

No. 00996-2

SUPREME COURT  
OF THE STATE OF WASHINGTON

YES FOR EARLY SUCCESS, a non-profit corporation, LAURA  
CHANDLER, and BARBARA FLYE

Petitioners,

vs.

CITY OF SEATTLE and KING COUNTY,

Respondents.

72322-7

PETITION FOR REVIEW

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## **I. INTRODUCTION**

In a published opinion, Division One declared the City of Seattle's 105-year old initiative process to be preempted by State law and left the largest City in the State without a viable initiative process. The Supreme Court should accept review to restore the initiative and voting rights under the City of Seattle Charter and protect those rights in other first-class cities.

Although the published opinion arose in the context of Seattle Initiative 107 ("I-107"), it sounds a death knell for the initiative process in the City of Seattle, and undermines the initiative and referenda process in every first-class city. It is unlikely that citizens will incur the expense and time to qualify a citizen initiative now that the Court of Appeals has invalidated the right to take the initiative to the voters for a majority vote.

The right to an up or down vote on a qualified initiative is at the heart of every initiative process. Indeed, the State Legislature has specifically guaranteed this right in the majority of Washington cities by statute. RCW 35.17.260 and 35A.11.100. In first-class cities, this right is secured by local charters – or at least it was prior to the published opinion. The Court of Appeals invalidated the Seattle Charter's guarantee that if the Seattle City Council rejects a qualified initiative, the initiative would proceed to the voters for approval or rejection through a majority vote.

It is cruel irony that the published opinion leaves Seattle as the one major Washington city where voters may not overcome legislative obstacles by placing legislation on the ballot for approval or rejection, since Seattle's initiative process was one of the first in the nation and was upheld by the Supreme Court as a valid exercise of municipal authority over 105 years ago. Its example led to the adoption of the initiative and referendum power on the statewide level and across the State.

The Court of Appeals relied upon a ministerial recodification of a ballot title statute to dismantle the initiative process in Seattle and, implicitly, in other first-class cities. However, that recodification provides no justification for invalidating a city charter or denying voting rights under it. The plain language and the legislative history of the recodification show no intent to restrict initiative and voting rights in first-class cities. Furthermore, the statute is easily harmonized with the Seattle Charter.

This appeal is critical to resuscitating Seattle's initiative process going forward and redressing the fundamental rights that have been denied.

Under the plain language of the Seattle City Charter, Petitioner Laura Chandler and the 30,000 voters who signed I-107 had a right to an up or down vote on the initiative. The Charter guaranteed an election on the merits of I-107, which would increase training and pay for the 4,500 teachers in the City's existing early learning system.

Instead, the Court of Appeals forced I-107 to be put on the ballot in a head-to-head matchup against the City’s proposal to start a public preschool system – a proposal that had been in the works for years and that enjoyed considerable momentum and popularity. Thus, rather than an election on the merits of raising teacher pay and training under I-107, the election was about whether Seattle should start a public preschool system. Over a million dollars poured into the preschool campaign from donors who may have been indifferent to I-107 but had to defeat the initiative to pass public preschool. There was no election on I-107, as the Charter promised. *See App. 31-36, 125-131, 132 et seq.*

The Massachusetts Supreme Court correctly recognized that the placement of an alternative on the ballot by government opponents is and “emasculate” of the initiative process, since it “might well block the enactment of an initiative proposal supported by a majority of voters” and “interfere[s] with the ability of the people to declare their position on the basic question originally proposed.” *Buckley v. Secretary of Commonwealth*, 355 N.E.2d 806 (1976 Mass.). *App. 132 et seq.*<sup>1</sup>

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<sup>1</sup> References to “App. \_\_” refer to the appendix to this Petition. References to “A. \_\_” refer to the appendix submitted with Petitioner’s Emergency Motion for Discretionary Review to the Court of Appeals.

The Court of Appeals also stripped rights from voters like Petitioner Barbara Flye. Under the Charter, Petitioner Flye had a right to vote “yes” on I-107 to increase teacher pay and training, and she had the right to also vote “yes” on the City Council’s proposal to start a public preschool. She had the right to have both of her “yes” votes count and to potentially have both measures go into effect. The published opinion invalidated these voting rights and stripped Petitioner Flye and thousands of other Seattle voters of the right to support both measures. The Supreme Court should accept review to restore these rights.

Finally, the published opinion must be reversed because it forecloses stand-alone claims under the Open Public Meetings Act (“OPMA”), in violation of the plain text of OPMA and this Court’s binding precedent.

## **II. IDENTITY OF PETITIONERS**

Petitioner Barbara Flye is a Seattle voter who supports both I-107 (raising pay and training for child care workers) and the City of Seattle’s referendum on Seattle Ordinance 124509 (creating a pilot program for public preschool program). App. 27-28. She is among the 42% of likely Seattle voters who would prefer to vote yes for both measures, but under the published opinion are forced to choose one. App. 37-38.

Petitioner Laura Chandler is the sponsor of I-107. App. 29-30.

## **III. COURT OF APPEALS’ PUBLISHED DECISION**

On September 2, 2014, Division One of the Court of Appeals issued a published opinion affirming the trial court, and on October 1 denied a motion for reconsideration. App. 1-8.

#### **IV. ISSUES PRESENTED FOR REVIEW**

1. May initiative and voting rights guaranteed by a first-class city's charter be denied based upon the State Legislature's ministerial recodification of state ballot title statutes, when it is possible to harmonize the statute with the city charter?

2. Does the Legislature's ministerial recodification of ballot title statutes evidence an intent to preempt the local initiative process and to deny voters in first-class cities of the basic initiative rights that the legislature has explicitly protected in other cities?

3. Must a court make every effort to harmonize the Legislature's ministerial recodification of ballot title statutes with the initiative process in a first-class city charter, to protect the validity of the charter's initiative process and the voting rights it guarantees?

4. Are Article IV, Sections 1(D), (F) and (G) of the Seattle Charter preempted by RCW 29A.36.71 and 29A.72.050(3)?

5. Was Petitioner Flye impermissibly denied federal constitutional rights, enforceable under 42 U.S.C. § 1983, when she was denied voting rights guaranteed by the Seattle Charter, while applicable

State statutes are harmonious with such rights and no government interest is served by the deprivation?

6. Can the government show any interest being served by denying Petitioner Flye of her voting rights under the Seattle Charter, when the Legislature has explicitly guaranteed those same voting rights to other voters throughout the State?

7. May a City Council decree in advance of an election that two measures being placed before the voters are in conflict and therefore cannot both become law, or is that exclusively a decision for the judiciary to make if and when both measures are enacted by the voters?

8. Did the Court of Appeals err in denying a claim under the Open Public Meetings Act based solely upon its rejection of other claims, and despite evidence of an OPMA violation, thereby foreclosing OPMA as a stand-alone cause of action?

#### **V. STATEMENT OF THE CASE**

In May of 2014, Laura Chandler filed approximately 30,000 signatures of Seattle voters in support of I-107. App. 29-30. On June 4, 2014, King County Department of Elections issued a Certificate of Sufficiency determining that I-107 contained sufficient valid signatures to qualify for the ballot under the Seattle Charter. App. 11.

Totally separate from the effort to improve childcare working conditions that led to I-107, in 2013 the Seattle City Council began a process to create a public preschool program. A-247. On June 23, 2014, The Council passed Ordinance 124509 to place its preschool action plan and a funding package before the voters. App. 77.

Pursuant to the Charter, once the City Council rejected I-107, it must be “submitted to the qualified electors for approval or rejection” and if it “receive[s] in its favor a majority of all the votes cast for and against ... [it] shall become an ordinance.” Charter, Art. IV, §§ 1.D, 1.F. If the City Council passes a different measure on the same subject -- which it claims to have done in the passage of Ordinance 124509 -- the voters do not lose their right to an up or down vote on I-107, but they gain the right to vote on both measures independently. Art. IV, § 1.G.

The City of Seattle refused to follow the Charter's command to place I-107 before the voters for approval or rejection by majority vote. Rather, the City decided to hold an election to determine the voters' preference *between* I-107 and Ordinance 124509, and to allow the election to be decided by a plurality. App. 126. The City issued a ballot title with two questions, in the form that the State Constitution mandates for statewide “initiatives to the legislature” where the legislature has proposed an alternative, which first asks voters whether they want to enact either or

neither of the two proposals, and then asks *all* voters (even those that want neither enacted) their preference as between the two proposals. *Id.*

To advance this election scheme, the City argued to invalidate the initiative rights secured by its own Charter. The City's position appeared to be politically motivated, given that the City's top two officials were leading the campaign against Initiative 107. App. 31-36, 39-43, 124-125.

The City's action, later blessed by the Court of Appeals, denied Petitioner Chandler and the more than 30,000 voters who signed the I-107 petition their right to have an independent, majority election on I-107 *based upon its own merits*. App. 29-30. It prevented Petitioner Flye and many other voters from expressing their support for both I-107 and Ordinance 124509. App. 27-28, 37-38. This harmed certain voters due to their political opinions, since voters like Flye could not express their preference for both, but voters supporting only one measure could fully express their opinion.

On August 15, 2014, King County Superior Court Judge Helen Halpert declared the City Charter "unconstitutional" in entitling voters to an up or down vote on I-107, and dismissed all of Petitioners' claims. *Id.*

The Court of Appeals affirmed in a published opinion on September 2, 2014, invalidating most of the substantive initiative rights in the Seattle Charter. It denied a motion for reconsideration on October 1, 2014.

## **VI. ARGUMENT WHY REVIEW SHOULD BE GRANTED.**

- 1. This Court should accept review under RAP 13.4(b)(3) and (4) because the published opinion invalidates the initiative right in the City of Seattle and jeopardizes that right for 1.5 million residents of first-class cities.**

This Court should accept review because the published opinion has invalidated the initiative process in the State's largest city and leaves in question the viability of the initiative right in all first-class cities.

In the vast majority of cities in our State, the State Legislature has explicitly protected the fundamental initiative right at issue in this case – the right to send a qualified initiative to the voters for approval or rejection by majority vote. In almost 200 cities, once an initiative is qualified, the legislative body must either “Pass the proposed ordinance without alteration, or ... immediately ... cause to be called a special election ... for submission of the proposed ordinance without alteration, to a vote of the people”. RCW 35.17.260, 35A.11.100. Like all municipal elections, the outcome of such elections is determined by majority vote. RCW 35.17.330, 35.17.350.

In contrast, in the ten first-class cities like Seattle, where about 1.5 million Washingtonians reside, the right to an up or down vote on a qualified initiative is instead protected by city charters.

Like the cities governed by RCW 35.17.260 and 35A.11.100, the heart of Seattle's 105-year old initiative process is its guarantee that if the

City Council rejects the initiative, it will go to voters for an up or down vote, to be decided by a majority. Charter, Art. IV, §§ 1.D, 1.G.

The Charter confirms that even if the City Council passes another ordinance “on the same subject” – a loose standard – then the voters still get an independent vote on the initiative. *Id.* at §§ 1.D, 1.F. However, the Charter provides greater protection for the initiative process by stating that the voters also get an independent vote on the City Council’s ordinance. Presumably this prevents a City Council from stealing support from an initiative campaign by passing a weaker measure in advance of the election. The Charter allows both measures to take effect “if both such measures be approved by a majority vote” and they are not in conflict. Art. IV. § 1.G.

The published opinion takes a hatchet to the every substantive provision of Seattle initiative process, as illustrated by the strikeouts below:

~~If the City Council rejects any initiative measure, ... the said rejected initiative measure ... shall be taken in charge by the City Clerk and the City Council shall order the measure submitted to the qualified electors for approval or rejection at the next regularly scheduled election ... [Art. IV, § 1.D.]~~

~~Any measure thus submitted to the vote of the people, which shall receive in its favor a majority of all the votes cast for and against the same, shall become an ordinance... [Art. IV. § 1.F]~~

~~In case the City Council shall, after rejection of the initiative measure, have passed a different measure, dealing with the same subject, it shall be submitted at the same election with the initiative measure and the vote of the qualified electors also taken for and against the same, and if both such measures be approved by a~~

~~majority vote, if they be conflicting in any particular, then the one receiving the highest number of affirmative votes shall thereby be adopted, and the other shall be considered rejected. [Art. IV. § 1.G].~~

In addition to invalidating the right to an up or down vote on a rejected initiative, the Court of Appeals invalidated Seattle voters' right to cast a second vote on the Council's ordinance on the same subject.

The Court of Appeals also denied Seattle voters the explicit right under the Charter to have the election determined by majority vote. Art. IV. § 1.F. Majority rules is a fundamental democratic principal in our state, *League of Educ. Voters v. State*, 176 Wn.2d 808, 823 (2013), and guaranteed by statute in other initiative cities. RCW 35.17.330, 35.17.350.

- a. **First-class cities operating under charter are entitled to the same rights of direct democracy as other cities.**

The published opinion must be overturned so that Seattle and other first-class cities are entitled to a viable initiative process just like other Washington cities.<sup>2</sup>

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<sup>2</sup> The published opinion jeopardizes the initiative process in *every* first class city, regardless of the wording of the initiative process in the charter. The Seattle Charter did not authorize the City Council to place an alternative on the ballot head-to-head with an initiative, but the Court of Appeals held that once the City Council took that action, the two-part ballot title was required, thereby invalidating the Charter's initiative and voting rights. Opinion at ¶ 18. If the council of a first class city can violate its charter and thereby invalidate initiative rights, then this can happen in any first class city.

Over a century ago, this Court upheld Seattle’s initiative process as a valid exercise of a first-class city’s authority. *Hartig v. Seattle*, 53 Wn. 432, 435, 102 P. 408 (1909). Later, the State Legislature confirmed this authority by enacting RCW 35.22.200 (“The charter may provide for direct legislation by the people through the initiative and referendum upon any matter within the scope of the powers, functions, or duties of the city.”)

Under RCW 35.22.195, “Any city adopting a charter ... shall have all of the powers which are conferred upon incorporated cities and towns by Title 35 RCW, or other laws of the state, and all such powers as are usually exercised by municipal corporations of like character and degree.”

Certainly, then, the voters in charter cities cannot be denied the right to send an initiative to the ballot in an up or down majority vote – the same power conferred upon other cities through RCW 35.17.260 and 35A.11.100.

The opinion further infringes on the rights of self-government for first-class cities by requiring a head-to-head election every time the Council passes another ordinance on the same general subject as the citizen initiative, even if they do not conflict. *See* Opinion ¶ 25. A first-class city must have the same rights as other cities to enact multiple ordinances on the same subject, and the invalidated Charter protected that right by allowing both measures to pass by a majority and to take effect. Art. IV. § 1.G. A court – not the city government – would have to find a conflict to invalidate

one. *See Eyman v. McGehee*, 173 Wn. App. 684, 692, 294 P.3d 847 (2013) (reviewing substantive validity of an initiative is solely a judicial function).

**b. The recodification of a ballot title statute cannot justify stripping voters of their rights and invalidating a City Charter.**

The published opinion invalidated initiative and voting rights based upon the Legislature’s ministerial recodification of a ballot title statute. Previously ballot title statutes were scattered and duplicative. The recodification consolidated all of the statewide ballot title forms into RCW 29A.72.050. *See* Substitute H.B. 2587 56th Leg., Reg. Sess. (Wash. 2000). It also adopted a new local ballot title statute, RCW 29A.36.071, that directed the use of the statewide ballot title forms in most instances. These statutes regulate mere “form” and “display.” *See Mukilteo Citizens for Simple Gov’t v. City of Mukilteo*, 174 Wn.2d 41, 48-49, 272 P.3d 227 (2012). Their recodification passed unanimously and without any suggestion of an intent to substantively alter initiative rights. Substitute H.B. 2587 56th Leg., Reg. Sess. (Wash. 2000). Indeed, the legislative intent not to modify substantive rights was expressed when the statute says that the presumptive rules don’t apply “if another provision of law specifies the ballot title for a specific type of ballot question or proposition.” RCW 29A.36.071(3).

The Court of Appeals error arises from the fact that the consolidation of statewide forms included the Constitutionally-mandated two-question form for the statewide “initiative to the legislature” process. The Constitution provides that the ballot must be printed so “a voter can express separately by making one cross (X) for each, two preferences, first, as between either measure and neither, and secondly, as between one and the other.” Wa. Const. Art. II. Sec. 1. When the Legislature first codified the form, it placed it in a separate statute and stated it is *for “compliance with the constitutional provision,”* referencing Wash. Const. Art. II, Sec. 1(a). RCW 29.79.320 (1965) (emphasis added). App. 68.

The Court of Appeals held that the Legislature’s ministerial relocation of this ballot title form to 29A.72.050 – which was referred to by RCW 29A.36.071(1) – had the effect of preempting and invalidating the core of Seattle’s initiative process. It made absolutely no effort to construe the recodification narrowly so as to avoid a conflict, and avoid invalidating the Charter and the voting rights it guarantees. Yet there were numerous easy ways to harmonize the statutes with the Seattle City Charter.

First, the Court of Appeals could have found that there was no conflict because the statutes allowed the City to utilize the single-question initiative form under RCW 29A.72.050(2), which would have fully respected the Charter and voting rights. While RCW 29A.36.071 directs

local ballot titles to “be displayed substantially as provided under RCW 29A.72.050,” it does not specify which of the four forms in RCW 29A.72.050 that the local government must use for a given measure. Thus, the City must select the proper ballot title form for the measure in question. Here, when citizens invoked the Charter's initiative process, which requires I-107 to be put before the voters independently “for approval or rejection” and decided on a majority basis, the City must choose the ballot title form that allows such a vote. There is no conflict because a proper form is available. Indeed, it is the *required* form for local initiatives. *Mukilteo Citizens for Simple Government v. City of Mukilteo*, 174 Wn. 2d 41,48-49 (2012) (“RCW 29A.72.050(2) provides a ballot title form that local initiatives are to follow”).

