in favor of such cities. Specific mention of a particular municipal power or authority contained in this title or in the general law shall be construed as in addition and supplementary to, or explanatory of the powers conferred in general terms by this chapter. [1967 ex.s. c 119 § 35A.11.050.]

**35A.11.060 Participation in Economic Opportunity Act programs.** The legislative body of any city or town is hereby authorized and empowered in its discretion by resolution or ordinance passed by a majority of the legislative body, to take whatever action it deems necessary to enable the city or town to participate in the programs set forth in the Economic Opportunity Act of 1964 (Public Law 88-452; 78 Stat. 508), as amended. Such participation may be engaged in as a sole city or town operation or in conjunction or cooperation with the state, any other city or town, county, or municipal corporation, or any private corporation qualified under said Economic Opportunity Act. [1971 ex.s. c 177 § 4.]

**35A.11.070 Tourist promotion.** See RCW 35.21.700.

**35A.11.080 Initiative and referendum—Election to exercise—Restriction or abandonment.** The qualified electors or legislative body of a noncharter code city may provide for the exercise in their city of the powers of initiative and referendum, upon electing so to do in the manner provided for changing the classification of a city or town in RCW 35A.02.020, 35A.02.025, 35A.02.030, and 35A.02.035, as now or hereafter amended.

The exercise of such powers may be restricted or abandoned upon electing so to do in the manner provided for abandoning the plan of government of a noncharter code city in RCW 35A.06.030, 35A.06.040, 35A.06.050, and 35A.06.060, as now or hereafter amended. [1979 ex.s. c 18 § 18; 1973 1st ex.s. c 81 § 1.]

**Severability**—1979 ex.s. c 18: See note following RCW 35A.01.070.

**35A.11.090 Initiative and referendum—Effective date of ordinances—Exceptions.** Ordinances of noncharter code cities the qualified electors of which have elected to exercise the powers of initiative and referendum shall not go into effect before thirty days from the time of final passage and are subject to referendum during the interim except:

- (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; which excepted ordinances shall go into effect as provided by the general law or by applicable sections of Title 35A RCW as now or hereafter amended. [1973 1st ex.s. c 81 § 2.]

**35A.11.100 Initiative and referendum—Exercise of powers.** Except as provided in RCW 35A.11.090, and except that the number of registered voters needed to sign a petition for initiative or referendum shall be fifteen percent of the total number of names of persons listed as registered voters within the city on the day of the last preceding city general election, the powers of initiative and referendum in noncharter code cities shall be exercised in the manner set forth for the commission form of government in RCW 35.17.240 through 35.17.360, as now or hereafter amended. [1973 1st ex.s. c 81 § 3.]

**35A.11.110 Members of legislative bodies authorized to serve as volunteer firemen.** Notwithstanding any other provision of law, the legislative body of any code city, by resolution adopted by unanimous vote, may authorize any of its members to serve as volunteer firemen and to receive the same compensation, insurance and other benefits as are applicable to other volunteer firemen employed by the code city. [1974 ex.s. c 60 § 2.]

## Chapter 35A.12

### MAYOR-COUNCIL PLAN OF GOVERNMENT

#### Sections

35A.12.010	Elective city officers—Size of council.
35A.12.020	Appointive officers—Duties—Compensation.
35A.12.030	Eligibility to hold elective office.
35A.12.040	Elections—Terms of elective officers—Numbering of council positions—Contested elections.
35A.12.050	Vacancies—Filling of vacancies.
35A.12.060	Forfeiture of office.
35A.12.065	Pro tempore appointments.
35A.12.070	Compensation of elective officers—Expenses.
35A.12.080	Oath and bond of officers.
35A.12.090	Appointment and removal of officers—Terms.
35A.12.100	Duties and authority of the mayor—Veto—Tie-breaking vote.
35A.12.110	Council meetings.
35A.12.120	Council—Quorum—Rules—Voting.
35A.12.130	Ordinances—Style—Requisites—Veto.
35A.12.140	Adoption of codes by reference.
35A.12.150	Ordinances—Authentication and recording.
35A.12.160	Publication of ordinances.
35A.12.170	Audit and allowance of demands against city.
35A.12.180	Optional division of city into wards.
35A.12.190	Powers of council.

**35A.12.010 Elective city officers—Size of council.** The government of any noncharter code city or charter code city electing to adopt the mayor-council plan of

government authorized by this chapter shall be vested in an elected mayor and an elected council. The council of a noncharter code city having less than twenty-five hundred inhabitants shall consist of five members; when there are twenty-five hundred or more inhabitants, the council shall consist of seven members: *Provided*, That if the population of a city after having become a code city decreases from twenty-five hundred or more to less than twenty-five hundred, it shall continue to have a seven member council. If, after a city has become a mayor-council code city, its population increases to twenty-five hundred or more inhabitants, the number of councilmanic offices in such a city shall increase from five to seven members. In that event the city council shall, by majority vote, pursuant to RCW 35A.12.050, appoint two persons to serve in these offices until the next municipal general election, at which election one person shall be elected for a two-year term and one person shall be elected for a four-year term. The number of inhabitants shall be determined by the most recent official state or federal census or determination by the state office of financial management. A charter adopted under the provisions of this title, incorporating the mayor-council plan of government set forth in this chapter, may provide for an uneven number of councilmen not exceeding eleven. [1979 ex.s. c 18 § 19; 1979 c 151 § 33; 1967 ex.s. c 119 § 35A.12.010.]

**Severability—1979 ex.s. c 18:** See note following RCW 35A.01.070.

**Population determinations, office of financial management:** Chapter 43.62 RCW.

**35A.12.020 Appointive officers—Duties—Compensation.** The appointive officers shall be those provided for by charter or ordinance and shall include a city clerk and a chief law enforcement officer. The office of city clerk may be merged with that of a city treasurer, if any, with an appropriate title designated therefor. Provision shall be made for obtaining legal counsel for the city, either by appointment of a city attorney on a full-time or part-time basis, or by any reasonable contractual arrangement for such professional services. The authority, duties and qualifications of all appointive officers shall be prescribed by charter or ordinance, consistent with the provisions of this title, and any amendments thereto, and the compensation of appointive officers shall be prescribed by ordinance: *Provided*, That the compensation of an appointed police judge or municipal judge shall be within applicable statutory limits. [1967 ex.s. c 119 § 35A.12.020.]

**35A.12.030 Eligibility to hold elective office.** No person shall be eligible to hold elective office under the mayor-council plan unless the person is a registered voter of the city at the time of filing his declaration of candidacy and has been a resident of the city for a period of at least one year next preceding his election. Residence and voting within the limits of any territory which has been included in, annexed to, or consolidated with such city is construed to have been residence within the city. A mayor or councilman shall hold within the