

RESOLUTION NO. R-2021-

A RESOLUTION providing for the submission to the qualified electors of the City of Yakima at an election to be held on November 2, 2021, of a Proposition on whether Article VI, Section 8 be repealed and removed from the City Charter; and requesting the Yakima County Auditor to submit the Proposition to the voters on the regular municipal general election to be held November 2, 2021.

WHEREAS, Chapter 35.22 of the Revised Code of Washington (RCW) authorizes first class cities of the State of Washington to amend and revise their charters upon approval by a majority of qualified voters of the city voting in a general election called for that purpose; and

WHEREAS, the City of Yakima Charter provides that the Charter may be amended in the manner provided by the laws of the State of Washington and any proposed amendment may be called by the City Council; and

WHEREAS, the City Council desires to call the proposed repeal of Article VI, Section 8 from the City Charter which would remove the dedicated street overlay and reconstruction fund outlined therein; and

WHEREAS, the City Council finds that this dedicated fund is too restrictive as to the activities for which the dedicated funds can be used, as they cannot be used for any street improvement project, but only street overlay and reconstruction—which limits the types of street projects that can be accomplished with this funding; and

WHEREAS, the City Council finds that the streets of the City are an important asset; however, the dedication of the funds reduces flexibility in budgeting to address other general fund needs in public safety, traffic safety, emergency services, streetlight replacement, sidewalk improvements, and other needs of the City; and

WHEREAS, the City Council desires to hold an election in the City of Yakima on the regular municipal general election date of November 2, 2021, for the purpose of submitting to the qualified voters of the City the proposition of whether the City of Yakima should repeal Section 8 of Article VI, as described above, all as set forth in the proposed amended Charter language below; and

WHEREAS, the City Council finds and determines that the best interests and general welfare of the City of Yakima would be served by submitting to the qualified voters in the City the proposition of whether the City of Yakima should repeal Section 8, Article VI of the Charter, as set forth herein, now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF YAKIMA:

Section 1: Consistent with Section 2 of this Resolution, the City requests that the Yakima County Auditor call and conduct an election in the City in conjunction with the state general election to be held on November 2, 2021, for the purpose of submitting to the qualified electors of the City for their approval, the following proposed repeal of the Yakima City Charter: Section 8 of Article VI (Additional Powers and Limitations on Officers). Underlining indicates additions, and strike-outs indicate deletions, to the relevant City Charter provisions.

Article VI, Section 8 of the Charter, which reads as follows:

There shall be a dedicated street overlay and reconstruction fund, reserved for the enhancement in quality and value of City street infrastructure, of no less than Two Million Dollars annually in the City's General Fund budget. This dedicated fund base amount of Two Million Dollars shall be adjusted annually in accord with the annual change in the June U.S. Department of Labor, Bureau of Labor Statistics Consumer Price Index for All Urban Consumers (CPI-U) West Region. The City Council shall make no other use of this fund than as is provided in this Section.

Would hereby be REPEALED.

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Section 2. The City Council desires to place a Proposition before the qualified electors with regards to the proposed City Charter amendments contained in Section 1 of this ordinance. The ballot title for the Charter amendments to be submitted to the qualified electors in accordance with Section 1 of this ordinance, to be submitted at the November 2, 2021, regular municipal general election, shall be substantially as follows, and in such final form of concise statement as may be prepared by the City Attorney consistent with RCW 29A.36.071:

PROPOSITION NO. 2
REPEAL OF SECTION 8 OF ARTICLE VI OF THE
YAKIMA CITY CHARTER

PROPOSITION NO. 2 concerns a change to the City of Yakima Charter. This measure repeals and removes Section 8 of Article VI (Additional Powers and Limitations on Officers) from the Yakima City Charter. Should this proposition be approved?

YES ☐
NO ☐

Section 3. The City Manager and City Attorney are authorized to make such minor adjustments to the wording of such proposition as may be recommended by the Yakima County Auditor, provided the intent of the proposition remains clear and consistent with the intent of this resolution.

Section 4. Local Voters' Pamphlet Authorized. The preparation and distribution of a local voters' pamphlet providing information on the foregoing ballot measure is hereby authorized. The pamphlet shall include arguments advocating approval and disapproval of the ballot measure. In accordance with RCW 29A.32.280, the arguments advocating approval and rejection of the ballot measure shall be prepared by committees appointed by the City Council by resolution not later than forty-five days before the publication of the pamphlet. Each committee shall be composed

of not more than three persons, however, a committee may seek the advice of any person or persons. The committee advocating approval shall be composed of persons known to favor the ballot measure, and the committee advocating rejection shall be composed of persons known to oppose the ballot measure.

Section 5. Corrections by City Clerk. Upon approval of the City Attorney, the City Clerk and the code reviser are authorized to make necessary corrections to this resolution, including the correction of clerical errors, references to other local, state or federal laws, codes, rules, or regulations, or resolution numbering and section/subsection numbering.

Section 6. Severability. If any one or more sections, subsections or sentences of this resolution are held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this resolution and the same shall remain in full force and effect.

Section 7. Effective Date. This resolution shall become effective immediately after its adoption.

Section 8. The City Clerk is authorized and directed to file a certified copy of this resolution with the Yakima County Auditor.

ADOPTED BY THE CITY COUNCIL this 20th day of July, 2021.

Patricia Byers, Mayor

ATTEST:

Sonya Claar Tee, City Clerk