

**City of Port Angeles Proposition No. 1
Change in City's Form of Government
Frequently Asked Questions**

City of Port Angeles Proposition No. 1, which will come before voters on the November General Election ballot, concerns a change in the City's form of government. This proposition is the result of a petition written and circulated by a citizens' group, Our Water-Our Choice. The petition was circulated after a controversial decision of the Port Angeles City Council to continue fluoridating the City's municipal water supply. If the proposition is approved, the City will change from a code city under Title 35A RCW to a second class city under Title 35 RCW.

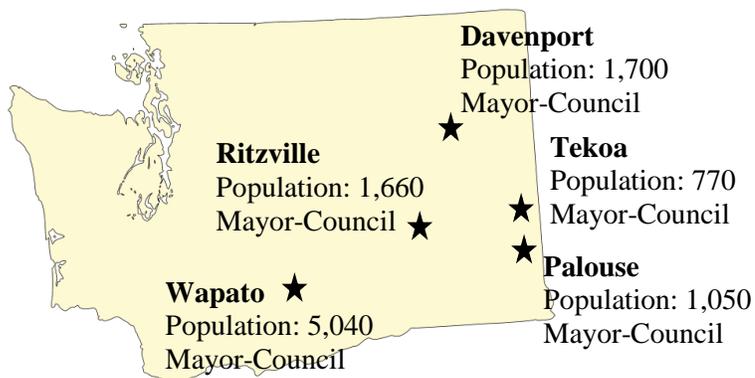
This fact sheet is intended to help Port Angeles citizens understand the change from a code city to a second class city.

Q: How many code cities are in Washington -- A: There are 196 code cities in the State of Washington.

Q: How many second class cities are in Washington --

A: There are five second class cities in the State of Washington:

1. Davenport
2. Palouse
3. Ritzville
4. Tekoa
5. Wapato



Q: Have any cities in Washington changed from a code city to a second class city -- A: No.

Q: Will the proposition change the council-manager plan of government -- A: No. The only change will be the City's classification - changing from a non-charter code city to a second class city. The City will retain its council-manager plan of government.

Q: If Port Angeles changes to a second class city, what will change – The change from a code city to a second class city will eliminate the City's broad authority to regulate matters of local concern. As a non-charter code city, Port Angeles has the broadest powers of local self-government under what is known as home rule authority. Home rule authority allows cities to govern based on the needs of the individual communities. If Port Angeles were to become a second class city, its powers would be limited to only those powers granted by the state legislature. For second class cities, many statutory grants date back to the late 19th and early 20th centuries.

The following are some practical examples of specific community services that code cities with home rule authority can provide that second class cities may not have authority, or have limited authority, to provide:

- Telecommunications and fiber optic facilities;
- Local Improvement District (LID) assessment collection deferral;
- Ambulance utilities;
- Sponsoring and operating public events, fairs, and cultural activities; and
- Sponsoring, funding, or operating child care and early education programs.

There are many other authorities and powers that might change, and it is impossible to identify all of them in advance.

Q: Are there powers that would not change -- A: Yes. All Washington cities (first class, second class, code cities, etc.) have strong and roughly equivalent “police powers,” meaning the power to regulate land use, business activities, and behavior that might interfere with others’ rights.

Q: If Port Angeles changes to a second class city, will its citizens still have the powers of initiative and referendum -- A: No. The City of Port Angeles, as a code city, adopted the powers of initiative and referendum in 2006. However, second class cities do not have the authority to establish initiative and referendum powers. In second class cities, the council may submit an issue to the voters on an advisory ballot basis. While a city council may consider the vote of the people in an advisory ballot in deciding whether to enact or repeal an ordinance, the council is not bound to follow the majority vote. (Source: MRSC)

Q: If Port Angeles changes to a second class city, will the change affect the City’s ability to fluoridate its water supply -- A: No. The City of Port Angeles operates a Group A municipal water system. The Washington State Department of Health regulations permit Group A water systems to administratively adopt water fluoridation programs. So, even if the City of Port Angeles were to change from a code city to a second class city, the City’s water system would still remain a Group A municipal water system that is regulated by the Washington State Department of Health.

Q: Would changing to a second class city limit the City Council’s spending authority or ability to incur debt – A: No. There would be no change. Both second class cities and code cities must adopt a budget and both are subject to the same expenditure limitations. The City’s general obligation debt limits are set by statute and apply equally to second class cities and code cities – see Chapter 39.36 RCW.

Q: Where can I find more information -- A: Municipal Research and Services Center (MRSC) – www.mrsc.org; MRSC’s Code City Handbook; Title 35 RCW (Cities and Towns); Title 35A RCW (Optional Municipal Code); Hugh Spitzer, “Home Rule” vs. “Dillon’s Rule” for Washington Cities (April 16, 2015), Seattle University Law Review Volume 38, No. 3, pp. 809-60.