



OFFICE OF THE CITY MANAGER

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MEMORANDUM

To: Honorable Mayor and Members of the Yakima City Council

From: Dave Zabell, Interim City Manager

Date: May 3, 2024

RE: Update on status of the petition effort

This memo is to update you on the status of the petition effort regarding three recent ordinances the City Council passed, two of which repealed the Community Integration Committee and Sustainable Yakima Committee, the third of which reorganized the Tree Board, Bike and Pedestrian Committee, and Historic Preservation Committee as sub-committees of the Planning Commission, and increased membership on the Planning Commission to 11 members.

With respect to the petition process contained in the Yakima City Charter, Article IV Section 3 of the Charter provides as follows:

If, prior to the date when any ordinance shall take effect, a petition signed by qualified electors equal in number to ten per centum of the entire vote cast at the last preceding general city election shall be filed with the City Clerk, protesting against the enactment of such ordinance, it shall be suspended from taking effect. Immediately upon the filing of the petition the City Clerk shall do all things required in SECTION 2 (a) and (b) of this article. Thereupon the City Council shall immediately reconsider such ordinance, and, if it does not entirely repeal the same, shall submit it to popular vote at the next municipal election; or, the City Council may call a special election for that purpose in accord with the provisions of State law for special municipal elections; and such ordinance shall not take effect, unless a majority of the qualified electors voting thereon at such election shall vote in favor thereof.

As previously reported to the City Council, two of the petitions failed to achieve, in a timely manner, a sufficient number of signatures to potentially meet the threshold number of 1,258 signatures, which represents ten percent of the "entire vote cast at the last preceding general city election". These petitions pertained to the ordinances regarding reorganization of certain advisory boards/committees as sub-committees to the Planning Commission, and the Community Integration Committee. Accordingly, the two ordinances pertaining to these committees went into effect on April 8, 2024 without further Council action. The petition pertaining to the Sustainable Yakima Committee contained 1,276 timely signatures, enough to potentially meet or exceed the aforementioned threshold and accordingly was sent on to the County Auditor's office for validation of the signatures contained in the petition.

Since our last written communication on this topic, the Yakima County Auditor's office has completed its examination of this petition and validated 1,137 of the 1,276 signatures submitted. Copies of the County Auditor's validation effort and Certification by the Yakima City Clerk are attached. The number of validated signatures associated with this petition falls short of the threshold number of 1,258, as a result, the ordinance related to the Sustainable Yakima Committee petition is also in effect.

As there has been some question by the petitioners about the threshold number used by the City, I would like to address that question as well. A Certificate of Participation for the 2023 General Election, prepared by the County Auditor's Office, is attached and clearly lists the number of voters within the City of Yakima which voted in that election as 12,589. I would add that the County website provides the "participation numbers" for this election for each jurisdiction in Yakima County. This information has been posted on the County website since shortly after that election was certified by the Auditor. Per the relevant provisions of the City Charter, the 1,258 number which was used as the aforementioned threshold number represents ten percent of the "entire vote cast at the last preceding general city election."

While there has been confusion on the part of some with respect to the threshold number, I want to assure Council that confusion did not come from City officials. I will note that I know of no effort on the part of the petitioners at the onset or during their petition drive to communicate with City officials regarding the threshold number. I understand based on second and thirdhand reports that some of the involved believe a lesser threshold number was provided by the County Auditor's office, which would be a number different than is on their own website. One can only assume, that if a different number was provided by the Auditor's office, it was in response to a specific question of Auditor staff based on an interpretation of the Charter from someone other than an authorized City official. While the confusion is unfortunate, it did not come from the City. It is regrettable that the petitioners relied on an unofficial interpretation of the Charter language in this case rather than checking with the City early on in the process as an authorized City official would be the appropriate party to interpret its Charter in such circumstances.

As Council is aware, additional signatures were submitted for each of the three petitions days past the deadline specified in the City Charter. Of note here, they were submitted days after the effective date of the ordinances. To be considered through the Charter process, the signatures would have had to been filed with the City Clerk prior to the effective date of the ordinances, at which point all three ordinances would have been suspended from taking effect.

On a final note, regardless of sufficiency, the petitions are considered public records and they will be safeguarded by the Yakima City Clerk's office consistent with the State records retention schedule.

Please feel free to contact me if you have any questions.