



Legislation Text

File #: 2021-0185, Version: 2

Clerk 06/02/2021

AN ORDINANCE proposing an amendment to the King County Charter to update the charter, clarify terms and bring the charter into compliance with state law, as it pertains to referendum, initiative and charter ballot measure timelines; amending Sections 230.40, 230.50, 230.50.10, 230.60, 230.70, 230.75 and 800 of the King County Charter; and submitting the same to the voters of the county for their ratification or rejection at the November 2, 2021, general election.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. There shall be submitted to the qualified voters of King County for their approval and ratification or rejection, at the November 2, 2021, general election, amendments to sections 230.40, 230.50, 230.50.10, 230.60, 230.70, 230.75 and 800 of the King County Charter, to read as follows:

230.40 Referendum.

Except as provided herein, an enacted ordinance may be subjected to a referendum by the voters of the county ~~((by filing with the county council prior to the effective date of the ordinance))~~ if a proposed referendum petition is submitted as provided in Section 230.70 of this charter and then no later than forty-five days after enactment of the ordinance petitions are filed with the clerk of the county council bearing signatures of registered voters of the county equal in number to not less than eight percent of the votes cast in the county for the office of county executive at the last preceding election for county executive. In addition, except as provided herein, an enacted ordinance which pursuant to state law is effective only in unincorporated areas of the county may be subjected to a referendum by the voters of the unincorporated areas of the county ~~((by filing~~

~~with the county council prior to the effective date of the ordinance))~~ if a proposed referendum petition is submitted as provided in Section 230.70 of this charter and then no later than forty-five days after enactment of the ordinance petitions are filed with the clerk of the county council bearing signatures of registered voters residing in unincorporated areas of the county equal in number to not less than eight percent of the votes cast at the last preceding election for county executive, provided however that the number of required signatures shall be calculated based only upon votes cast within areas which on the date such petitions are required to be filed are unincorporated areas of the county. Each petition shall contain the full text of the ordinance to be referred. The ordinance to be referred shall, in compliance with state law timelines for placing local measures on the ballot, be placed on the ballot either at the ~~((special or))~~ next general election ~~((occurring more than forty-five days after the petitions are filed))~~ following the date of the filing of the signed petitions or at an earlier election designated by the county council, ~~((provided that))~~ although, in the case of an ordinance effective only in unincorporated areas of the county, the proposed ordinance shall be voted upon only by the registered voters residing in unincorporated areas of the county.

An appropriation ordinance; an emergency ordinance ~~((necessary for the immediate preservation of the public peace, health or safety or for the support of county government and its existing public institutions))~~ as specified in Section 230.30 of this charter; an ordinance proposing amendments to this charter; an ordinance providing for collective bargaining; an ordinance approving a collective bargaining agreement; an ordinance providing for the compensation or working conditions of county employees; or an ordinance which has been approved by the voters by referendum or initiative shall not be subject to a referendum.

230.50 Initiative

Ordinances, except ordinances providing for the compensation or working conditions of county employees, may be proposed by filing with the county council petitions bearing signatures of registered voters of the county equal in number to not less than ten percent of the votes cast in the county for the office of county executive at the last preceding election for county executive. In addition, an ordinance which pursuant to state

law is effective only in unincorporated areas of the county, except an ordinance providing for the compensation or working conditions of county employees, may be proposed by filing with the county council petitions bearing signatures of registered voters residing in unincorporated areas of the county equal in number to not less than ten percent of the votes cast at the last preceding election for county executive, provided, however that the number of required signatures shall be calculated based only upon votes cast within areas which on the date such petitions are required to be filed are unincorporated areas of the county. Each petition shall contain the full text of the proposed ordinance.

The form of a proposed ordinance petition must be submitted in accordance with Section 230.60 of this charter to the clerk of the council. Once the form is approved, if within ninety days the required signatures of registered votes are filed with the clerk of council, then the county council shall consider the proposed ordinance. If the proposed ordinance is not enacted within ninety days ~~((after))~~ of the date the signed petitions are ((presented)) filed, ((it shall be placed)) the county council shall, in compliance with state law timelines for placing local measures on the ballot, place the proposed ordinance on the ballot either at the next ~~((regular or special))~~ general election ~~((occurring more than one hundred thirty five days after the petitions are filed))~~ or at an earlier election designated by the county council. ~~((However, if the proposed ordinance is enacted at any time prior to the election, it shall not be placed on the ballot or be voted on unless it is subjected to referendum.))~~

If the county council rejects the proposed ordinance and adopts a substitute ordinance concerning the same subject matter, the substitute ordinance shall be placed on the same ballot with the proposed ordinance; and the voters shall first be given the choice of accepting either or rejecting both and shall then be given the choice of accepting one and rejecting the other, provided that in the case of an ordinance effective only in unincorporated areas of the county, the proposed ordinance shall be voted upon only by the registered voters residing in unincorporated areas of the county. If a majority of the voters voting on the first issue is for either, then the ordinance receiving the majority of the votes cast on the second issue shall be deemed approved. If a

majority of those voting on the first issue is for rejecting both, then neither ordinance shall be approved regardless of the vote on the second issue.