Second, the Court of Appeals should have respected the plain language and legislative history of RCW 29A.72.050(3) and held that the two-part ballot title only applies – as the statute states – to “an initiative to the legislature for which the legislature has proposed an alternative.” The Legislature even recognized that this was merely a codification of the constitutionally mandated form. App. 68 (RCW 29.79.320 (1965); Const., Art. II, § 1(a)).

Finally, the Court of Appeals could have held that the ballot title statute cannot substantively alter the initiative process, because according

to the plain language of RCW 29A.36.071(3) use of the prescribed ballot form is excused “if another provision of law specifies the ballot title for a specific type of ballot question or proposition.” Here, the Charter does.

- c. **By invalidating the Charter’s initiative process, but providing no replacement, the published opinion will lead to unending litigation.**

Under the published opinion, ongoing litigation will be inevitable because the invalidation of the Charter leaves no means to determine the outcome of the initiative election. The Court of Appeals mandated the use of the two-question form required for statewide initiatives to the legislature. But for such statewide elections, the Constitution provides a means to determine the outcome of the election: “If the majority of those voting on the first issue is for neither, both fail... . If a majority voting on the first issue is for either, then the measure receiving a majority of the votes on the second issue shall be law.” Wa. Const. Art. II. Sec. 1. However, no applicable statute or charter provision exists to determine the outcome of an election using this ballot on a local level. The uncertainty here is multiplied because Ordinance 124509 is a vote for a “levy lid lift” under RCW 84.55.050, which requires approval “by a majority of the voters of the taxing district voting on the proposition.” Petitioners’ unrebutted expert confirms that the two-question ballot cannot determine majority support. A-229.

Since there are several ways to evaluate the outcome of the election using this ballot,<sup>3</sup> the published opinion will lead to uncertainty and litigation.

**2. Review is necessary under RAP 13.4(b)(3) to protect fundamental rights under the United States Constitution.**

This Courts should accept review to protect fundamental voting and initiative rights, which are protected under the United States Constitution. It is beyond dispute that Petitioner Chandler collected 30,000 signatures to qualify I-107 and then was denied of the rights she had secured under the Charter. It is similarly unquestionable that the Published Opinion stripped Petitioner Flye and thousands of other voters of their right under the Charter to cast votes for both of the measures they support.

To deny critical initiative and voting rights secured under the Charter, the City must pass a strict scrutiny standard, or at least show a “state interest of compelling importance” under *Burdick v. Takushi*, 504 U.S. 428, 434 (1992).<sup>4</sup> A construction of RCW 29A.36.071 that deprives Seattle voters of their voting and initiative rights under the Charter must

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<sup>3</sup> The City Attorney’s “explanatory statement” in the voters’ pamphlet claims that the election will be determined based upon the same rules that the Constitution provides for a statewide initiative to the legislature. App. 126. However, this would be the first time that a mere plurality of voters could enact a local initiative.

<sup>4</sup> Under the balancing test “the rigorousness of [a reviewing court’s] inquiry into the propriety of a state election law depends upon the extent to which a challenged regulation burdens First and Fourteenth Amendment rights.” *Burdick v. Takushi*, 504 U.S. at 434. “When those rights are subjected to ‘severe’ restrictions, the regulation must be ‘narrowly drawn to advance a state interest of compelling importance.’” *Id.*

also be avoided because the United States Constitution protects those local initiative rights. *Angle v. Miller*, 673 F.3d 1122, 1128 (9th Cir. 2012) and *Filo Foods LLC v. City of SeaTac*, 179 Wn. App. 401 (2014).

Application of RCW 29A.72.050(3) here is a “severe restriction” on the petitioning, speech, and voting rights of Petitioners. *Id. See Buckley*, 355 N.E. 2d at 809, 811 (“To allow [the legislature’s bill] to go on the ballot with the initiative petition here in question would interfere with the ability of the people to declare their position on the basic question originally proposed.”)<sup>5</sup> It directly strips Petitioner Barbara Flye of her right to vote under the Charter and denies her equal protection, since “yes-no” voters enjoy their full rights.

However, the City made *no showing* of any interest, much less a compelling one, to justify its unprecedented refusal to honor the rights in its own City Charter after voters have already invoked its initiative process. The City cannot justify denying voters of their rights under the Charter when the State Legislature has guaranteed these very rights to voters in the vast majority of cities in the State. Rather than adopting an interpretation of RCW 29A.36.071 “which may render it unconstitutional, the court, without doing violence to the legislative purpose, will adopt a construction

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<sup>5</sup> *Buckley v. Secretary of Commonwealth*, 355 N.E. 2d 806 (Mass. 1976) is at App. 142.

which will sustain its constitutionality if at all possible to do.” *State ex rel. Morgan v. Kinnear*, 80 Wn.2d 400, 402, (1972). *See State v. Jorgenson*, 179 Wn.2d 145, 150 (2013).

**3. Review is necessary to protect the charters of first-class cities from unintentional preemption.**

The Court of Appeals completely ignored its duty to resolve any ambiguity in the statutes in a manner that avoids a conflict and preserves the people of Seattle’s initiative power. Local laws are presumed constitutional, and the party asserting a conflict has a “heavy burden” of showing state preemption. *Brown v. Yakima*, 116 Wn. 2d 556, 563 (1991).

The plain language of RCW 29A.36.071(3) and the legislative history make it clear that the Legislature did not intend to preempt or change local initiative law when it relocated the two-part ballot title. The exemption in RCW 29A.36.071(3) for ballot questions governed by “another provision of law” shows that the Legislature did not intend to preempt the entire field. *Brown v. Yakima*, 116 Wn. 2d at 560.

Moreover, courts construe statutes to avoid preempting a local law wherever possible and unless the local law “directly and irreconcilably conflicts with the statute.” *Id.* at 561. A state statute “should not be construed as restricting [a municipality’s] power ...if the two enactments can be harmonized.” *Id.* Here, they easily can, as discussed above.

**4. Review is necessary to restore the right to bring an independent cause of action under the Open Public Meetings Act.**

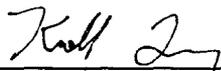
The published decision rejected Plaintiffs' OPMA claim solely because it had rejected their voting rights claims, Opinion, ¶ 27, despite proof of an OPMA violation, App. 44-54. However, OPMA creates a stand-alone cause of action that only requires proof of a violation of OPMA. RCW 42.30.130 (providing private right of action to stop or prevent "violations of this chapter"); RCW 42.30.120 (liability for OPMA violations). *See also, e.g., Miller v. City of Tacoma*, 138 Wn.2d 318, 979 P.2d 429, (1999). No predicate is required. *Id.* The decision would write a major new requirement into OPMA's enforcement provisions and fundamentally alter jurisprudence under OPMA.

**VII. Conclusion**

This Court should grant review and reverse the Court of Appeals. As this year's election shows, the published decision renders the initiative process a farce. The very purpose of the initiative process is to overcome government opposition and allow citizens to vote directly on citizen-drafted legislation. If opponents in City Hall can force a qualified initiative to compete with another popular measure of their choosing, it is not worth collecting signatures. This Court should ensure that Seattle and other first class cities enjoy the same initiative rights as other Washington cities.

Respectfully submitted this 31st day of October, 2014.

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**CERTIFICATE OF SERVICE**

I certify under penalty of perjury under the laws of the state of Washington that on October 31, 2014, I caused plaintiffs' Petition for Review to be served in the above-captioned matter upon the parties herein via messenger:

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Marisa.Johnson@seattle.gov

Stated under oath this 31st day of October 2014.

*Jessie Osterwood*

No.

SUPREME COURT  
OF THE STATE OF WASHINGTON

---

YES FOR EARLY SUCCESS, a non-profit corporation, LAURA  
CHANDLER, and BARBARA FLYE

Petitioners,

vs.

CITY OF SEATTLE and KING COUNTY,

Respondents.

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INDEX TO APPENDIX

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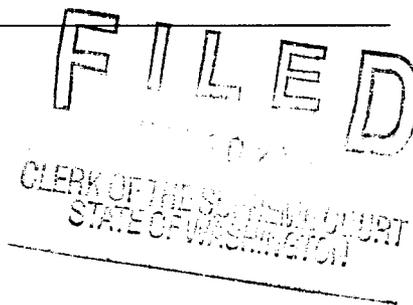
SMITH & LOWNEY, PLLC

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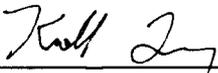


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Voters' Pamphlet ( <a href="http://www.kingcounty.gov/elections/election-info/2014/201411/measures.aspx#northBend">http://www.kingcounty.gov/elections/election-info/2014/201411/measures.aspx#northBend</a> )	125-131
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Respectfully submitted this 31st day of October, 2014.

SMITH & LOWNEY, PLLC

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\_\_\_\_\_  
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Stated under oath this 31st day of October 2014.

  
Jessie Sherwood

*In re Ballot Title Appeal of City of Seattle Initiatives 107-110*

Court of Appeals of Washington, Division One

August 29, 2014, Oral Argument; September 2, 2014, Filed

No. 72322-7-I

**Reporter**

2014 Wash. App. LEXIS 2168

*In the Matter of the Ballot Title Appeal of City of Seattle Initiatives 107-110. In the Matter of the Ballot Title Appeal of City of Seattle Proposition No. 1b (Ordinance 124509). YES FOR EARLY SUCCESS ET AL., APPELLANTS, v. THE CITY OF SEATTLE ET AL., RESPONDENTS.*

**SUBSEQUENT HISTORY:** RECONSIDERATION DENIED BY *IN RE BALLOT TITLE APPEAL OF* Seattle Initiatives 107-110, 2014 Wash. App. LEXIS 2387 (Wash. Ct. App., Oct. 1, 2014)

**Prior History:** [\*1] Appeal from King County Superior Court. Docket No: 14-2-08551-6. Date filed: 08/15/2014. Judge signing: Honorable Helen L Halpert.

**Disposition:** Affirmed.

**Case Summary**

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**Overview**

**HOLDINGS:** [1]-A trial court did not err by directing the use of a two-part joint ballot format in *Wash. Rev. Code § 29A.36.050(3)* because the statute specified the mandatory ballot title where an alternative to an initiative was proposed, and it controlled over any conflicting provisions of the Seattle, Wash., City Charter; [2]-Construing *Wash. Rev. Code § 29A.36.071(3)* to excuse compliance with ballot title requirements merely because the Charter contained general provisions governing initiatives would have effectively rendered *§ 29A.36.071(1)* meaningless; [3]-A declaration that there was a conflict between the initiative and an ordinance was not declared void as an ultra vires act; [4]-The Charter's provisions governing ballot format became irrelevant once the council rejected the initiative and submitted an alternative measure of the same subject.

**Outcome**

Judgment affirmed.

**Counsel:** Eric D. "Knoll" Lowney and Claire E. Tonry (of *Smith & Lowney PLLC*), for appellants.

Paul J. Lawrence, Gregory J. Wong, and Taki V. Flevaris (of *Pacifica Law Group LLP*); Peter S. Holmes, City Attorney, and Gary T. Smith and John Benjamin Kerr Schochet, Assistants; and Daniel T. Satterberg, Prosecuting Attorney for King County, and Janine E. Joly, Deputy, for respondents.

**Judges:** AUTHOR: Mary Kay Becker, J. WE CONCUR: Michael J. Trickey, J., Marlin Appelwick, J.

**Opinion by:** Mary Kay Becker

**Opinion**

---

¶1 BECKER, J. — Yes For Early Success and Seattle voters Laura Chandler and Barbara Flye (collectively Yes For Early Success) appeal the trial court's August 15, 2014 order directing that the City of Seattle and King County use a joint ballot title for two alternative measures concerning early childhood education.

[1] ¶2 Although Yes For Early Success designated its initiating document as a notice for discretionary review, it concedes that the challenged order "disposes of every appealable [\*2] matter in the three consolidated cases, reserving ... only a statutory appeal of the ballot title for Ordinance 124509." We conclude that the challenged trial court order is a "Decision Determining Action" and therefore appealable under *RAP 2.2(a)(3)*. See also *RAP 5.1(c)* (appellate court will treat notice for discretionary review of appealable order as a notice of appeal). Yes For Early Success has acknowledged

that it has had a sufficient opportunity to submit briefing addressing the merits of an appeal.

¶3 We agree with the trial court that RCW 29A.36.050(3) specifies the mandatory ballot title for the measures under the circumstances present here and controls over any conflicting provisions of the Seattle City Charter. Yes For Early Success's remaining claims do not establish reversible error. We therefore affirm.

#### FACTS

¶4 In March 2014, Yes For Early Success filed a petition for City of Seattle Initiative Measure Number 107 (I-107), "An Act relating to early learning and child care." Among other things, the initiative would establish a \$15 minimum wage for child care teachers and staff, establish a City policy limiting child care costs to no more than 10 percent of income, prohibit violent felons from providing professional [\*3] child care, and require enhanced training for child care teachers and staff. Sponsors eventually submitted sufficient signatures to present I-107 to the Seattle City Council in accordance with the City Charter.

¶5 Following a session on June 23, 2014, including public comment, the Council rejected I-107 and adopted Seattle Ordinance 124509, submitting to voters what the Council referred to as an "alternative measure dealing with the same subject." Ordinance 124509 proposed a preschool plan that addressed, among other things, early learning funding, teacher compensation, teacher certification and training, affordability, and an oversight committee.

¶6 The City Charter does not provide for initiatives directly to the people. All initiatives must be presented first to the Council. Seattle City Charter, Article IV, Section 1B. Under Article IV, Section 1C of the City Charter, the Council

may enact, or reject, any initiative bill or measure, but shall not amend or modify the same. It may, however, after rejection of any initiative bill or measure, propose and pass a different one dealing with the same subject.

If the Council has rejected an initiative measure and

passed a different measure dealing with the same subject,

it shall be submitted [\*4] at the same election with the initiative measure and the vote of the qualified electors also taken for and against the same, and if both such measures be approved by a majority vote, if they be conflicting in any particular, then the one receiving the highest number of affirmative votes shall thereby be adopted, and the other shall be considered rejected.

Seattle City Charter Article IV, Section 1G.

¶7 The parties disputed the proper ballot title for the alternative measures. Yes For Early Success asserted that under the City Charter, both measures should be submitted independently to the voters for a majority vote. The City maintained that RCW 29A.36.050(3) specified the proper format when the legislative body has proposed an alternative measure to an initiative.

¶8 The parties initiated three separate actions. Yes For Early Success raised additional claims, including alleged constitutional violations, claims under 42 U.S.C. § 1983, and violations of the Open Public Meetings Act of 1971 (OPMA), chapter 42.30 RCW.

¶9 The trial court consolidated the three actions for consideration at a hearing on August 15, 2014. Following argument, the court entered an order and memorandum opinion concluding that I-107 and Ordinance 124509 both dealt with the same subject, that the [\*5] general laws of Washington controlled over any conflicting provisions of the City's Charter, and that RCW 29A.36.071 requires the ballot title for an initiative submitted to the local legislative body to conform to the requirements of RCW 29A.72.050(3) when the legislative body has rejected an initiative and proposed an alternative measure addressing the same subject. The court directed the City and King County to use the form of joint ballot title specified in RCW 29A.72.050(3) for I-107 and Ordinance 124509 and dismissed Yes For Early Success's remaining claims with prejudice.

¶10 The parties have requested expedited consideration to permit the timely preparation of the November 4, 2014 ballot.

[2, 3] ¶11 An appellate court reviews questions of statutory interpretation de novo. *State v. J.P.*, 149 Wn.2d 444, 449, 69 P.3d 318 (2003). The goal of statutory interpretation is to ascertain and carry out the legislature's intent. *Burns v. City of Seattle*, 161 Wn.2d 129, 140, 164 P.3d 475 (2007). This examination necessarily begins with an analysis of the statute's plain language, which "is to be discerned from the ordinary meaning of the language at issue, the context of the statute in which that provision is found, related provisions, and the statutory scheme as a whole." *State v. Engel*, 166 Wn.2d 572, 578, 210 P.3d 1007 (2009). If, upon review, the statute's plain meaning is unambiguous, the court's inquiry is at an end. [\*6] *State v. Armendariz*, 160 Wn.2d 106, 110, 156 P.3d 201 (2007).

¶12 Yes For Early Success contends that it is "clear" that the legislature did not intend to change local initiative law when it "streamlined" the ballot title statutes by having the local ballot title statute refer to RCW 29A.72.050. The plain language of RCW 29A.36.071 and RCW 29A.72.050 belies this claim.

[4] ¶13 Seattle is a charter city authorized by the Washington Constitution, Article XI, section 10 provides that "cities or towns heretofore or hereafter organized, and all charters thereof framed or adopted by authority of this Constitution shall be subject to and controlled by general laws." Consequently, "a general statute enacted by the legislature supersedes or modifies provisions of a city charter to the extent that they are in conflict." *Oakwood Co. v. Tacoma Mausoleum Ass'n*, 22 Wn.2d 692, 695, 157 P.2d 595, *adhered to on reh'g*, 22 Wn.2d 692, 161 P.2d 193 (1945); *see also Mosebar v. Moore*, 41 Wn.2d 216, 220, 248 P.2d 385 (1952); *Neils v. City of Seattle*, 185 Wash. 269, 53 P.2d 848 (1936).

[5, 6] ¶14 Yes For Early Success does not dispute that RCW 29A.36.071 is a general statute that specifies the ballot title format for local measures "submitted to the voters of a local government." RCW 29A.36.071(1)(c) unambiguously provides, with exceptions not relevant here, that "the ballot title must conform with the requirements and be displayed substantially as provided under RCW 29A.72.050." Because RCW 29A.36.071 expressly incorporates by reference the ballot title provisions of RCW 29A.72.050, "the precepts and

terms to which reference is made are to be considered and treated [\*7] as if they were incorporated into and made a part of the referring act, just as completely as if they had been explicitly written therein." *Knowles v. Holly*, 82 Wn.2d 694, 700-01, 513 P.2d 18 (1973).

