

RESOLUTION NO. 678

A RESOLUTION OF THE CITY OF CLYDE HILL, WASHINGTON, CALLING FOR AN ELECTION ON A PETITION PROPOSING TO CHANGE THE FORM OF CLYDE HILL GOVERNMENT FROM THE MAYOR-COUNCIL FORM TO THE COUNCIL-MANAGER FORM; SETTING THE DATE FOR THE ELECTION AT THE NOVEMBER 8, 2022, GENERAL ELECTION; SETTING MARCH 1, 2023, AS THE DATE THE CHANGE IN GOVERNMENT WILL TAKE EFFECT; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

RECITALS

1. On June 16, 2022, a petition was filed with the King County Auditor's office that contained approximately 152 resident signatures seeking to change the form of Clyde Hill government from the mayor-council form to a council-manager form, as provided under Chapter 35A.06 Revised Code of Washington (RCW).
2. On June 24, 2022, the King County Department of Elections has verified and certified that the petition contains sufficient signatures to initiate this change. Under state law, the question whether to change the city's form of government will be presented to the voters at the next general municipal election, which would occur on November 7, 2023. RCW 35A.06.050; RCW 29A.04.330.
3. As of June 9, 2022, the state legislature amended the requirements for a valid petition to change the form of government by requiring that the petition also state the date the change would occur. House Bill 1832, amending, in part, RCW 35A.06.040. It appears that

the petition was circulated and signatures were entered prior to June 9, so it appears that the petition was legally valid while signatures were gathered. However, the petition, which does not state the date the change in government should occur, was submitted after the change in the law, so a legal question exists as to the validity of the petition as submitted.

4. Other questions have arisen regarding the change to the council-manager form of government if the election were to occur during the 2023 general election. The current mayoral term will expire at the end of 2023. Because the outcome of the vote will not be known at the time of the election, the city will still be under the mayor-council form of government, so the voters will be required to vote for the position of mayor in Clyde Hill while at the same time be voting on abandoning the mayor-council form of government.

5. If the voters approve the change in government, state law requires that the mayor remain as a councilmember for the remainder of her term. RCW 35A.06.030. State law also requires that the size of the city council increase from five members to seven members. RCW 35A.13.010. The six-member council would then appoint a seventh member.

6. Because the petition does not set a date for the change in government to occur, it is possible that the change would occur immediately upon certification of the votes, if approved. But the city's mayor would also have been elected for a new four-year term beginning in 2024. With certification occurring in 2023, another question arises whether the requirement that the mayor serve till the end of her term

would be to the end of 2023 or to the end of the newly elected mayor's term, which would be the four-year term beginning January 1, 2024, and ending December 31, 2028.

7. State law also allows the city council to call for the change of government by passage of a resolution on the petition that calls for an election on the change. RCW 35A.04.050. The council has the authority to determine which election the vote on the change will occur. This could be either a general election or a special election.

8. The council has determined that the election on change in form of government and the date the government changes form, if approved by the voters, should occur in a manner that clarifies, to the extent possible, the uncertainties raised by the change in law regarding petition requirements and by the timing of the election.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CLYDE HILL, WASHINGTON, DO RESOLVE AS FOLLOWS:

ORDINANCE

Section 1. Election to Change Form of Government. The Clyde Hill City Council requests and calls for the King County Auditor to conduct an election to submit to qualified voters of the city the proposition whether the city should adopt the council-manager form of government and abandon the mayor-council form. The date for the election will be at the general election to be held on November 8, 2022. If approved by the voters, the date the change in Clyde Hill city government will occur will be March 1, 2023.

Section 2. Ballot Proposition. The proposition to be submitted to the voters will be in the form of a ballot to read as follows:

PROPOSITION

ADOPTION OF THE COUNCIL-MANAGER FORM OF GOVERNMENT
WITHIN THE CITY OF CLYDE HILL BEGINNING MARCH 1, 2023

Shall the city of Clyde Hill adopt the council-manager form of government and abandon the mayor-council form of government beginning March 1, 2023? The adoption of the council-manager form of government would not affect the city's continuing status as a code city governed under Title 35A, Revised Code of Washington.

FOR ADOPTION OF THE COUNCIL-MANAGER FORM OF
GOVERNMENT BEGINNING MARCH 1, 2023.....

AGAINST ADOPTION OF THE COUNCIL-MANAGER
FORM OF GOVERNMENT

Section 3. Filing with County Auditor. The city clerk is directed to file a certified copy of this resolution with the King County Auditor within the time established by the auditor to place the ballot proposition on the designated election date.

Section 4. Severability. If any section, sentence, clause, or phrase of this resolution is held to be invalid or unconstitutional by a court of competent jurisdiction, the invalidity or unconstitutionality does not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this Ordinance.

Section 5. Effective Date. This resolution shall take effect immediately upon passage, but the election called for by this resolution will occur and the date set by this resolution and the change in form of government will not occur until the date set by this resolution.

PASSED by the City Council and ~~APPROVED~~ by the ~~Mayor~~ of the City of Clyde Hill at a regular meeting held the 28th day of June, 2022.

CITY OF CLYDE HILL, WASHINGTON:

MAYOR SIGNATURE REFUSED

MARIANNE KLAAS, MAYOR

~~ATTEST~~/AUTHENTICATED: AS TO FORM:

Dean Rohla
CITY CLERK, DEAN ROHLA

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY Tom Brubaker 6/29/22
TOM BRUBAKER, LIGHTHOUSE LAW GROUP
CITY ATTORNEY

FILED WITH THE CITY CLERK: 6/28/22

EFFECTIVE DATE: 6/28/22

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