230.50.10 Institutional Initiative.

Any city or town located within the county may, after securing the consent, by motion or resolution, of at least one half of the cities within the county, propose an ordinance of county-wide significance directly to the metropolitan county council, except an ordinance which is not subject to a referendum under the provisions of Section 230.40 of this charter. Such proposed legislation shall be in ordinance form. The metropolitan county council shall ~~((take action on))~~ approve, amend and approve, or reject such proposed legislation within ninety ~~((90)))~~ days of its filing with the county council.

230.60 Referendum and Initiative Petitions.

The county council shall establish by ordinance the form to be used for referendum and initiative petitions. All referendum and initiative petitions shall be sponsored by an individual or committee of individuals, which shall secure the approval of the clerk of the county council as to the form of the proposed petitions before circulating them. Within five days after the form of the proposed petitions is submitted to the clerk of the county council, the clerk shall return it to the sponsor with an indication of the clerk's approval or with a detailed written explanation of the clerk's objection to the form.

230.70 Effective Date of Ordinances.

Except as provided herein, the effective date of an ordinance shall be ten days after its enactment unless a later date is specified in the ordinance. If an ordinance may be subjected to a referendum as provided in Section 230.40 of this charter and if a proposed referendum petition is submitted to the clerk of the county council as provided in ~~((Subsection))~~ Section 230.60 of this charter prior to the tenth day after its enactment, the effective date of the ordinance shall be ~~((forty-five))~~ ninety days after its enactment unless either a later date is specified in the ordinance or the department of elections director determines before ninety days from enactment that the number of petition signatures is insufficient to proceed to referendum, in which case the

effective date shall be the date the department of elections director notifies the clerk of the council in writing of the insufficiency determination. If an ordinance is subjected to referendum, it shall not become effective until after it is approved by the voters. If it is approved by a majority of the voters voting on the issue, the effective date of an ordinance which is subjected to referendum or proposed by initiative, or a substitute ordinance proposed by the county council as provided in ~~((Subsection))~~ Section 230.50 of this charter, shall be ten days after the results of the election are certified unless a later date is specified in the ordinance. The effective date of an emergency ordinance shall be the date of its enactment unless a later date is specified in the ordinance.

An ordinance which is subject to the veto power of the county executive and which is not vetoed, or the approved portions of an appropriation ordinance which has been partially vetoed, shall be deemed enacted on the date that it is approved by, or ten days after it is presented to, the county executive. An ordinance which is vetoed or the vetoed portions of an appropriation ordinance shall be deemed enacted on the date that the county council overrides the veto or partial veto. An ordinance which is not subject to the veto power of the county executive shall be deemed enacted on the date it is approved by the county council.

230.75 Amendment or Repeal of Ordinances Approved by the Voters.

No ordinance that is approved by the county council in response to the filing of an initiative petition or that is approved by a majority of the voters voting thereon, whether as the result of a referendum or initiative, shall be amended or repealed by the county council within a period of two years following the effective date of such ordinance; provided that such ordinance may be amended within the two-year period by ordinance adopted by a vote of not less than two-thirds of all members of the county council, which amendatory ordinance shall not be subject to referendum.

An ordinance approved by the county council in response to the filing of an initiative petition or by the voters may be amended or repealed by an ordinance approved by a majority of the voters voting thereon at any special or general election. Ordinances may be enacted to facilitate and effectuate this provision.

Section 800 Charter Review and Amendments.

At least every ten years after the adoption of this charter, the county executive shall appoint a resident commission of not less than fifteen members whose mandate shall be to review the charter and present, or cause to be presented, to the county council a written report recommending those amendments, if any, which should be made to the charter. Appointees shall be subject to confirmation by a majority of the county council. This resident commission shall be composed of at least one representative from each of the county council districts. The county council shall consider the commission's report and recommendations and decide at an open public meeting how to proceed on each of the commission's recommended charter amendments, as provided by ordinance.

The county council may propose amendments to this charter by enacting an ordinance to submit a proposed amendment to the voters of the county. The county council shall comply with state law timelines for placing local measures on the ballot and shall place the proposed amendments on the ballot at the next general election ~~((occurring more than forty-five days after the enactment of the ordinance))~~. An ordinance proposing an amendment to the charter shall not be subject to the veto power of the county executive. Publication of a proposed amendment and notice of its submission to the voters of the county shall be made in accordance with the state constitution and general law. If the proposed amendment is approved by a majority of the voters voting on the issue, it shall become effective ten days after the results of the election are certified unless a later date is specified in the amendment.

SECTION 2. The clerk of the council shall certify the proposition to the director of elections, in substantially the following form, with such additions, deletions or modifications as may be required by the prosecuting attorney:

Shall the King County Charter be amended to comply with state law as it pertains to initiative, referendum and charter ballot measure timelines, and
to clarify definitions and terms related to the referendum and initiative process?