[7] ¶15 RCW 29A.72.050 is drafted solely in terms of the state "legislature." *See also RCW 29A.72.270*. Consequently, to accord any meaning to the mandate in RCW 29A.36.071 to follow the ballot form in RCW 29A.72.050, we must construe the term "legislature" in RCW 29A.72.050 to encompass the legislative authority or body of the "local government" as that term is used in RCW 29A.36.071. *See Mukilteo Citizens for Simple Gov't v. City of Mukilteo*, 174 Wn.2d 41, 49 n.4, 272 P.3d 227 (2012) (Pursuant to RCW 29A.36.071(1), the "ballot title for a local measure, including referenda and any other question submitted to the voters" must conform with the requirements of RCW 29A.72.050).

[8] ¶16 RCW 29A.72.050(3) specifies the ballot format when there is an initiative to the legislative body for which the legislative body "has proposed an alternative." That is the situation here.

¶17 Under the City Charter, initiatives are submitted to the Council, which may adopt the initiative and enact it into law, reject the initiative and present it to the electorate for a vote, or reject the initiative and propose an alternative and submit both measures for a vote. In adopting Ordinance 124509, the Council expressly rejected I-107 and adopted "an alternative measure dealing with the same subject as Initiative 107." [\*8] In such circumstances, RCW 29A.72.050(3) requires the following ballot format:

(3) For an initiative to the legislature for which the legislature has proposed an alternative, the ballot title must be displayed on the ballot substantially as follows:

"Initiative Measure Nos. ... and ... B concern (statement of subject).

Initiative Measure No. ... would (concise description).

As an alternative, the legislature has proposed Initiative Measure No. ... B, which would (concise description).

1. Should either of these measures be enacted into law?

Yes . . . . .

No . . . . .

2. Regardless of whether you voted yes or no above, if one of these measures is enacted, which one should it be?

Measure No. . . . .

or

Measure No. . . . .”

¶18 Yes For Early Success maintains that the ballot title statutes and the City Charter can be harmonized by allowing the City to “choose” the ballot title format in RCW 29A.72.050 that “presents I-107 to the voters for an up-or-down majority vote.” Yes For Early Success concludes that the City was therefore required to submit both I-107 and Ordinance 124509 to the electorate using the single-measure format of RCW 29A.72.050(2), the only provision of RCW 29A.72.050 permitting an independent majority vote.

¶19 Yes For Early Success’s arguments [\*9] would require us to ignore the joint ballot format in RCW 29A.72.050(3) for the analogous situation when the “legislature has proposed an alternative” to an initiative, while imposing the format in RCW 29A.72.050(2), which expressly applies to “an initiative to the legislature for which the legislature has *not* proposed an alternative.” Yes For Early Success has not cited any relevant authority that would permit us to rewrite the clear language of a statute in the guise of harmonizing the statute with the City Charter. See Mukilteo Citizens v. City of Mukilteo, 174 Wn.2d at 49 (noting that in a single initiative case, RCW 29A.72.050(2) “provides a ballot title form that local initiatives are to follow”).

[9] ¶20 Yes For Early Success’s reliance on RCW 29A.36.071(3) is also misplaced. RCW 29A.36.071(3) provides that the ballot title provisions of subsection (1) do not apply “if another provision of law specifies the ballot title for a specific type of ballot question or proposition.” We agree with the City that when read in context, “another provision of law” refers to *statutes*

that designate the specific ballot format in a specific context, such as those expressly referred to in subsection (1). Construing RCW 29A.36.071(3) to excuse compliance with ballot title requirements merely because a charter contains general provisions governing initiatives would effectively render [\*10] RCW 29A.36.071(1) meaningless.

¶21 The trial court did not err in directing the City and King County to use the two-part joint ballot format in RCW 29A.72.050(3).

¶22 Yes For Early Success contends that the trial court erred when it granted the City injunctive relief beyond the scope permitted under CR 60(b). But the trial court’s decision was based on three consolidated actions involving Yes For Early Success’s challenge to the ballot title. Yes For Early Success has failed to demonstrate that the trial court erred in granting injunctive relief given the nature and scope of the three consolidated actions.

¶23 Yes For Early Success contends that the trial court erred in “upholding” the City’s determination that I-107 and Ordinance 124509 conflict in certain particulars. But the trial court entered no such decision. To resolve the ballot dispute before it, the trial court determined only that the Council rejected I-107 and proposed an alternative measure on the same subject. No more was required.

¶24 Yes For Early Success maintains that the Council’s declaration in Resolution 31530 that I-107 and Ordinance 124509 “conflict in several particulars” should be declared void as an ultra vires act because a court of law must determine—after an election—whether [\*11] the measures “be conflicting in any particular.” Seattle City Charter Article IV, Section 1G. Yes For Early Success claims that the declaration undermined its campaign by changing the nature of the debate and discouraging I-107 endorsements.

¶25 The Council’s recognition of the existence of some conflict was an inherent part of its decision to develop an “alternative” measure instead of enacting I-107. The decision to reject I-107 and propose an alternative measure, which Yes For Early Success does not challenge, necessarily resulted in the submission

of the measures to voters in the format that RCW 29A.72.050(3) mandates. At that point, the City Charter provisions addressing the postelection resolution of conflicts became irrelevant. Yes For Early Success fails to establish any basis for declaring the Council's statement void.

¶26 Yes For Early Success contends that the trial court erred in dismissing its claims under 42 U.S.C. § 1983 and its claim for violation of OPMA. Yes For Early Success has neither identified the nature of its federal claims nor explained how they survived the trial court's resolution of the ballot title dispute.

¶27 In support of its OPMA claim, Yes For Early Success alleges that the City made its determination that I-107 and [\*12] Ordinance 124509 conflict during an improper executive session. The allegation of an OPMA violation clearly rests on Yes For Early Success's assumption that the City Charter provisions govern the ballot format. As already indicated, those provisions became irrelevant once the Council rejected I-107 and submitted an alternative measure on the same subject. No conflict is possible since only one version may be approved by the voters. The trial court did not err in dismissing the section 1983 and OPMA claims.

¶28 Finally, Yes For Early Success asserts that the joint ballot format deprives the voters of various constitutional rights, including their voting and initiative rights, and that the ballot format will create future uncertainty. Although the precise nature of the claimed errors is unclear, they appear to involve primarily rights that allegedly arise out of the City Charter that the Washington Constitution authorized. But the Constitution expressly provides that city charters are subject to general laws that may alter or supersede charter provisions without violating the Constitution. Yes For Early Success fails to identify any reversible error.

¶29 Affirmed.

APPELWICK and TRICKEY, JJ., concur.

Reconsideration denied October 1, 2014.

## References

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Washington [\*13] Rules of Court Annotated (LexisNexis ed.) Annotated Revised Code of Washington by LexisNexis

RICHARD D. JOHNSON,  
Court Administrator/Clerk

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October 1, 2014

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CASE #: 72322-7-1

Yes for Early Success et al, Petitioners v. Seattle & King County, Respondent's

Counsel:

Enclosed please find a copy of the Order Denying Motion for Reconsideration entered in the above case.

Within 30 days after the order is filed, the opinion of the Court of Appeals will become final unless, in accordance with RAP 13.4, counsel files a petition for review in this court. The content of a petition should contain a "direct and concise statement of the reason why review should be accepted under one or more of the tests established in [RAP 13.4](b), with argument." RAP 13.4(c)(7).

In the event a petition for review is filed, opposing counsel may file with the Clerk of the Supreme Court an answer to the petition within 30 days after the petition is served.

Sincerely,

A handwritten signature in black ink, appearing to read 'R.D. Johnson', with a long horizontal flourish extending to the right.

Richard D. Johnson  
Court Administrator/Clerk

ssd

Enclosure

c: The Reporter of Decisions.

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON  
DIVISION ONE

IN THE MATTER OF THE BALLOT TITLE )  
APPEAL OF CITY OF SEATTLE ) No. 72322-7-1  
INITIATIVES 107-110, )  
 )  
and ) ORDER DENYING MOTION  
 ) FOR RECONSIDERATION  
 )  
IN THE MATTER OF THE BALLOT TITLE )  
APPEAL OF CITY OF SEATTLE )  
PROPOSITION NO. 1B )  
(ORDINANCE 124509), )  
 )  
and )  
 )  
YES FOR EARLY SUCCESS, a )  
non-profit corporation, LAURA )  
CHANDLER, and BARBARA FLYE, )  
 )  
Appellants, )  
 )  
v. )  
 )  
CITY OF SEATTLE and KING COUNTY, )  
 )  
Respondents. )

Appellants, Yes for Early Success, Laura Chandler, and Barbara Flye, have filed a motion for reconsideration of the opinion filed on September 2, 2014, and the court has determined that said motion should be denied. Now, therefore, it is hereby

ORDERED that appellants' motion for reconsideration is denied.

DONE this 1st day of October, 2014.

FOR THE COURT:

Becker  
Judge

COURT OF APPEALS DIV. 1  
STATE OF WASHINGTON  
2014 OCT -1 AM 10:56



# YES for EARLY SUCCESS

Early Care for ALL Seattle Kids

Please Return Your Initiative or Contact Us At:  
 Yes for Early Success  
 PO Box 30005, Seattle, WA 98113  
 206.322.3010 | yes4earlysuccess@gmail.com | www.yesforearlysuccess.com

## INITIATIVE 107

**INITIATIVE PETITION FOR SUBMISSION TO THE SEATTLE CITY COUNCIL. To the City Council of The City of Seattle:**

We, the undersigned registered voters of The City of Seattle, State of Washington, propose and ask for the enactment as an ordinance of the measure known as Initiative Measure No. 107, entitled:

**THE CITY OF SEATTLE INITIATIVE MEASURE NUMBER 107 CONCERNS SUPPORT AND STANDARDS FOR EARLY LEARNING AND CHILD CARE.**

If enacted, the measure would establish a \$15 minimum wage for childcare workers (phased in over three years for employers with under 250 employees); seek to reduce childcare costs to 10% or less of family income; prohibit violent felons from providing professional childcare; require enhanced training and certification through a training institute; create a workforce board and establish a fund to help providers meet standards; and hire an organization to facilitate communication between the City and childcare workers.

Should this measure be enacted into law?

- Yes
- No

A full, true and correct copy of which is included herein, and we petition the Council to enact said measure as an ordinance; and, if not enacted within forty-five (45) days from the time of receipt thereof by the City Council, then to be submitted to the qualified electors of The City of Seattle for approval or rejection at the next regular election or at a special election in accordance with Article IV, Section 1 of the City Charter; and each of us for himself or herself says: I have personally signed this petition; I am a registered voter of The City of Seattle, State of Washington, and my residence address is correctly stated.

**WARNING:** "Ordinance 94289 provides as follows: "Section 1. It is unlawful for any person: 1. To sign or decline to sign any petition for a City initiative, referendum, or Charter amendment, in exchange for any consideration or gratuity or promise thereof; or 2. To give or offer any consideration or gratuity to anyone to induce him or her to sign or not to sign a petition for a City initiative, referendum, or Charter amendment; or 3. To interfere with or attempt to interfere with the right of any voter to sign or not to sign a petition for a City initiative, referendum, or Charter amendment by threat, intimidation or any other corrupt means or practice; or 4. To sign a petition for a City initiative, referendum, or Charter amendment with any other than his or her true name, or to knowingly sign more than one (1) petition for the same initiative, referendum or Charter amendment measure, or to sign any such petition knowing that he or she is not a registered voter of The City of Seattle." The provisions of this ordinance shall be printed as a warning on every petition for a City initiative, referendum, or Charter amendment. "Section 2. Any person violating any of the provisions of this ordinance shall upon conviction thereof be punishable by a fine of not more than Five Hundred Dollars (\$500) or by imprisonment in the City Jail for a period not to exceed six (6) months, or by both such fine and imprisonment.

(\* Only Registered Seattle Voters Can Sign This Petition \*)

Petitioner's Signature	Petitioner's Printed Name	Residence Address Street and Number	Date Signed
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			

**AN ACT Relating to early learning and child care**  
**BE IT ENACTED BY THE PEOPLE OF THE CITY OF SEATTLE:**

**PART I**  
**INTENT.**

**NEW SECTION, Sec. 101.**

It is the intent of the People of Seattle to increase the quality, affordability, and safety of the City's early education and child care system through: (a) establishing a \$15 minimum wage for child care teachers and staff, with support for small businesses; (b) establishing city policy that families should pay no more than ten percent of family income on child care; (c) prohibiting violent felons from being child care teachers and staff, even in a non-licensed facility; (d) requiring enhanced training for child care teachers and staff, to be provided through a training partnership between the City and workers, and (e) giving child care teachers and staff a formal role in establishing work force standards for their profession.

**PART II**  
**ESTABLISHING A \$15 MINIMUM WAGE FOR CHILD CARE TEACHERS AND STAFF,**  
**WITH SUPPORT FOR SMALL BUSINESS.**

**NEW SECTION, Sec. 201.**

- A. All child care teachers and staff in the City of Seattle shall be entitled to a minimum wage of not less than fifteen dollars (\$15.00) per hour worked within the geographic boundaries of the City.
- B. Beginning on January 1, 2015, the minimum wage for child care teachers and staff shall be an hourly rate of \$15.00. Beginning on January 1, 2016, and each year thereafter, this minimum wage shall increase by an amount corresponding to the prior year's increase, if any, in the Consumer Price Index for urban wage earners and clerical workers for the greater Seattle-Tacoma-Bremerton metropolitan area.
- C. The minimum wage for child care teachers and staff employed by small child care providers shall phase in over a three year period in order to afford such small businesses time to adjust. For a transition period beginning February 1, 2015 and ending December 31, 2015, the minimum wage for child care teachers and staff employed by a small child care provider shall be an hourly rate of \$11.00. Beginning January 1, 2016, the minimum wage for such employees shall increase to \$12.50. Beginning January 1, 2017, the minimum wage for such employees shall increase to \$14.00. Beginning January 1, 2018, the minimum wage for such employees shall be the regular minimum wage established pursuant to Section 201(b) of this Ordinance.
- D. Should there be a conflict between the minimum wage adopted in this Ordinance and a minimum wage adopted by the City Council or another initiative, child care teachers and staff shall be entitled to the highest applicable minimum wage.
- E. The minimum wage enacted in this section shall be enforceable through all mechanisms in City or State law for enforcing a City or State minimum wage, as currently existing or as may be enacted. In addition, an employer's failure to pay the minimum wage set by this section constitutes an "unfair employment practice" enforceable through the provisions of SMC chapter 14.04.

**PART III**  
**ESTABLISHING CITY POLICY THAT NO FAMILY SHOULD PAY MORE THAN 10% OF INCOME**  
**ON CHILD CARE.**

**NEW SECTION, Sec. 301.**

- A. It shall be the policy of the City of Seattle that early childhood education should be affordable and that no family should have to pay more than ten percent (10%) of gross family income on early education and child care. This policy is intended to increase affordability of child care in conformance with federal and expert recommendations on affordability.
- B. The City shall, within twelve months of the effective date of this Ordinance, adopt goals, timelines, and milestones for implementing this affordability standard. In adopting these standards, the City shall consult with stakeholders, who at a minimum must include parents, communities of color, child advocates, low income advocates, and the provider organization.

**PART IV**  
**PROHIBITING VIOLENT FELONS FROM PROVIDING PROFESSIONAL**  
**CHILD CARE, EVEN IN UNLICENSED FACILITIES.**

**NEW SECTION, Sec. 401.**

- A. The People hereby declare that it is of paramount importance to protect the safety of all children in care - whether they are cared for in a licensed or unlicensed facility. Children in unlicensed care are placed at unacceptable dangers by a lack of safety regulations. This section extends one of the most basic protections of licensed care to children being cared for in unlicensed facilities.
- B. It shall be a gross misdemeanor for any violent felon to provide professional child care services, whether in a licensed or unlicensed facility.
- C. For the purpose of this section, "violent felon" means a person convicted of one or more of the following criminal felonies:
- (1) Child abuse or neglect, or both;
  - (2) Spousal abuse;
  - (3) A crime against a child, including child pornography;
  - (4) The following crimes involving violence: Rape, sexual assault, homicide, assault in the first degree, assault in the second degree, or assault in the third degree involving domestic violence;
  - (5) Any other crime that constitutes a disqualification from child care licensure under state law; or
  - (6) Any federal or out-of-state conviction for an offense equivalent to those enumerated in (1) through (5) of this subsection.
- D. For the purpose of this section, to "provide professional child care services" means to receive payment for providing child care for one or more children who are unrelated to the person providing the care.

**PART V**  
**REQUIRING ENHANCED TRAINING FOR CHILD CARE TEACHERS AND STAFF,**  
**TO BE PROVIDED THROUGH A TRAINING PARTNERSHIP.**

**NEW SECTION, Section 501.**

- A. Child care teachers and staff must obtain enhanced training and certification through the Professional Development Institute. The enhanced training requirements shall be set by the City Council in consultation with the City of Seattle Early Care and Education Workforce Board.
- B. The City, acting through the Mayor, shall cooperate with the provider organization to establish the Professional Development Institute, which shall be a training partnership jointly controlled and operated by the City of Seattle and the provider organization.
- C. The Professional Development Institute shall be charged with performing the following functions in the early learning and care system: (1) securing and leveraging resources for workforce development and training; and (2) delivering and/or coordinating delivery of: (a) enhanced training required under this Ordinance or by later enactment; (b) continuing education requirements; (c) new hire orientation, which shall be required for all new child care teachers and staff in child care facilities receiving public support; (d) apprenticeship and mentoring programs; (3) developing and maintaining an early learning and care substitute teachers pool; and (4) verifying that child care teachers and staff have satisfied applicable training and professional development requirements.
- D. The Professional Development Institute must ensure the efficient and effective use of city funds by leveraging state, federal and other funding, incentivizing employer participation, and subcontracting with existing professional development providers where appropriate. The City shall fund the Professional Development Institute to provide the services set forth in this section.
- E. The Professional Development Institute must verify that child care teachers and staff have met all applicable training and professional development requirements before such teacher or staff member may deliver services in the City's Universal Pre-Kindergarten Program.

**NEW SECTION, Section 502.**

- A. The City of Seattle Early Care and Education Workforce Board shall be created to recommend policy and investment priorities regarding workforce development and training for child care teachers and staff and to oversee the Professional Development Institute. The City shall convene and support the Board to serve the functions set forth in this section.
- B. The Mayor and the provider organization shall each appoint fifty percent of the members of the Board and may make new appointments at will. In making the appointments, the City and the provider organization shall seek to appoint persons who have a demonstrated commitment to early education and care, who reflect the ethnic, racial, and economic diversity of the City's children, and who reflect the interests of stakeholders, including parents, communities of color, child advocates, and low income communities.
- C. The Early Care and Education Workforce Board will recommend and oversee expenditures from the Small Business Early Childhood Resource Fund, which is hereby created to help small child care providers and not for profit child care providers meet and maintain standards set by the Board or otherwise required under law. The City Council shall determine the level of necessary appropriation for this purpose.

**NEW SECTION, Section 503.**

- A. Successful implementation of a high quality early education and care system including Universal Pre-Kindergarten will require significant recruitment and training of child care teachers and staff. It is the intent of the voters to give child care teachers and staff a role in shaping and implementing workforce development and training programs and to increase coordination within and among these programs.
- B. The City shall hire a single provider organization to facilitate communications between the City and child care teachers and staff, facilitate the expression of child care teachers and staff's interests in workforce development and training programs, and to perform other roles as set forth in this Ordinance. The City shall allow child care teachers and staff to assist in the selection of the provider organization as follows: If an organization demonstrates by written or electronic means that it has support of over 30% of child care teachers and staff, and it is the only organization to demonstrate such support, the City shall select and hire it as the provider organization. If more than one organization makes this showing, the City shall hire the organization that has shown the most support. To qualify as the provider organization, an entity must meet the following criteria or be a project of one or more entities meeting such criteria: (a) has existed for more than five years; (b) has successfully negotiated an agreement with the state or city or government agency on behalf of child care teachers and staff, which has increased wages and benefits; (c) is not dominated by advocates for employer or government interests; and (d) gives child care teachers and staff the rights to be members of the organization and to participate in the democratic control of the organization.

**PART VI**  
**DEFINITIONS.**

**NEW SECTION, Sec. 601.**

The definitions in this section apply throughout this act unless the context clearly requires otherwise.

- A. "Child care teachers and staff" includes all employees of a child care facility in Seattle who work on-site, including on-site supervisors and/or sole proprietors providing family child care.
- B. "Child care facility" includes (1) licensed family child care homes, (2) licensed child care centers, (3) school-age programs, and (4) other facilities participating in the Seattle Universal Pre-Kindergarten Program.
- C. "City" means the City of Seattle, including its departments and agencies.
- D. "Provider organization" means the entity hired by the City under Section 503(B) of this Ordinance to serve the roles set forth in this Ordinance.
- E. "Small child care provider" means an entity that employs 250 or fewer full time equivalents, as defined and calculated under the City of Seattle Paid Sick Time and Safe Time Ordinance, and operates a child care facility within the City of Seattle.
- F. "Universal Pre-Kindergarten Program" means a City-wide pre-school program funded by the City of Seattle, including any program implementing the City's "preschool for all" initiative.
- G. Definitions set forth under section 12A.28.200 of the Seattle Municipal Code apply throughout this chapter unless otherwise stated.

**PART VII**  
**MISCELLANEOUS.**

**NEW SECTION, Sec. 701.**

- A. The provisions of this ordinance may not be waived by agreement between an individual employee and an employer. All of the provisions of this ordinance may be superseded by a collective bargaining agreement entered into pursuant to the National Labor Relations Act, 29 U.S.C. Sec 151 et seq., but only if the agreement explicitly states in clear and unambiguous terms that specific provisions of this ordinance are to be superseded.
- B. The facilitative processes authorized by this Ordinance do not constitute collective bargaining pursuant to RCW 41.56.030(4) or under the National Labor Relations Act, 29 U.S.C. Sec 151 et seq., nor in any way impact the rights of employers and employees under that Act. This measure must be interpreted to be consistent with the National Labor Relations Act and not to limit or intrude, in any way, upon the rights of employers or employees under federal labor law.
- C. Nothing in this act creates or modifies: (a) The parents' or legal guardians' right to choose and terminate the services of any child care provider that provides care for their child or child or (b) the child care facility's right to choose, direct, and terminate the services of any child care teacher or staff.
- D. Nothing in this ordinance shall require any individual or child care facility to make any payment to or associate with the provider organization. Nothing in this ordinance shall infringe on any person's rights to communicate with the City on matters of interest through all legal means.
- E. The City is directed to engage stakeholders in negotiated rulemaking in implementing this ordinance.

**NEW SECTION, Sec. 702.**

The requirements contained in this act constitute ministerial, mandatory, and nondiscretionary duties, the performance of which can be judicially compelled in an action brought by any party with standing. Should a person be required to bring suit to enforce this ordinance, and the City is found to be in violation, the City shall be responsible for reimbursement of the costs of such enforcement action, including reasonable attorneys' fees and costs.

**NEW SECTION, Sec. 703.**

If any provision of this act or its application to any person or circumstances is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected. Should any provision relating to the selection or role of the provider organization be held invalid by a court of law, the City must utilize an alternative selection method if necessary and ensure the fulfillment of all valid functions.

**NEW SECTION, Sec. 704.**

The subject of this initiative is "early learning and child care."

**Initiative Sponsor Information:**

**Yes for Early Success**  
PO Box 30005  
Seattle, WA 98113  
Phone: 206.322.3010  
Email: yes4earlysuccess@gmail.com  
Web: www.yesforearlysuccess.com



**Legislative Department  
Office of City Clerk  
Memorandum**

**Date:** June 11, 2014

**To:** Council President Burgess and Members of the City Council

**From:** Monica Martinez Simmons, City Clerk *MS*

**Subject:** *Clerk File Number 313832; Report of the City Clerk on the Certificate of Sufficiency for Initiative Measure No. 107, concerning support and standards of early learning and child care*

Please be advised that on June 4, 2014, the King County Department of Elections delivered to the Seattle City Clerk a Certificate of Sufficiency for Initiative Measure No. 107, concerning support and standards of early learning and child care.

King County Department of Elections found the signatures submitted under Initiative Measure No. 107 to be sufficient under the provisions of the Revised Code of Washington, Seattle Municipal Code 1.10.110 and 35A.01.040. The Certificate of Sufficiency has been filed under Clerk File No. 313832, and the Initiative Petition is filed under Clerk File No. 313661.

Pursuant to Article IV(1)( B) of the Seattle City Charter, the City Clerk is required to transmit the verification of sufficiency, together with her report thereon to the City Council at a regular meeting not more than twenty (20) days after the City Clerk has received verification of the sufficiency of such petition signatures, and such transmission shall be the introduction of the Initiative bill or measure to the City Council. This Report will be included on the City Council's June 16, 2014, Full Council Agenda.

Please do not hesitate to contact me should you have questions regarding this matter at 684-8361.

**Attachments (2)**

Certificate of Sufficiency  
Initiative Petition No. 107

**Cc:** Mayor Edward Murray  
Peter Holmes, City Attorney  
Wayne Barnett, SEEC

HONORABLE HELEN HALPERT

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF KING

IN RE: BALLOT TITLE APPEAL OF  
CITY OF SEATTLE INITIATIVES 107-  
110,

No. 14-2-08551-6  
14-2-21111-2  
14-2-21112-1

And

IN RE: BALLOT TITLE APPEAL OF  
CITY OF SEATTLE PROPOSITION NO.  
1B (ORDINANCE 124509),

ORDER GRANTING MOTION FOR  
RELIEF FROM ORDER AND FOR  
JOINT BALLOT TITLE AND  
DENYING APPLICATION FOR  
CORRECTION OF ELECTION  
ERRORS AND WRITS, AND  
MOTION FOR FINAL  
DECLARATORY AND  
INJUNCTIVE RELIEF

And

YES FOR EARLY SUCCESS, a non-  
profit corporation, LAURA CHANDLER,  
and BARBARA FLYE,

Plaintiffs,

v.

CITY OF SEATTLE and KING  
COUNTY,

Defendants.

ORDER GRANTING RELIEF FROM PRIOR ORDER AND  
USE OF JOINT BALLOT TITLE AND DENYING  
APPLICATION FOR CORRECTION OF ELECTION  
ERRORS AND WRITS, AND MOTION FOR FINAL  
DECLARATORY AND INJUNCTIVE RELIEF - 1

PACIFICA LAW GROUP LLP  
1191 SECOND AVENUE  
SUITE 2100  
SEATTLE, WASHINGTON 98101  
TELEPHONE: (206) 245-1700  
FACSIMILE: (206) 245-1750

1           THIS MATTER came before the Court on Respondent/Defendant City of Seattle's  
2 Motion for Relief from Order and for Joint Ballot Title and Plaintiffs Yes for Early Success, et  
3 al.'s Application for Correction of Election Errors and Writs, and Motion for Final Declaratory  
4 and Injunctive Relief. The Court has considered the papers and pleadings filed herein, including  
5 the following:  
6

- 7           1.     The City of Seattle's Motion for Relief from Order and for Joint Ballot Title;
- 8           2.     Declaration of Gary Smith;
- 9           3.     Declaration of Erica K. Johnson;
- 10          4.     Declaration of Rebecca Johnson Arledge;
- 11          5.     Plaintiffs' Memorandum in Opposition to CR 60 Motion and In Support of  
12                Application for Correction of Election Errors and Writs, and Motion for Final  
13                Declaratory and Injunctive Relief;
- 14          6.     Affidavit of Laura Chandler;
- 15          7.     Affidavit of Claire Tonry;
- 16          8.     Affidavit of Emerald Walker;
- 17          9.     Affidavit of Matt Hogan;
- 18          10.    Affidavit of Barbara Flye;
- 19          11.    The City of Seattle's Reply in Support of its Motion for Relief from Order and for  
20                Joint Ballot Title and Opposition to Plaintiffs' Application for Correction of  
21                Election Errors and Writs, and Motion for Final Declaratory and Injunctive  
22                Relief
- 23          12.    Second Declaration of Gary Smith
- 24          13.    Plaintiffs' Reply to City of Seattle's Opposition to Petition to Appeal Ballot Title  
25                of Seattle Proposition No. 1B

ORDER GRANTING RELIEF FROM PRIOR ORDER AND  
USE OF JOINT BALLOT TITLE AND DENYING  
APPLICATION FOR CORRECTION OF ELECTION  
ERRORS AND WRITS, AND MOTION FOR FINAL  
DECLARATORY AND INJUNCTIVE RELIEF - 2

PACIFICA LAW GROUP LLP  
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SUITE 2100  
SEATTLE, WASHINGTON 98101  
TELEPHONE: (206) 245-1700  
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- 1 14. Affidavit of Knoll Lowney (August 14, 2014) and exhibits thereto.  
2 15. Plaintiffs' Motion to Strike Seattle's Motion for Joint Ballot Title  
3 16. City of Seattle's Opposition to Motion to Strike  
4 17. City of Seattle's Response to Petition to Appeal Ballot Title for Ordinance  
5 124509  
6  
7 18. King County's Response to Plaintiff's Motion for Consolidation and for Briefing  
8 Schedule (establishing time line for printing)  
9
- 

10 Based on the above and after hearing oral argument of the parties, the Court ORDERS as  
11 follows:

- 12 1. The City of Seattle's Motion for Relief from Order and for Joint Ballot Title is  
13 GRANTED.  
14  
15 2. Due to changed circumstances, the City of Seattle and King County are relieved  
16 from the Court's April 2, 2014 order.  
17  
18 3. The City of Seattle and King County are required to use the form of joint ballot  
19 title specified in RCW 29A.72.050(3) for Initiative 107 and Ordinance Number  
20 124509 on the November 4, 2014 ballot.  
21  
22 4. ~~The City of Seattle's proposed joint ballot title for Initiative 107 and Ordinance~~  
23 ~~Number 124509, as drafted, meets the requirements of RCW 29A.72.050(3) and~~  
24 ~~RCW 29A.36.071. (Reserved)~~  
25

ORDER GRANTING RELIEF FROM PRIOR ORDER AND  
USE OF JOINT BALLOT TITLE AND DENYING  
APPLICATION FOR CORRECTION OF ELECTION  
ERRORS AND WRITS, AND MOTION FOR FINAL  
DECLARATORY AND INJUNCTIVE RELIEF - 3

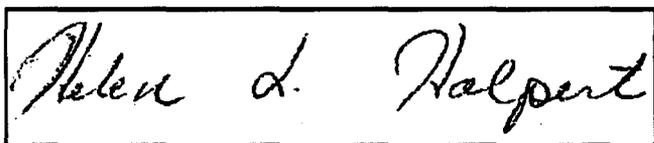
PACIFICA LAW GROUP LLP  
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King County Superior Court  
Judicial Electronic Signature Page

Case Number: 14-2-08551-6  
Case Title: IN RE BALLOT TITLE APPEAL OF CITY OF SEATTLE  
INITIATIVES 107-110  
Document Title: ORDER ON CONSOLIDATED MOTIONS

Signed by: Helen Halpert  
Date: 8/15/2014 3:01:13 PM



Judge/Commissioner: Helen Halpert

This document is signed in accordance with the provisions in GR 30.

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O=KCDJA, CN="Helen  
Halpert:NG36B3r44hG2yOw3YYhwmw=="

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON

IN AND FOR THE COUNTY OF KING

IN RE: BALLOT TITLE APPEAL OF  
CITY OF SEATTLE INITIATIVES 107-  
110,

And

IN RE: BALLOT TITLE APPEAL OF  
CITY OF SEATTLE PROPOSITION  
NO. 1B (ORDINANCE 124509),

And

YES FOR EARLY SUCCESS, a non-  
profit corporation, LAURA  
CHANDLER, and BARBARA FLYE,

Plaintiffs,

v.

CITY OF SEATTLE and KING  
COUNTY,

Defendants.

No. 14-2-08551-6  
14-2-21111-2  
14-2-21112-1

Brief Memorandum Opinion

THIS MATTER came before the Court for oral argument on three consolidated cases, all dealing with the form of the ballot for two measures concerning early childhood education. I-107 is an initiative (Yes for Success), which was rejected by the

City Council. In its place, the City enacted Ordinance 124509 (The Preschool Plan), which it proposes to have on the ballot as an alternative to I-107. It is imperative that a decision be rendered quickly, in order to allow for possible appellate review before the final form of the ballot must be sent to the printer on September 5.

*Does RCW 29A.036.071 require that I-107 (The “Yes for Success” Initiative) and Ordinance 124509 (“The Preschool Plan”) be presented as alternatives pursuant to RCW 29A.72.050?*

Both Article IV, §1 (D) of the Seattle City Charter and RCW 29A.72.270 permit the legislative authority, upon rejecting an initiative, to propose an alternative dealing with the “same subject.”

Under the City Charter, the initiative and the legislative alternative are presented independently to the voters. If both receive a majority and if there is a conflict in “any particulars”, the alternative receiving the most votes shall “be adopted and the other shall be considered rejected.” Article IV, §1 (G). In contrast, under RCW 29A.72.270, the two alternatives are presented together, with the first vote being a “yes” or “no” on whether either of the alternatives should be voted into law and the second vote being a selection between the two alternatives. RCW 29A.72.050 provides the mandatory form for a state ballot initiative. See also Wa Const. Article 2 §1.

The City argues that RCW 29A.36.071, enacted in the 2003 legislative session, requires that local initiatives be structured in compliance with RCW 29A.72.050, which incorporates the alternative structure of RCW 29A.72.270, when the legislative authority has rejected an initiative and proposed an alternative on the same subject.

RCW 29A.36.071(1) provides, in part:

...[T]he ballot title of any referendum filed on an enactment or portion of an enactment of a local government and any other question submitted to the voters of a local government consists of three elements: (a) An identification of the enacting legislative body and a statement of the subject matter; (b) a concise description of the measure; and (c) a question. *The ballot title must conform with the requirements and be displayed substantially as provided under RCW 29A.72.050 (Emphasis added)*

In another context, in *Mukilteo Citizens for Simple Government v. City of Mukilteo*, 174 Wn. 2d 141, 149 (2012), the Supreme Court commented that RCW 29A.72.050 provides the mandatory form for a municipal ballot initiative.

The provisions of a city charter are subservient to the general laws of the State of Washington. That is—a provision in a charter that conflicts with the general laws is in violation of Wa Const. Article X, § 10 and cannot stand. This is true even if the general law is enacted after the Charter. See *e.g. Oakwood v. Tacoma Mausoleum Association*, 22 Wn. 2d 692 (1945); *Neils v. City of Seattle*, 185 Wash 269 (1936).

The City has met its burden of establishing that Seattle City Charter Article IV, §§ 1 (D) and (G) are in conflict with controlling State law. Under Wa Const. Article X, § 10, the general state law controls over conflicting municipal charter provisions and thus the conflicting charter provisions are unconstitutional.

*Do I-107 and Ordinance 124509 address the same subject?*

The two provisions here both deal with improving early childhood education, providing teacher training and certification and increasing teacher compensation, while making quality childcare/preschool more affordable. There are some significant differences, including different coordinating entities and different teacher certification requirements. In addition, the reach of I-107 is broader than the Council alternative.

Nonetheless, the court is satisfied that the two provisions address the same subject and that the Council's finding in this regard was not *ultra vires*.<sup>1</sup>

Yes for Success raises a number of other challenges to the City's proposed ballot structure, including a challenge to the Open Public Meetings Act. Even assuming that the conversation with the City's attorneys that occurred before the finding of "same subject matter" was a violation of Chapter 42.30, the subsequent public vote and public discussion cured any violation. See *Organization to Preserve Agricultural Lands. V. Adams*, 128 Wn. 2d 869 (1996).<sup>2</sup>

Given the need for an expeditious resolution of these ballot challenges, plaintiffs' other claims will be denied without further discussion.

Finally, it is the court's expectation that with the guidance of this brief opinion and the discussion that occurred at the hearing this morning, the challenges to the wording of the ballot titles in alternative forms could be resolved through the agreement of counsel. If this cannot be resolved by agreement, the parties shall contact the court requesting further ruling.

Dated this 15 day of August, 2014.

*Signed electronically*

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The Honorable Helen Halpert  
King County Superior Court Judge

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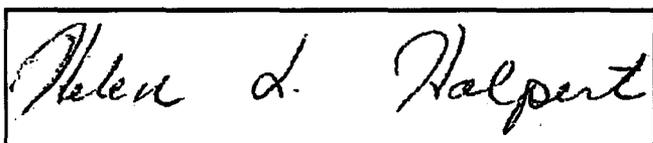
<sup>1</sup> It is necessary to address the "same subject" question because, if the ordinance and initiative did not address the same subject, the ballot construction issue of RCW 29A.36.071 and 29A.70.270 would have been irrelevant.

<sup>2</sup> The court is specifically not ruling on the question of whether there was a violation of OPMA.

King County Superior Court  
Judicial Electronic Signature Page

Case Number: 14-2-08551-6  
Case Title: IN RE BALLOT TITLE APPEAL OF CITY OF SEATTLE  
INITIATIVES 107-110  
Document Title: OTHER MEMORANDUM OPINION

Signed by: Helen Halpert  
Date: 8/15/2014 3:01:13 PM



Judge/Commissioner: Helen Halpert

This document is signed in accordance with the provisions in GR 30.

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HONORABLE HELEN HALPERT

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF KING

In Re Ballot Title Appeal of City of  
Seattle Ordinance 124509,  
  
Petitioner,

No. 14-2-08551-6 SEA  
(consolidated with 14-2-21111-2  
SEA)

ORDER ON PETITION TO APPEAL  
BALLOT TITLE FOR ORDINANCE  
124509

THIS MATTER came before the Court on Petitioner Laura Chandler's Petition to Appeal  
Ballot Title for Ordinance 124509. The Court has considered the papers and pleadings filed  
herein, including the following:

1. Petition to Appeal Ballot Title for Ordinance 124509;
2. City of Seattle's Response to Petition to Appeal Ballot Title for Ordinance  
124509;
3. Declaration of Erica K. Johnson in Support of Respondent City of Seattle's  
Motion for Relief from Order, and the exhibits thereto, filed in Case No. 14-2-  
08551-6;
4. Declaration of Gary Smith, and the exhibits thereto, filed in Case No. 14-2-  
08551-6;

- 1           5.       Petitioner's Reply in Support of Petition to Appeal Ballot Title for Ordinance
- 2
- 3                   124509 and any supporting declarations and exhibits, if any;
- 4
- 5           6.       Joint submission for further ruling on ballot title appeal;
- 6
- 7           7.       Letter from Claire Tonry presenting alternative language for ballot title;
- 8
- 9           8.       Argument presented at telephonic hearing held in open court on September 2,
- 10                   2014.

11           Based on the above and after hearing oral argument of the parties, the Court hereby  
 12           ORDERS that the ballot title for Ordinance 124598 and Initiative 107 shall read as follows:

13           **THE CITY OF SEATTLE PROPOSITION NUMBERS 1A AND 1B**

14           Proposition 1A (submitted by Initiative Petition No. 107) and Proposition 1B (alternative  
 15           proposed by the City Council and Mayor) concern early learning programs and providers of such  
 16           services for children.

17           Proposition 1A (Initiative 107) would establish a \$15 minimum wage for childcare workers  
 18           (phased in over three years for employers with under 250 employees); seek to reduce childcare  
 19           costs to 10% or less of family income; prohibit violent felons from providing professional  
 20           childcare; require enhanced training and certification through a training institute; create a  
 21           workforce board and establish a fund to help providers meet standards; and hire an organization  
 22           to facilitate communication between the City and childcare workers.

23           As an alternative, the Seattle City Council and Mayor have proposed Proposition 1B (Ordinance  
 24           124509), which would fund the four-year initial phase of a City early learning program with the  
 25           goal of developing a widely-available, affordable, licensed, and voluntary preschool option. The  
 26           Ordinance requires support, training and certification for teachers. The program uses research-  
 27           based strategies, includes evaluation of results, and provides tuition support. This proposition  
 28           authorizes regular property taxes above RCW 84.55 limits, allowing additional 2015 collection of  
 29           up to \$14,566,630 (approximately 11¢ per \$1,000 assessed value), totaling \$58,266,518 over four  
 30           years.

- 31           1.       Should either of these measures be enacted into law?

                                  Yes

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No .....

2. Regardless of whether you voted yes or no above, if one of these measures is enacted, which one should it be?

Proposition 1A .....

Proposition 1B .....

This Order is directed to and binds King County as well as the Parties.

DATED this 2 day of September, 2014.

*Signed electronically*

\_\_\_\_\_  
The Honorable Helen Halpert  
King County Superior Court Judge

Presented by:

PACIFICA LAW GROUP LLP

By /s/ Gregory J. Wong  
Paul J. Lawrence, WSBA #13557  
Gregory J. Wong, WSBA #39329  
Taki Flevaris, WSBA #42555

PETER S. HOLMES  
Seattle City Attorney

Carlton W. M. Seu, WSBA #26830  
Gary T. Smith, WSBA #29718  
John B. Schochet, WSBA # 36875  
Assistant City Attorneys

Attorneys for Respondent City of Seattle

[PROPOSED] ORDER ON PETITION TO APPEAL  
BALLOT TITLE FOR ORDINANCE 124509 - 3

PACIFICA LAW GROUP LLP  
1191 SECOND AVENUE  
SUITE 2100  
SEATTLE, WASHINGTON 98101  
TELEPHONE (206) 245-1700  
FACSIMILE (206) 245-1750

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[PROPOSED] ORDER ON PETITION TO APPEAL  
BALLOT TITLE FOR ORDINANCE 124509 - 4

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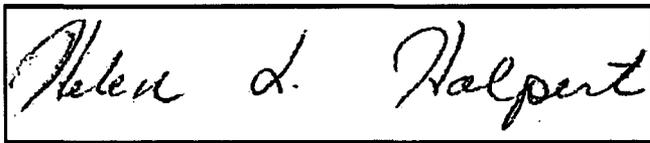
PACIFICA LAW GROUP LLP  
1191 SECOND AVENUE  
SUITE 2100  
SEATTLE, WASHINGTON 98101  
TELEPHONE (206) 245-1700  
FACSIMILE (206) 245-1750

*Appendix 25*

King County Superior Court  
Judicial Electronic Signature Page

Case Number: 14-2-08551-6  
Case Title: IN RE BALLOT TITLE APPEAL OF CITY OF SEATTLE  
INITIATIVES 107-110  
Document Title: ORDER ON BALLOT TITLE

Signed by: Helen Halpert  
Date: 9/2/2014 2:14:59 PM



Judge/Commissioner: Helen Halpert

This document is signed in accordance with the provisions in GR 30.

Certificate Hash: 802772A59F78160EA408BDE000D37A07916208CC  
Certificate effective date: 7/29/2013 12:21:03 PM  
Certificate expiry date: 7/29/2018 12:21:03 PM  
Certificate Issued by: C=US, E=kcscefiling@kingcounty.gov, OU=KCDJA,  
O=KCDJA, CN="Helen  
Halpert:NG36B3r44hG2yOw3YYhwmw=="

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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR KING COUNTY

YES FOR EARLY SUCCESS, a non-profit  
corporation, LAURA CHANDLER, and  
BARBARA FLYE

Plaintiffs,

v.

CITY OF SEATTLE and KING COUNTY,

Defendants

No. 14-2-08551-6

AFFIDAVIT OF BARBARA FLYE

I, Barbara Flye, hereby stated the following under penalty of perjury under the laws of the State of Washington.

1. I am a registered Seattle voter and submit this affidavit in support of my Petition for correction of election errors and writs and complaint for declaratory and injunctive relief.

2. I intend to vote for Initiative 107 and the City of Seattle's preschool measure. I support both and believe they are perfectly complementary, since they address two totally different elements of our early learning and care system. I support I-107 because I want the

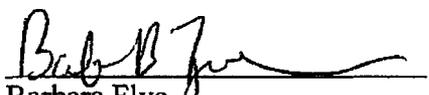
1 approximately 4,500 teachers and staff in Seattle's current early learning system to receive  
2 better pay and training. From the time my son and daughter were approximately six months  
3 old, they attended a family child care center that would benefit from the reforms in I-107. I  
4 also support the goal of reducing the opportunity gap by funding a public preschool program,  
5 as is being proposed by the Seattle City Council, and am willing to raise property taxes to  
6 fund that program.  
7

8 3. I believe I have a constitutional right to vote my preference on both measures.  
9 I am one of the approximately 42% of likely voters in Seattle who, according to polls, wish  
10 to support both I-107 and the Pre-K measure.

11 4. I believe that the City infringes upon my constitutional rights by forcing me to  
12 choose between these two measures, rather than allowing me to express my preference on  
13 both measures. In contrast, voters who support only one measure, or neither, are allowed to  
14 fully express their preference.  
15

16 5. I also am concerned as a supporter of the Pre-K measure because the two-part  
17 ballot title that the City proposes will likely be invalid as a levy lid lift vote because it never  
18 gauges whether there is majority approval for the levy lid lift. I want a proper vote so that  
19 the funding vote is valid and effective.  
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21 Stated under oath this 25<sup>th</sup> of July, 2014, in Seattle, Washington,

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23 Barbara Flye  
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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR KING COUNTY

YES FOR EARLY SUCCESS, a non-profit	)	
corporation, LAURA CHANDLER, and	)	No.
BARBARA FLYE	)	
	)	AFFIDAVIT OF LAURA
Plaintiffs,	)	CHANDLER
	)	
v.	)	
	)	
CITY OF SEATTLE and KING COUNTY,	)	
	)	
Defendants	)	
	)	
	)	

1, Laura Chandler, hereby state the following under penalty of perjury under the laws of the State of Washington.

1. I am the sponsor for Seattle Initiative 107. I submit this affidavit in support of our Petition for correction of election errors and writs and complaint for declaratory and injunctive relief.

2. I have been working with early educators and child advocates to improve working conditions for teachers and staff in the childcare field for almost twenty years.

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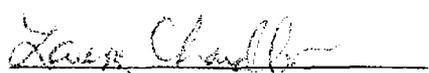
3. One of the major goals of my work in this field has been improving pay and training for teachers. It has been shown that low pay and inadequate training for teachers and staff in the childcare field leads to high staff turnover, which undermines child development.

4. Over the past several years, I have worked on childcare provider pay and training reforms at the county level, and state wide. My efforts have included lobbying the legislature, and advancing a statewide initiative. Ultimately, along with others working on these reforms, I decided to advance an initiative for the City of Seattle.

5. I filed what is now labeled Initiative 107, or I-107, with the Seattle City Clerk's office on March 11, 2014.

6. I-107 is designed to significantly improve working standards for the approximately 4,500 early-childhood educators in Seattle. These improvements are expected to increase educational and emotional outcomes for the children under these educators' care. Importantly, I-107 would raise wages for childcare workers to \$15 per hour and would increase training for childcare teachers and staff through a Professional Training Institute which the childcare workers help to oversee. I-107 would also provide a mechanism for the City of Seattle to obtain greater input from childcare teachers and staff on workforce development issues by creating a Workforce Board and hiring an entity to facilitate communications between the City and early educators.

Stated under oath this 29<sup>th</sup> of July, 2014, in Seattle, Washington,

  
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Laura Chandler

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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR KING COUNTY

YES FOR EARLY SUCCESS, a non-profit corporation, LAURA CHANDLER, and BARBARA FLYE	)	No.
	)	
Plaintiffs,	)	AFFIDAVIT OF EMERALD WALKER
	)	
v.	)	
	)	
CITY OF SEATTLE and KING COUNTY,	)	
	)	
Defendants	)	
	)	

I, Emerald Walker, hereby state the following under penalty of perjury under the laws of the State of Washington.

1. I am the campaign manager for Yes for Early Success, the campaign for Seattle Initiative 107 (I-107). I submit this affidavit in support of our Petition for correction of election errors and writs and complaint for declaratory and injunctive relief.

2. Polling found Seattle voters support the policies in I-107 by significant margins, leading Yes for Early Success to move forwards and collect signatures on the initiative.

1           3.       City officials feared that having I-107 on the ballot threatened the effort to get  
2 voters to approve a levy lid lift for preschool. Childcare workers in the community engaged  
3 in a series of meetings to see whether there could be a political compromise.

4           4.       The City argues that these negotiation show that I-107 and the preschool  
5 measure are on the same subject and competing. Really, childcare workers just trying to win  
6 I-107 policies without an expensive campaign, and were trying to "play well with others."

7           5.       The City offered changes to its preschool plan, but the childcare workers  
8 explained that I-107 is about helping the about 4,500 current teachers in the current early  
9 learning and care system, from birth all the way through school-age care. Thus, no changes  
10 in the preschool plan could begin to address the goals of I-107. At best changes to the  
11 preschool plan could impact the working conditions for the 200 teachers in the new program,  
12 but would do nothing for the 4500 teachers in the existing system. When the City refused to  
13 offer concessions beyond the preschool pilot program, negotiations ended, and the childcare  
14 workers proceeded to the ballot.

15           6.       Ultimately, over 30,000 voters signed our petitions asking for I-107 to be  
16 placed on the ballot.

17           7.       On June 4, 2014, the Seattle City Clerk informed us that the I-107 petition was  
18 sufficient to qualify the measure for the ballot.

19           8.       On June 23, 2014, without any notice to the proponents of I-107, the Seattle  
20 City Council passed Resolution 31530. The City gave us no due process in enacting  
21 resolution 31539, which effectively passed judgment on I-107, even though this resolution  
22 deprived us of our right to run our chosen campaign, and strips us of tens of thousands of yes  
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1 votes. The City never invited us to speak and gave us no hearing or court-like procedures  
2 prior to passing its verdict against I-107.

3           9.       The I-107 campaign wants to run a campaign that is purely focused on  
4 educating the public about the benefits of I-107. We do not want to campaign against the  
5 City's proposal to create a public preschool pilot program, nor to be forced to campaign  
6 about the relative merits of paying teachers more and increasing preschool access. We know  
7 from our polling that many voters who support I-107 also support the preschool measure.  
8 These voters, like our campaign, do not perceive any conflict between these two measures.  
9 While both measures would help Seattle kids, they address totally different issues and are  
10 complementary.  
11

12           10.       When the City Council passed Resolution 31530, it sent a clear message to the  
13 public that the City would only implement I-107 or the preschool measure, but not both, even  
14 if both pass with a majority. When the City did this, it immediately undermined our  
15 campaign because many individuals and organizations who we were approaching for  
16 endorsements no longer felt that they could endorse I-107 simply because they support the  
17 policies in I-107. Instead, these organizations believed that they could only endorse I-107 if  
18 their support for I-107 was stronger than their support for the preschool measure. The City  
19 Council's resolution had the intent and effect of stripping support from I-107 by pitting it  
20 against the preschool measure. Indeed, Council President Burgess has reportedly said that he  
21 would support I-107 if he didn't think that the two measures were in competition.  
22  
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24           11.       We believe we have the constitutional right to build majority support for I-107  
25 from every voter who supports I-107, regardless of their position on the preschool measure.  
26

1 The City Council's resolution prevents us from running our political campaign in the manner  
2 we have chosen. I believe this is a violation of our constitutional rights.

3         12. The City also promised the campaign an opportunity to be heard on the form  
4 of the ballot title. The City Attorney told the campaign that he was thinking of a two-part  
5 ballot title, and when he had made up his mind he would let the campaign know so we could  
6 discuss it and hopefully reach agreement, and then jointly approach this Court. The  
7 campaign, through counsel, repeatedly asked the City Attorney's Office whether it had made  
8 a decision and was told no. Then the City proposed its two-part ballot title as a done deal on  
9 the same day that it gave this proposed title to the Court and unilaterally asked the Court to  
10 approve that title. It was clear that the City was working on this motion for some time  
11 without giving us the opportunity to consult as promised.

12  
13         13. The ballot title significantly prejudices our campaign in two ways. First, it  
14 deprives the campaign of tens of thousands of votes from those who support both I-107 and  
15 the preschool measure. According to our polling, 42% of likely voters support both  
16 measures. The two-part ballot title prevents these voters from casting their votes in the  
17 manner they choose, depriving us of some portion of these votes. In addition, the ballot title  
18 was written to be extremely biased since it includes extremely favorable language about the  
19 preschool measure's goals, even though this political rhetoric is not part of the actual content  
20 of the measure. The City Attorney wrote the I-107 ballot title as well (although it was  
21 tweaked by this Court) and did not include any of this biased language. The I-107 ballot title  
22 only focuses on the actual legal changes to be made by I-107, and that should be the standard  
23 applied also the preschool ballot title.  
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1           14.     The City's improper motivation is shown by Resolution 31530, which  
2 criticizes I-107 for guaranteeing child care providers a \$15 per hour minimum wage on a  
3 faster schedule than other minimum wage employers. It also states that I-107 "could have  
4 significant financial impacts." In addition, as soon as the I-107 campaign began turning in its  
5 signatures, people within City Hall began organizing a campaign against I-107. Elected  
6 officials or their staff have called opinion leaders to warn them against supporting I-107.  
7

8           15.     The City hired an attorney with a vested interest against I-107 to identify  
9 "issues" with I-107, and prepared a "fiscal analysis" of I-107 based largely upon that biased  
10 legal analysis. The City provided the biased analyses to opponents of I-107, including *The*  
11 *Seattle Times*, along with talking points against I-107. The City has refused to provide the  
12 memo to the I-107 campaign despite repeated requests.  
13

14           16.     The Seattle Ethics and Elections Commission suggested that because of  
15 Resolution 31530, it is considering presenting I-107 supporters as the preschool opponents,  
16 and preschool pilot program supporters as I-107 opponents in the voters' pamphlet.

17           17.     Initiative 107 is designed to increase the working conditions for a group of  
18 teachers that is largely low income women. I believe City Hall is offended that this group is  
19 pursuing our own agenda at a time when the City is pursuing its own childcare agenda.  
20 Ultimately, the conflict between I-107 and the preschool measure is not about policy, it is  
21 about political agenda, priorities, and who gets a say. However, I believe that the initiative  
22 process is designed to give groups like Yes for Early Success an opportunity to advance their  
23 own agenda.  
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1 Stated under oath this 30<sup>th</sup> of July, 2014, in Seattle, Washington,  
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5 Emerald Walker  
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1 voters apparently perceive the two measures to be complementary. If these voters are forced  
2 to choose between the two measures, as the City of Seattle proposes, I-107 will lose a  
3 significant percentage of the votes it would otherwise receive. The preschool measure will  
4 also lose a significant percentage of votes.

5  
6 4. The proposed two-part ballot title never gauges whether a majority of Seattle  
7 voters actually support raising taxes to support the creation of a public preschool system.  
8 This is because voters who state in the first question that they oppose both measures – and  
9 thus do not support raising taxes – are still required to choose between I-107 and the  
10 preschool measure in the second question. The first question does not gauge support for the  
11 levy lid lift because the yes voters may only support I-107 and not the levy lid lift. Nor does  
12 the second question because it forces voters who oppose both measures to express their  
13 preference as between the two measures.

14  
15 5. The current ballot title for the preschool measure is prejudicial because it  
16 repeats the goals of the preschool program as if it were part of the proposed law, whereas the  
17 title for I-107 does not contain such political rhetoric. The I-107 ballot title states only on the  
18 legal changes that would be enacted by the law, and does not repeat I-107's broad statement  
19 of political goals. Many of the words proposed for the preschool ballot title are vague and  
20 prejudicial for the measure, rather than being objective descriptions of the measure's  
21 essential contents.  
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23 Stated under oath this 25<sup>th</sup> of July, 2014, in Seattle, Washington,

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26 Matt Hogan

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HONORABLE JUDGE HALPERT

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR KING COUNTY

IN RE: BALLOT TITLE APPEAL OF CITY OF )  
SEATTLE INITIATIVES 107-110, ) No. 14-2-08551-6  
) No. 14-2-21111-2  
And, ) No. 14-2-21112-1  
)

IN RE: BALLOT TITLE APPEAL OF CITY OF ) SECOND AFFIDAVIT OF  
SEATTLE PROPOSITION NO. 1B ) EMERALD WALKER  
(ORDINANCE 124509), )  
)

And, )  
)  
YES FOR EARLY SUCCESS, a non-profit )  
corporation, LAURA CHANDLER, and )  
BARBARA FLYE )

Plaintiffs, )  
)  
v. )  
)  
CITY OF SEATTLE and KING COUNTY, )  
)  
Defendants )

I, Emerald Walker, hereby state the following under penalty of perjury under the laws of the State of Washington.

1. This is not a situation where government officials are making neutral government actions that merely have a negative influence on a campaign. Mayor Murray and Seattle City Council President Burgess have led the effort to have the City Council adopt

AFFIDAVIT- 1

1 the Resolution finding a conflict between the two measures and the adoption of the two-part  
2 ballot form that will strip tens of thousands of votes from I-107. These officials are key  
3 spokespersons for the campaign against I-107. This is shown by the press release for the  
4 event they held criticizing I-107, a true and correct copy of which is attached as Exhibit A.

5  
6 2. Attached as Exhibit B is a true and correct copy of an internal email from the  
7 Mayor's office confirming that both Mayor Murray and Council President Burgess attended  
8 the editorial meeting with the Seattle Times editorial board that resulted in an unfair and false  
9 editorial attacking I-107. A key staff member from Mayor Murray's office has now taken a  
10 position running the campaign against I-107.

11 3. Given these facts, and the others discussed in my first declaration, the public  
12 confidence in the system is being shaken. It is impossible not to see the two-part ballot title  
13 as separate from these officials' campaign against I-107.  
14

15  
16 Stated under oath this 14<sup>th</sup> of August, 2014, in Seattle, Washington,

17  
18 

19  
20 Emerald Walker



Early Success <yes4earlysucces@gmail.com>

---

## Pre-K: Tidbits for Reporters

---

Johnson, Graham (CMG-Seattle) <GJohnson@kirotv.com>  
To: Early Success <yes4earlysucces@gmail.com>

Tue, Jul 29, 2014 at 10:46 AM

Yes – here is the release. We’re in the Rainier Valley for this event. Can we come interview you immediately afterward?

Thanks!

Graham

Media Advisory:

FOR IMMEDIATE RELEASE

Contact: Sandeep Kaushik, (206) 355-9230

PRE-K PRESS CONFERENCE THIS MORNING:

Seattle Mayor Ed Murray, former Mayor Norm Rice, Council President Tim Burgess and Early Childhood Education Leaders Will Hold Press Conference to Launch Campaign to Pass City Pre-K Plan on November Ballot

City plan to provide free or subsidized pre-K for thousands of Seattle kids implements high quality standards and is fully funded, unlike I-107, an incompatible plan also on the November ballot

Seattle Mayor Ed Murray will be joined by former Mayor Norm Rice, City Council President Tim Burgess and early education leaders to launch the campaign to pass the City's carefully targeted plan on the November ballot to create a high-quality preschool system for Seattle's kids.

Voters will have to choose this November between the City plan and an incompatible and unfunded alternate plan, I-107, which would reduce quality standards and could cost the City more than \$100 million a year to implement.

Other speakers will include preschool education experts and providers: Erica Mullen, Executive on Education Initiatives at the YMCA, and Dominique Alex, Executive Director of Children's Home Society Early Learning Center, which is hosting the event.

Details of the event are as follows:

Seattle Pre-K Campaign Launch Press Conference

*Appendix 41*

Tuesday, July 29 11 am

Children's Home Society Early Learning Center

3700 S Genesee St.

Seattle

**From:** Early Success [mailto:yes4earlysuccess@gmail.com]

**Sent:** Tuesday, July 29, 2014 10:44 AM

**To:** Johnson, Graham (CMG-Seattle)

**Subject:** Fwd: Pre-K: Tidbits for Reporters

[Quoted text hidden]

**From:** Fong, Michael  
**To:** Miller, Austin  
**Subject:** RE: Pre k ed board?

I am?

Sent with Good (www.good.com)

-----Original Message-----

**From:** Miller, Austin  
**Sent:** Monday, June 09, 2014 04:48 PM Pacific Standard Time  
**To:** Fong, Michael  
**Subject:** RE: Pre k ed board?

Yes and you are riding in the car for prep.

Austin Miller  
Scheduler  
City of Seattle, Office of the Mayor  
O: 206.684.5164 | M: 206.669.0571 | austin.miller@seattle.gov

-----Original Message-----

**From:** Fong, Michael  
**Sent:** Monday, June 09, 2014 4:45 PM  
**To:** Miller, Austin  
**Subject:** Pre k ed board?

Is mayor going w burgess to times ed board tomorrow?

Sent with Good (www.good.com)

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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR KING COUNTY

YES FOR EARLY SUCCESS, a non-profit  
corporation, LAURA CHANDLER, and  
BARBARA FLYE

Plaintiffs,

v.

CITY OF SEATTLE and KING COUNTY,

Defendants

)  
) No.

) AFFIDAVIT OF BROOKE LATHER

I, Brooke Lather, hereby state the following under penalty of perjury under the laws  
of the State of Washington.

1. I am a registered Seattle voter and submit this affidavit in support of our  
Petition for correction of election errors and writs and complaint for declaratory and  
injunctive relief.

2. I attended all of the City Council meetings on Initiative 107, including those  
that moved into executive sessions, when I waited outside. I later listened to the meetings on  
the internet to ensure that my recollection was correct.

AFFIDAVIT- I

1           3.       At no time during the open meetings on I-107 did the City Council discuss  
2 whether I-107 and the preschool ordinance were on the same subject or conflicting in any  
3 particular way. Thus, this discussion must have occurred during an executive session or some  
4 other closed meeting.

5           4.       At no time during the open public meetings on I-107 did the City Council talk  
6 about its statutory role in responding to a citizen initiative or about the specific actions it was  
7 considering in response to I-107. Thus, such discussions must have occurred during an  
8 executive session or some other closed meeting.

9           5.       During at least one occasion, the City Council deferred discussions about  
10 policies to an executive session. For example, during the June 6, 2014, meeting of the Select  
11 Committee on Preschool for All, there was a discussion about whether the preschool measure  
12 should include provisions for involving teachers unions. At minute 111:57 of the recording,  
13 Councilmember Licata asked "is there a problem ... if in the 2<sup>nd</sup> clause we were to include  
14 unions that represent educators, experts in early childhood education in looking at those  
15 alternatives?" Council President Burgess replied "In my opinion yes and we will have a  
16 discussion Monday morning in executive session about why that is." When Councilmember  
17 O'Brien asked a similar question at minute 121:41, Council President Burgess again said  
18 "Councilmember O'Brien, what I'd like to suggest is that we raise this question on Monday  
19 morning, uh, and if we then want to make this change we can bring that to full council when  
20 the Ordinance is before the uh full council."  
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24           6.       If this policy discussion did occur on the following Monday during the  
25 executive session, as Council President Burgess stated, then that executive session was not  
26

1 limited to discussions about "pending or potential litigation." Also, other than potentially  
2 during the executive session, as cited by Council President Burgess, preschool was not on the  
3 agenda that Monday morning.

4 7. Although there is currently litigation about the two-part ballot title that the  
5 City proposes, the City has discussed this matter in public, which suggests that there was no  
6 risk to the City in this issue being made public. The City Attorney discussed this proposed  
7 ballot title with the campaign over a month ago and City officials mentioned this to the  
8 media, which reported it.

10 8. Attached is a true and impartial transcription of part of the Preschool for All  
11 council meeting that I quoted above.

12 Stated under oath this 25<sup>th</sup> of July, 2014, in Seattle, Washington,

14   
15 Brooke Lather  
16

Select Committee on Preschool for All

6/6/14

103:08 Sawant:

"Yeah, so, as Councilmember Burgess already described, you know the reason for including this language, uh, my amendment is built on uh, just makes it first of all a more inclusive process to include the teachers unions that already represent those service providers who have gained expertise over the years to, in the, in the early childhood education field, so that they can be a part of the process that develops an alternate route program for teachers and then the alternate route program itself, I'm just broadening the language to say that to just gain credentials, which obviously will include primarily the degrees, but also if there is, if there are other routes to gaining experience in providing high quality services to prek children. And, as I said, the last line was advised by law to include that credentials will be defined and specified in the implementation plan, so it will be a work in progress."

104:12 Burgess:

"Thank you. Um, I do not support this amendment; this also is a significant change to the Seattle Preschool Program as it has been proposed. This amendment, this language, introduces issues that are not appropriate in my view for the council to be considering and it significantly weakens the credentials requirements. Are there any other questions or comments?"

104:41 Bagshaw:

"I would just like to hear you describe that further. Why does it weaken it and why is it a departure?"

104:48 Burgess:

"This um, language in the middle, where we strike reference to bachelor's degrees and early childhood education certification, um, is crucial to this program, um, it also introduces collective bargaining issues that I don't think we want to get into at this point. It's just a fundamental change in our approach."

105:16 Bagshaw:

"Can I just quick follow up on that? I appreciate what you're saying Councilmember Burgess about the bachelor's degree, I'm with you on that. I am wondering whether or not it's appropriate to have language in there that it's colleges and universities and others with experience in this field. It looks to me like you're constraining it to just local colleges and universities and as we've seen to date here, having others who are actually in the field, have been valuable input."

105:49 Burgess:

"So there are other sections to the ballot title ordinance and resolution that deals with other stakeholders, um, including current providers, and others in the community, including organizations that represent people. That's spelled out in really good detail in the Ordinance. Um, so I don't think it's

necessary to do that at this point. "

106:20 Harrell:

"I'm going to give my stab at where I am on this issue as I understand it. By the way, when I wear this shirt on Fridays, that means we have to keep conversations sort of happy, this is my happy shirt. Um, that, as we think about getting certification and credentials for these uncertified teachers or teachers without degrees I saw it as the colleges and the universities that are the ones awarding these, not necessarily labor or these other organizations. So I thought it just made sense that to help us develop this alternative route, I'm very pleased with the conversation we just had, about, you know, many of these folks may have health challenges too within that four year period, so I'm glad we came up with something to understand that that's not a hard four years. I'm pleased with that. But I thought that the amendment that we did pass, without the amendments made sense just because those are the folks that will be helping us develop this path. It wasn't more than that in terms of my logic. That's coming from the happy shirt."

107:22 Burgess:

"Thank you for happy shirts. Councilmember O'Brien."

107:26 O'Brien:

"So, um, Councilmember Burgess, in the Action Plan on page 14 under staff education requirements, um, I think this is where your amendment came out from, it talks about the various degrees that are required for different positions and then at the second to last paragraph it talks about um, four years to meet the requirements and this is where I think your language comes in, or at least part of it, it talks about an alternate path for teachers with bachelors degrees in other fields. Um, sorry, fields other than early childhood education, and then there's another sentence that says the city will also develop and alternate process through which experienced, high quality, lead teachers as defined in the implementation plan, may be granted waivers. Um, you, by selectively pulling the part out that talked about teachers with bachelor degrees having an alternate path, but not pulling the part out that allowed a path for teachers without bachelor degrees, was that intentional, to say I really want to highlight that this is about bachelor degrees or do you still support a third path, um, for credentialing without bachelor degrees? Cuz I'm um, this um, I'm struggling about the amendment I just voted for now, because it didn't mirror what I thought it did."

108:45 Burgess:

"So I think our intent was to capture all of the language that's on page 14 and we clearly um, as we've explained, there will be an alternative path for those that do not have bachelors degrees to get a waiver of that requirement if they can demonstrate through some of the classroom observation, um assessments like ECERS and CLASS that they are meeting certain standards that they could gain a waiver from the degree credential."

109:19 O'Brien:

"So, um, my read on the amendment we just passed, um, it speaks explicitly to folks with bachelor degrees but doesn't allow for folks without. Um, Councilmember Sawant's, by striking the bachelor degrees, would imply that both with and without bachelor degrees would have a path, which is my understanding of the intent, which is why I would either support that or adding more language to your original legislation, uh, your amendment, about that second sentence, the alternate process for folks.."

109:52 Christa:

"So yeah, the, I think what you could say here and I think this is consistent with Councilmember Burgess' intent, is to then say, and for those without bachelors degrees the city will develop an alternative process through which experienced high quality teachers may be granted waivers. Is that, you're wanting to clarify that we're not continuing that sentence on and talking about those with bachelors degrees, we're talking about those without. "

110:16 Burgess:

"Correct and that's clearly our intention as Christa just explained."

110:21 O'Brien:

"So I think there's Councilmember Sawant's language, I know there's other pieces to it, gets at that in part by saying, by being silent on whether you have your bachelors degree or not, there's another path. Um and so, I don't know if there's a meaningful distinction between those two or not. But I want to make sure that both paths are identified."

110:43 Burgess:

"So, I would accept Christa's language, could you read that again?"

110:45 Christa:

"So, it would read in whole, a plan for the city to work with local colleges and universities to develop an alternative route program for teachers with bachelors degrees in fields other than early childhood education and for those without bachelors degrees the city will develop alternative processes through which experienced, high-quality teachers may be granted waivers."

111:03 Burgess:

"Thank you. So, that's the essence of my amendment. Any other questions?"

111:10 Licata:

"Yeah, I uh, there is a motion on the floor, so is yours a motion to hers or how do we deal with that?"

111:17 Burgess:

"So, I'm going to, after we deal with Councilmember Sawant's amendment, I'm going to go back and modify mine. But hers is on the floor at this point."

111:30 Licata:

"And so a question that I have on yours, although it's not on the floor, but, since we're talking about it, um, Christa, in the language, did you retain work with local colleges and universities, or is that assumed?"

111:43 Christa:

"Yes, I just read it as reflected in the Action Plan. I mean, I don't think if you wanted to strike local, would that matter?"

111:57 Licata:

"No, I don't think. and so, the question I have is, is there a problem, and this is for Councilmember Burgess, if in the 2<sup>nd</sup> clause we were to include unions that represent educators, experts in early childhood education in looking at those alternatives?"

112:18 Burgess:

"In my opinion yes and we will have a discussion Monday morning in executive session as to why that is."

112:30 Sawant:

"Can I speak to this also? I don't think there will be a problem. Councilmember Burgess said that there brings in issues of collective bargaining agreements. That's not true, this is just to bring them in to the expertise that they encapsulate as a body. You know, the union represents teachers and people who have gathered experience over the years and to me it does not make sense to explicitly exclude them. I mean yes, colleges and universities of course should be there and I support striking the word local and would consider it a friendly amendment, but I don't see a problem with including unions because we want their expertise, because they represent teachers who have gathered expertise. It's not a question of collective bargaining at all. In fact, if we exclude them, I think we will be forgoing the collective experience they have gained over the years and I don't see the point of that. And, also, I think that I just want to explain that striking the bachelor's degree in early education, just to clarify Councilmember O'Brien's question, the intent of my amendment is what he described, which is to make sure that we are including all who have gained expertise, either through their qualifications plus their expertise, or people who may not actually have those qualifications but may have the commensurate experience to and proven ability to provide service to prek and also the proven ability to gain further understanding maybe through further training programs. So, I think it is consistent with the spirit of the original proposal in the Mayor's handout, just more clarifying."

114:18 Burgess:

"Just to be clear, we have consulted with multiple unions in the development of this program over the last year. They've been at the table, they've been part of workgroups, we've been listening to them and many other stakeholders from the very beginning."

114:39 Bagshaw:

"Just for clarification, will these people from the unions continue, will they continue to be involved? I asked this question in a different way earlier and you said yes and it's already included in the ordinance, so."

114:54 Burgess:

"yes"

114:55 Bagshaw:

"so they will continue to be involved?"

114:57 Burgess:

"yes they will. So the amendment before us is the amendment to the resolution section 6 as proposed by Councilmember Sawant."

115:06 Sawant:

"I, I, I want to speak a little bit. I don't I don't think the unions feel heard, that is why they are going to the ballot and I don't agree with this that they were felt heard, there is clearly a difference of opinion on that. I also want Councilmembers to recognize that Bachelor's degree in anything other than prek field is not necessarily going to qualify a person than somebody, any more than somebody who may not have a Bachelor's degree in prek, but has say 25 years of experience working with prek kids. I can say with all honesty that I have a PhD in Economics, I don't think that qualifies me as an trained person to deal with prek children I would much prefer that if I had a child it would be with people who had experience, not somebody who had a BA in Art History or Mathematics or something any kind of given, we cannot assume that that provides an kind of expertise."

116:02 Burgess:

"Councilmember O'Brien."

116:03 O'Brien:

"Um, Councilmember Burgess, I'm trying to understand your opposition to the language about unions that represent educators. Uh, um, I guess maybe what you said is, 'I'll learn on Monday.' I'll leave it at that."

116:22 Holly Miller:

"I have a technical clarification which I think Councilmember Sawant was getting at here. If you look on page 14 of the action plan.."

116:28 Burgess:

"Pull your microphone really close please."

116:31 Miller:

"If you look on page 14 of the Action Plan, that paragraph that we've been discussing, there are two concepts here. One is, the city will also develop an alternate process. Let's see, uh, an alternate route program for teacher's with bachelor's degrees in fields other than early childhood education. So, Councilmember Sawant, that was getting at your issue. An alternate route would um create a certification program whereby folks with a BA in Economics or whatever, could go get that early childhood education certification. And then the waiver refers, in the next para, in the next sentence, the waiver refers to teachers who do not have a BA, but who, as Councilmember Burgess said, have demonstrated through their outstanding performance as teachers in the outcomes of kids, that they can reach equivalent standards, so um, those are two just slightly different concepts that I wanted, and I think you've spoken uh, variously to both of those concepts."

117:38 Burgess:

"Thank You. So the amendment before us is Section 6 from Councilmember Sawant, all in favor indicate by voting aye. (unclear from video who, but my memory is Sawant, Licata, and O'Brien) Opposed? Motion fails."

117:52 Burgess:

"I want to go back to my amendment to Section 6 and add the language that Christa talked about, so this is on page 10 of our packet. The sentence will read 'teachers with bachelor's degrees in fields other than early childhood education and those without bachelor's degrees, the city will develop' etc. through the end. So, we're covering both."

.....

119:40 O'Brien:

"Um, under Section 7, under Oversight Committee it reads 'conditioned on voter approval of the ballot proposition submitted by this ordinance, there is established an Oversight Committee to make recommendations on the design and funding of the Levy programs and to monitor the progress of Levy programs in meeting Levy outcome and goals.' In the last sentence of this it says, 'the committee shall be the sole entity with designated authority to make official recommendations on these subjects to the city.' I guess I'm struggling with what that, what that is intended to do and why we would limit ourselves to recommendations from anyone who wanted to give us recommendations."

120:25 Burgess:

"This is on page 8 of the ordinance, Section 7."

120:38 Miller:

"I think the notion was there that they would be the committee authorized by the City and charged with the job of representing lots of different perspectives on these issues. Obviously, they're not going to be the only um, stakeholders who are involved throughout this process in making recommendations. So, and the Council, obviously, can reserve to itself the right (and does) through public testimony and all kinds of ways, public meetings, receive all kinds of testimony from all kinds of people. But it would be the committee that is authorized from within the City structure that would take up and consider recommendations. So, there wouldn't be multiple committees authorized. I think that's the point there."

121:27 O'Brien:

"I guess, I would um.."

121:31 Miller:

"For example we wouldn't have two Levy Oversight Committees, that kind of notion, or two committees that might then disagree within the City family about what the recommendations are."

121:41 O'Brien:

"I guess, I would um, I guess part of that I think goes without saying. I guess my fear is that would limit, you know, we may, folks might feel that the Immigrant and Refugee Commission wouldn't be able to submit letters and so, uh, I'm not sure, I would propose that we strike that last sentence. I think the likelihood that we would somehow appoint to separate Levy Oversight Committees is pretty small. And I think it's more, it may just be interpreted by folks that we're trying to limit our input. Unless someone wants to articulate the damage it might do if we struck that language, that would be my

122:17 Burgess:

"Councilmember O'Brien, what I'd like to suggest is that we raise this question on Monday morning, uh, and if we then want to make this change then we can bring that to full council when the Ordinance is before the uh full council."

122:30 O'Brien:

"What is the timing on that? I'm going to be out on Monday."

122:34 Burgess:

"Um, this ordinance will come to full council Monday, not this Monday, but June 16."

122:44 O'Brien:

"Ok"

122:45 Burgess:

"We do have uh, June 23<sup>rd</sup> is our fallback, but that's our deadline for the November ballot. Councilmember Godden."

122:50 Godden

"Could I point out that uh, prior to that on page 8 it says that if it chooses to, the executive may seek recommendations from other persons or entities and in, so it just makes it clear that this isn't the only place to make recommendations."

123:14 Burgess:

"And that's at the top of page 8"

123:16 Christa (get last name)

"And as I just mentioned, the um, Office for Education does need to come back with an implementation plan that just spells out the language that I read out loud about outreach. They will come back and be very clear about what those processes are to reach out to teachers, directors, families, Seattle Public Schools, all the stakeholders involved in this issue. When they come back with the implementation plan, they will spell out in more detail what that bigger stakeholder process will look like."

123:45 Burgess:

"So the motion before us is to adopt Council Bill 118114 as amended. Councilmember O'Brien"

123:54 O'Brien:

"Christa, I had an amendment in section 11 about RSJI language..." (moving on to other issues)



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2. Attached as Exhibit A is a true and correct excerpt of the 1908 version of the Seattle City Charter that was obtained from the City of Seattle Archives.

3. Attached as Exhibit B is a true and correct copy of relevant sections of the 1965 Revised Code of Washington that I found and copied at the King County Public Law Library.

4. Attached as Exhibit C is a true and correct copy of Resolution 31527 which was downloaded from the City of Seattle website.

5. Attached as Exhibit D is a true and correct copy of the Seattle City Attorney's explanatory statement for I-107 and the preschool ordinance, which Seattle Ethics and Elections Commission emailed to me on August 13, 2014.

Stated under oath this 14<sup>th</sup> of August, 2014, in Seattle, Washin ton.

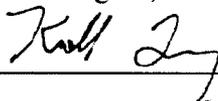
  
\_\_\_\_\_  
Knoll Lowney

EXHIBIT  
1

*City Charter*

# THE CHARTER

OF THE

## CITY OF SEATTLE

Adopted at the General Election March 3, 1896  
As Amended in 1900, 1902, 1904, 1906 and 1908

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PUBLISHED BY AUTHORITY OF THE  
CITY OF SEATTLE

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Seattle.  
Lowman & Hanford Stationery and Printing Co.  
1908

## ARTICLE III.

## DISTRIBUTION OF GOVERNMENT.

Sec. 1. **Departments:**—The government of the City of Seattle shall be divided in fourteen departments and no more, that is to say:

1. The Legislative Department.
2. The Executive Department.
3. The Clerical Department.
4. The Department of Police.
5. The Department of Public Works.
6. The Department of Finance.
7. The Department of Sanitation.
8. The Fire Department.
9. The Harbor Department.
10. The Department of Parks.
11. The Library Department.
12. The Law Department.
13. The Judicial Department.
14. The Civil Service Department.

Sec. 2. The said departments, with the exception of the Judicial, shall be constituted as provided in Articles IV., V., VI., VII., VIII., IX., X., XI., XII., XIII., XIV., XV. and XVI. of this charter, subject to such changes only as are in this charter expressly authorized.

Sec. 3. **Heads of Departments; Official Communications:**—The Mayor shall be deemed the head of the Executive Department, the president of the city council shall be deemed the head of the Legislative Department, the librarian shall be deemed the head of the Library Department, and the members of the commissions or boards created by this charter, and the principal unsubordinated officers in departments wherein there is no commission or board constituted by this charter shall be deemed heads of their respective departments, but no head of department shall have or exercise any power or authority not provided for elsewhere in this charter. Official communications between different departments, except as in this charter otherwise provided, shall be through the heads of departments.

## ARTICLE IV.

## THE LEGISLATIVE DEPARTMENT.

Sec. 1. (As amended March, 1908.) **Legislative Power, Where Vested:**—The legislative powers of the City of Seattle shall be vested in a mayor and city council, who shall have such powers as are provided for by this charter; but the power to propose for themselves any ordinance dealing with any matter within the realm of local affairs or municipal business, and to enact or reject the same at the polls, independent of the mayor and city council, is also reserved by the people of the City of Seattle, and provision made for the exercise of such reserved power; and there is further reserved by and provision mad for the exercise by the people of Seattle of the power, at their own option, to require submission to the vote of the qualified electors, and thereby to approve or reject at the polls any ordinance, or any section, item or part of any ordinance dealing with any matter within the realm of local affairs or municipal business, which may have passed the city council and mayor, acting in the usual prescribed manner as the ordinary legislative authority.

The first power reserved by the people is the initiative and referendum. It may be exercised on petition of a number of qualified voters equal to not less than ten (10) per cent. of the total number of votes cast for the office of mayor at the last preceding election, proposing and asking the enactment as an ordinance of a bill or measure, the full text of which shall be included in the petition. Any initiative petition shall be filed with the city comptroller, who shall verify the sufficiency of the signatures to the petition, and transmit it, together with his report thereon, to the city council at a regular meeting not more than twenty days after the filing of the petition, and such transmission shall be the introduction of the initiative bill or measure in the city council. If the comptroller shall find any petition to be insufficient in signatures, he shall notify the principal petitioners, and an additional twenty (20) days shall be allowed them in which to complete such petition to the required percentage. Its consideration shall take precedence over all other business before the city council, except appropriation bills and emergency measures necessary for the immediate preservation of the public peace, health or safety. The city council may enact, or reject, any initiative bill or measure, but shall not amend or modify the same. It may, however, after rejection of any initiative bill or measure, propose and pass a different one dealing with the same

subject. If the city council shall have rejected any initiative measure, or shall during thirty days after receipt thereof have failed to take final action thereon, or shall have passed a different measure dealing with the same subject, the said rejected initiative measure and such different measure dealing with the same subject, if any has been passed, shall be taken in charge by the city comptroller and submitted to the qualified electors for approval or rejection at the next regular election; but the city council may in its discretion provide for a special election at which the vote shall be taken. And if the initiative petition in any case shall be signed by a number of qualified voters equal to not less than twenty (20) per cent of the total number of votes cast for the office of mayor at the last preceding municipal election, or shall at any time be strengthened in qualified signatures up to said percentage, then the city council shall provide for a special election upon said subject, to be held within forty days from the proof of sufficiency of the percentage of signatures. Official publication shall be made, notices of election given, and the manner and conduct of election, the preparation of the official ballots, the counting and canvassing of the votes, and the certifying of the returns of the election, shall be done as is provided for the submission to the vote of the people of amendments to the city charter. Any measures thus submitted to the vote of the people, which shall receive in its favor a majority of all the votes cast for and against the same, shall become an ordinance of the City of Seattle, and be in full force and effect from and after proclamation by the mayor, which shall be made, and published in the city official newspaper, within five days after election.

In case the city council shall, after rejection of the initiative measure, have passed a different measure dealing with the same subject, it shall be submitted at the same election with the initiative measure and the vote of the qualified electors also taken for and against the same, and if both such measures be approved by a majority vote, if they be conflicting in any particular, then the one receiving the highest number of affirmative votes shall thereby be adopted and the other shall be considered as rejected.

The second power reserved by the people is the simple referendum, and it may be exercised and ordered (except as to ordinances necessary for the immediate preservation of the public peace, health or safety) as to any ordinance which has passed the city council and mayor (acting in their usual prescribed manner as the ordinary legislative authority of the city), either upon a petition signed by a number of qualified voters equal to not less than eight

(8) per cent. of the total number of votes cast for the office of mayor at the last preceding municipal election, or by the city council itself without petition. When an emergency exists in which it is necessary for the immediate preservation of the public peace, health or safety, that an ordinance shall become effective without delay, such emergency and necessity, and the facts creating the same, shall be stated in one section of the bill, and it shall not become an ordinance unless on its final passage by the city council at least three-fourths of all the members elected vote in its favor (the vote being taken by yeas and nays, and the names of those voting for and against being entered in the journal), and it shall have been approved by the mayor, whereupon it shall be officially published and of full force and effect. The referendum may be invoked by petition bearing the signatures of the required percentage of qualified voters as to any non-emergency law or ordinance, or any section, item or part of any such law or ordinance, which petition shall be filed with the city comptroller before the day fixed for the taking effect of the said law or ordinance, which shall in no case be less than thirty (30) days after the final favorable action thereon by the mayor and city council, acting in their usual prescribed manner as the ordinary legislative authority of the city, and the filing of such referendum petition as to any such ordinance or section, item or part thereof, shall operate to suspend the taking effect of the same, or any further action thereon, except as hereinafter provided, viz.: The city comptroller shall verify the sufficiency of the signatures to the petition and transmit it, together with his report thereon, to the city council at a regular meeting not less than twenty (20) days after the filing of the petition. The city council shall thereupon provide for submitting the said ordinance or section, item or part thereof, to the vote of the qualified electors for ratification or rejection, either at the next regular municipal election, or at a special election, as the city council in its discretion may provide. Official publications shall be made, notices of election given, and the manner and conduct of election, the preparation of the official ballots, the counting and canvassing of the votes, and the certifying of the returns of the election, shall be done substantially as provided in the case of submission to vote of the people of amendments to the city charter. If the ordinance thus submitted to the referendum shall receive in its favor a majority of all the votes cast for and against the same, it shall be in full force and effect from and after proclamation by the mayor, which shall be made and published in the city official newspaper, within five days after the election. Provided, however, that if the ordinance itself shall designate a subsequent date for taking effect, the proclamation shall name the said date as the time for taking effect. If the ordinance shall fail to receive the majority vote in its favor, it shall be considered as rejected and shall be of no force or effect.

Any provisions of this charter, and particularly any provisions in Section 14 and in paragraph "Forty-first" of Section 18 of this article, insofar as they are in conflict with the provisions of this section, are hereby superseded.

Sec. 2. Number of Councilmen:—Except as otherwise in this charter provided, the city council shall consist of one member from each ward of the city and four members elected from the city at large.

Sec. 3. Subdivision A. Election of Councilmen; Terms of Office:—At the general municipal election in the year 1898 and at each general municipal election thereafter, there shall be elected by the electors of each ward of the city one councilman who shall hold office for a period of two years, and by the electors of the city at large two councilmen-at-large, each of whom shall hold office for a period of four years.

Subdivision B. Organization of Council Prior to 1898:—Until the election in the year 1898, and the organization of the city council thereupon in

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nor more than five years, or by both such fine and imprisonment. [1965 c 9 § 29.85.260. Prior: 1913 c 58 § 16; RRS § 5316.]

**29.85.270 Political advertising—Use of assumed name.** All political advertising, whether relating to candidates or issues, however promulgated or disseminated, shall identify at least one of the sponsors thereof if the advertising is sponsored by other than the candidate or candidates listed thereon, by listing the name and address of the sponsor or sponsors on the material or in connection with its presentation. If a candidate or candidates run for partisan political office, they and their sponsors shall also designate on all such political advertising clearly in connection with each such candidate the party to which each such candidate belongs. The person or persons listed as sponsors of such advertising shall warrant its truth. The use of an assumed name shall be unlawful. Whenever any corporation sponsors political advertising, the name and address of the president of the corporation shall be listed on the material or in connection with its presentation. [1965 c 9 § 29.85.270. Prior: 1959 c 112 § 1; 1955 c 317 § 1.]

**Reviser's note:** The above section was repealed by 1972 ex.s. c 98 which was referred to and ratified by the people at the November 7, 1972, general election [Referendum Bill No. 25]. By contemporaneous action of the electorate, section 50 of Initiative Measure No. 276 which was approved at the same election repealed 1972 ex. sess. c 98 and Referendum Bill No. 25 (See RCW 42.17.940). The attorney general has ruled that the purported repeal was ineffectual, see AGO 1973 No. 12.

*Advertising rates for political candidates: RCW 65.16.095.*

**29.85.280 Political advertising—Penalty.** Any violation of RCW 29.85.270 shall constitute a gross misdemeanor and shall be subject to a fine of not more than one thousand dollars or imprisonment for not more than one year, or both. [1965 c 9 § 29.85.280. Prior: 1955 c 317 § 2.]

**29.85.285 Statement of expense of candidate—Penalty.** See RCW 42.17.030–42.17.140, and 42.17.240.

**29.85.290 Duplication of names—Conspiracy—Criminal and civil liability.** See RCW 29.18.080.

**29.85.300 Absentee voting, violations relating to swearing and voting, penalty.** See RCW 29.36.110.

**29.85.310 Absentee service voters, penalties for false statements and violations.** See RCW 29.39.200.

**29.85.320 Aiding blind voters, violations relating to—Penalty.** See RCW 29.51.215.

**29.85.321 Preventing interference with balloting.** See RCW 29.51.010.

**29.85.323 Electioneering within the polls forbidden—Prohibited practices as to ballots—Penalty.** See RCW 29.51.020.

**29.85.325 Electioneering by election officers forbidden—Penalty.** See RCW 29.51.030.

**29.85.327 Preservation of order—Penalty.** See RCW 29.51.040.

**29.85.329 Unlawful acts by voters—Penalty.** See RCW 29.51.230.

**29.85.340 Divulging ballot count—Penalty.** See RCW 29.54.035.

**29.85.350 Transmittal of returns—Penalty.** See RCW 29.54.130.

**29.85.360 County canvassing board—Canvassing procedure—Penalty.** See RCW 29.62.040.

**29.85.370 Initiative, referendum—Violations by signers.** See RCW 29.79.440.

**29.85.373 Initiative, referendum—Violations by officers.** See RCW 29.79.480.

**29.85.375 Initiative, referendum—Violations—Corrupt practices.** See RCW 29.79.490.

**29.85.380 Recall—Violations by signers—Officers.** See RCW 29.82.170.

**29.85.381 Recall—Violation by officers.** See RCW 29.82.210.

**29.85.383 Recall—Violations—Corrupt practices.** See RCW 29.82.220.

## Chapter 29.98 CONSTRUCTION

### Sections

29.98.010	Continuation of existing law.
29.98.020	Title, chapter, section headings not part of law.
29.98.030	Invalidity of part of title not to affect remainder.
29.98.040	Repeals and saving.
29.98.050	Emergency—1965 c 9.

*Title 29 RCW controls in event of conflict with school election provisions of Title 28A RCW: RCW 28A.58.521.*

**29.98.010 Continuation of existing law.** The provisions of this title insofar as they are substantially the same as statutory provisions repealed by this chapter, and relating to the same subject matter, shall be construed as restatements and continuations, and not as new enactments. [1965 c 9 § 29.98.010.]

**29.98.020 Title, chapter, section headings not part of law.** Title headings, chapter headings, and section or subsection headings, as used in this title do not constitute any part of the law. [1965 c 9 § 29.98.020.]

**29.98.030 Invalidation of part of title not to affect remainder.** If any provision of this title, or its application to any person or circumstance is held invalid, the remainder of the title, or the application of the provision

## Chapter 29.27

### CERTIFICATES AND NOTICES

#### Sections

- 29.27.010 Certifying list of offices for consolidated elections in counties.
- 29.27.020 Certifying candidates before primary by secretary of state.
- 29.27.030 Notice of primary election.
- 29.27.040 Filing list of nominees—Towns.
- 29.27.045 Proclamation of offices to be filled at general election.
- 29.27.050 Certification of nominees by secretary of state.
- 29.27.060 Certification of measures generally—Ballot titles.
- 29.27.065 ———Notice of ballot title to persons proposing measure.
- 29.27.067 ———Ballot title—Appeal to superior court.
- 29.27.072 Notice of constitutional amendments—Publication in newspapers and on radio and television.
- 29.27.074 ———Contents.
- 29.27.076 ———Attorney general to prepare explanatory statement for notice, judicial appeal.
- 29.27.080 Notice of election—Certification of measures.
- 29.27.090 Preservation of nominating certificates.
- 29.27.100 Certificates of election to officers elected in county or lesser constituency.
- 29.27.110 Certificates of election to other officers.
- 29.27.120 Certificate not withheld for informality in returns.
- 29.27.130 Certificates of nomination and ballots—Fraud as to.

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#### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

##### Sections

- 29.27.070 Certification of measures under consolidated election laws. [1923 c 53 § 6; RRS § 5148-2.] Repealed by 1955 c 153 § 2.

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#### CERTIFICATES AND CERTIFICATION

- Certificates,
  - absentee ballot certificate: RCW 29.36.020.
  - canvassing election returns, certificates: RCW 29.62.010, 29.62.040, 29.62.070, 29.62.110, 29.62.120 and 29.62.130.
  - certificate of abstract of votes cast: RCW 29.82.090.
  - contest, verified written statement of contest filed: RCW 29.65.020.
  - costs of city, town or district elections, certification of: RCW 29.13.045.
  - election certificate, nullification of through contest proceedings: RCW 29.65.120.
  - election certificates, executive officers—state: Art. III, § 4, state Constitution.
  - first class cities, certificates of election to first officers: RCW 35.22.100.
  - first, second and third class cities and certain districts, city clerks to transmit certified list of candidates to be voted upon: RCW 29.21.060.
  - initiative, referendum,
    - ballot title certified to secretary of state: RCW 29.79.040.
    - petitions to legislature, secretary of state's certificate of facts relating to filing and

**29.27.065** ————**Notice of ballot title to persons proposing measure.** Upon the filing of a ballot title as defined in RCW 29.27.060, the secretary of state, in event it is a state question, or the county auditor in the event it is a county or other local question, shall forthwith notify the persons proposing the measure of the exact language of the ballot title. [1965 c 9 § 29.27.065. Prior: 1953 c 242 § 3.]

**29.27.067** ————**Ballot title—Appeal to superior court.** If the persons filing any state or local question covered by RCW 29.27.060 are dissatisfied with the ballot title formulated by the attorney general, city attorney, or prosecuting attorney preparing the same, they may at any time within ten days from the time of the filing of the ballot title appeal to the superior court of Thurston county if it is a state-wide question, or to the superior court of the county where the question is to appear on the ballot, if it is a county or local question, by petition setting forth the measure, the ballot title objected to, their objections to the ballot title and praying for amendment thereof. The time of the filing of the ballot title, as used herein in determining the time for appeal, is the time the ballot title is first filed with the secretary of state, if concerning a state-wide question, or the county auditor, if a local question, the secretary of state or the county officer being herein called the "filing officer."

A copy of the petition on appeal together with a notice that an appeal has been taken shall be served upon the filing officer and the official preparing the ballot title. Upon the filing of the petition on appeal, the court shall forthwith, or at the time to which a hearing may be adjourned by consent of the appellants, examine the proposed measure, the ballot title filed and the objections thereto and may hear arguments thereon, and shall as soon as possible render its decision and certify to and file with the filing officer such ballot title as it determines will meet the requirements of this chapter. The decision of the superior court shall be final, and the title so certified shall be the established ballot title. Such appeal shall be heard without cost to either party. [1965 c 7 § 29.27.067. Prior: 1953 c 242 § 4.]

**29.27.072** **Notice of constitutional amendments—Publication in newspapers and on radio and television.** The secretary of state shall cause notice of the constitutional amendments that are to be submitted to the people to be published at least four times during the four weeks next preceding the election in every legal newspaper in the state and shall supplement publication thereof by radio and television broadcast as provided in RCW 65.16.130, 65.16.140, and 65.16.150. [1965 c 9 § 29.27.072. Prior: 1961 c 176 § 1.]

**29.27.074** ————**Contents.** The notice provided for in RCW 29.27.072 shall set forth the following information:

- (1) The legal identification of the constitutional amendment.

be filed by the state at large at such election, and to transmit a copy thereof to the county auditor of each county. [1965 c 9 § 29.27.045. Prior: Code 1881 § 3058; 1865 p 27 § 4; RRS § 5156.]

**29.27.050 Certification of nominees by secretary of state.** As soon as possible but in any event no later than the fifth day following official certification of the returns of any primary election as made by the canvassing board, the secretary of state shall certify to the county auditor of each county within which any of the electors may by law vote for candidates for such office, the name and place of residence of each person nominated for such office, as specified in the certificates of nomination filed with the secretary of state. [1965 1st ex.s. c 103 § 7; 1965 c 9 § 29.27.050. Prior: 1961 c 130 § 19; 1889 p 403 § 9; RRS § 5173.]

**29.27.060 Certification of measures generally — Ballot titles.** When a proposed constitution or constitutional amendment or other question is to be submitted to the people of the state for state-wide popular vote, the attorney general shall prepare a concise statement not exceeding seventy-five words containing the essential features thereof expressed in such a manner as to clearly identify the proposition to be voted upon.

Questions to be submitted to the people of a county or municipality shall also be advertised as provided for nominees for office, and in such cases there shall also be printed on the ballot a concise statement not exceeding seventy-five words containing the essential features thereof expressed in such a manner as to clearly identify the proposition to be voted upon, which statement shall be prepared by the city attorney for the city, and by the prosecuting attorney for the county or any other political subdivision of the state, other than cities, situated in the county.

In addition to such a statement, the official preparing the statement, whether the attorney general, city attorney, or prosecuting attorney, as the case may be, shall also prepare a caption, not to exceed five words in length, to permit the voters readily to identify the proposition and distinguish it from other propositions on the ballot. This caption shall be placed on the ballot immediately before the statement, and shall be printed in heavy black type in such a manner as to be readable at a glance. The caption and statement together shall constitute the ballot title. The secretary of state shall certify to the county auditors the ballot title for a proposed constitution, constitutional amendment or other state-wide question at the same time and in the same manner as the ballot titles to initiatives and referendums. [1965 c 9 § 29.27.060. Prior: 1953 c 242 § 1; 1913 c 135 § 1; 1889 p 405 § 14; RRS § 5271.]

Ballot titles to initiatives and referendums: RCW 29.79.040-29.79.070.

**29.79.040 Ballot title—Formulation by attorney general.** Within ten days after the receipt of an initiative or referendum measure the attorney general shall formulate therefor and transmit to the secretary of state a statement of not to exceed one hundred words, bearing the serial number of the measure. The statement may be distinct from the legislative title of the measure, and shall express, and give a true and impartial statement of the purpose of the measure; it shall not be intentionally an argument, nor likely to create prejudice, either for or against the measure. In addition to such statement, the attorney general shall also prepare a caption, not to exceed five words in length, to permit the voters readily to identify the initiative or referendum measure and distinguish it from other questions on the ballot. This caption and the statement together shall constitute the ballot title. The ballot title formulated by the attorney general shall be the ballot title of the measure unless changed on appeal. [1965 c 9 § 29.79.040. Prior: 1953 c 242 § 2; 1913 c 138 § 2; RRS § 5398.]

Ballot titles to constitutional amendments and other measures:  
RCW 29.27.060-29.27.067.

**29.79.050 Ballot title—Notice to proponents.** Upon the filing of the ballot title for an initiative or referendum measure in his office, the secretary of state shall forthwith notify the persons proposing the measure by telegraph and by mail of the exact language thereof. [1965 c 9 § 29.79.050. Prior: 1913 c 138 § 3, part; RRS § 5399, part.]

**29.79.060 Ballot title—Appeal to superior court.** If the proposers are dissatisfied with the ballot title formulated by the attorney general, they may at any time within ten days from the filing thereof in the office of the secretary of state appeal to the superior court of Thurston county by petition setting forth the measure, the title formulated by the attorney general and their objections thereto and praying for amendment thereof.

A copy of the petition on appeal together with a notice that an appeal has been taken shall be served upon the secretary of state and upon the attorney general. Upon the filing of the petition on appeal, the court shall forthwith, or at the time to which the hearing may be adjourned by consent of the appellants, examine the proposed measure, the title prepared by the attorney general and the objections thereto and may hear argument thereon, and shall as soon as possible render its decision and certify to and file with the secretary of state such ballot title as it determines will meet the requirements of this chapter. The decision of the superior court shall be final, and the title so certified shall be the established ballot title. Such appeal shall be heard without costs to either party. [1965 c 9 § 29.79.060. Prior: 1913 c 138 § 3, part; RRS § 5399, part.]

**29.79.070 Ballot title—Mailed to proponents.** When the ballot title has been finally established, the secretary of state shall file

the instrument establishing it with the proposed measure and transmit a copy thereof by mail to the persons proposing the measure. Thereafter such ballot title shall be the title of the measure in all petitions, ballots and other proceedings in relation thereto. [1965 c 9 § 29.79.070. Prior: 1913 c 138 § 4, part; RRS § 5400, part.]

**29.79.080 Petitions—Paper—Size—Margins.** Upon the ballot title being established, the persons proposing the measure may prepare blank petitions and cause them to be printed upon single sheets of white paper of good quality twelve inches in width and fourteen inches in length, with a margin of one and three-quarters inches at the top for binding. Each petition at the time of circulating, signing, and filing with the secretary of state shall consist of not more than five sheets with numbered lines for not more than twenty signatures on each sheet, with the prescribed warning, title and form of petition on each sheet, and a full, true and correct copy of the proposed measure referred to therein printed on sheets of paper of like size and quality as the petition, firmly fastened together. [1965 c 9 § 29.79.080. Prior: (i) 1913 c 138 § 4, part; RRS § 5400, part. (ii) 1913 c 138 § 9; RRS § 5405.]

**29.79.090 Petitions to legislature—Form.** Petitions for proposing measures for submission to the legislature at its next regular session, shall be substantially in the following form:

**WARNING**

Every person who signs this petition with any other than his true name, or who knowingly signs more than one of these petitions, or who signs this petition when he is not a legal voter, or who makes herein any false statement, shall be punished by fine or imprisonment or both.

**INITIATIVE PETITION FOR SUBMISSION TO THE  
LEGISLATURE**

To the Honorable \_\_\_\_\_, Secretary of State  
of the State of Washington:

We, the undersigned citizens of the State of Washington and legal voters of the respective precincts set opposite our names, respectfully direct that this petition and the proposed measure known as Initiative Measure No. \_\_\_\_\_ and entitled (here set forth the established ballot title of the measure), a full, true and correct copy of which is hereto attached, shall be transmitted to the legislature of the State of Washington at its next ensuing regular session, and we respectfully petition the legislature to enact said proposed measure into law; and each of us for himself says: I have personally signed this petition; I am a legal voter of the State of Washington in the precinct, city (or town) and county written after my name, and my residence address is correctly stated.

shall obtain from the attorney general a ballot title therefor in the manner provided for obtaining ballot titles for initiative measures, and shall certify the serial number and ballot title of such bill to the county auditors for printing on the ballots for such general or special election in like manner as initiative measures for submission to the people are certified. [1965 c 9 § 29.79.260. Prior: 1913 c 138 § 20, part; RRS § 5416, part.]

**29.79.270 Rejected initiative to legislature treated as referendum bill.** Whenever any measure proposed by initiative petition for submission to the legislature is rejected by the legislature or the legislature takes no action thereon before the end of the regular session at which it is submitted, the secretary of state shall certify the serial number and ballot title thereof to the county auditors for printing on the ballots at the next ensuing general election in like manner as initiative measures for submission to the people are certified. [1965 c 9 § 29.79.270. Prior: 1913 c 138 § 21; RRS § 5417.]

**29.79.280 Substitute for rejected initiative treated as referendum bill.** If the legislature, having rejected a measure submitted to it by initiative petition, proposes a different measure dealing with the same subject, the secretary of state shall give that measure the same number as that borne by the initiative measure followed by the letter "B." Such measure so designated as "Alternative Measure No. \_\_\_\_\_ B," together with the ballot title thereof, when ascertained, shall be certified by the secretary of state to the county auditors for printing on the ballots for submission to the voters for their approval or rejection in like manner as initiative measures for submission to the people are certified. [1965 c 9 § 29.79.280. Prior: 1913 c 138 § 22, part; RRS § 5418, part.]

**29.79.290 Substitute for rejected initiative—Ballot title.** For a measure designated by him as "Alternative Measure No. \_\_\_\_\_ B," the secretary of state shall obtain from the attorney general a ballot title in the manner provided for obtaining ballot titles for initiative measures. The ballot title therefor shall be different from the ballot title of the measure in lieu of which it is proposed, and shall indicate, as clearly as possible, the essential differences in the measure. [1965 c 9 § 29.79.290. Prior: 1913 c 138 § 22, part; RRS § 5418, part.]

**29.79.300 Printing ballot titles on ballots—Order and form.** The county auditor of each county shall cause to be printed on the official ballots for the election at which initiative and referendum measures are to be submitted to the people for their approval or rejection the serial numbers and ballot titles, certified by the secretary of state. They shall appear under separate headings in the order of the serial numbers as follows:

(1) Measures proposed for submission to the people by initiative petition shall be under the heading, "Proposed by Initiative Petition";

(2) Bills passed by the legislature and ordered referred to the people by referendum petition shall be under the heading, "Passed by the Legislature and Ordered Referred by Petition";

(3) Bills passed and referred to the people by the legislature shall be under the heading, "Proposed to the People by the Legislature";

(4) Measures proposed to the legislature and rejected or not acted upon shall be under the heading, "Proposed to the Legislature and Referred to the People";

(5) Measures proposed to the legislature and alternative measures passed by the legislature in lieu thereof shall be under the heading, "Initiated by Petition and Alternative by Legislature." [1965 c 9 § 29.79.300. Prior: 1913 c 138 § 23; RRS § 5419.]

**29.79.310 Printing provisions on ballots for voting except on alternative measures.** Except in the case of alternative voting on a measure initiated by petition, for which a substitute has been passed by the legislature, each measure submitted to the people for approval or rejection shall be so printed on the ballot, under the proper heading, that a voter can by making one cross (X) express his approval or rejection of such measure. Substantially the following form shall be a compliance with this section:

**PROPOSED BY INITIATIVE PETITION**

Initiative Measure No. 22, entitled (here insert the ballot title of the measure).

FOR Initiative Measure No. 22.....

AGAINST Initiative Measure No. 22.....

[1965 c 9 § 29.79.310. Prior: 1913 c 138 § 24; RRS § 5420.]

**29.79.320 Printing provisions on ballots for voting on alternative measures.** If an initiative measure proposed to the legislature has been rejected by the legislature and an alternative measure is passed by the legislature in lieu thereof the serial numbers and ballot titles of both such measures shall be so printed on the official ballots that a voter can express separately by making one cross (X) for each, two preferences: First, as between either measure and neither, and secondly, as between one and the other, as provided in the Constitution. Substantially the following form shall be a compliance with the constitutional provision:

**INITIATED BY PETITION AND ALTERNATIVE BY LEGISLATURE**

Initiative Measure No. 25, entitled (here insert the ballot title of the initiative measure).

**29.79.440**

**Elections**

Alternative Measure No. 25B, entitled (here insert the ballot title of the alternative measure).

**VOTE FOR EITHER, OR AGAINST BOTH**

FOR EITHER Initiative No. 25 OR Alternative No. 25B.....

AGAINST Initiative No. 25 AND Alternative No. 25B.....

and vote FOR one.

FOR Initiative Measure No. 25.....

FOR Alternative Measure No. 25B.....

[1965 c 9 § 29.79.320. Prior: 1913 c 138 § 25; RRS § 5421.]

Ballot requisites: Art. II, § 1(a),  
state Constitution.

**29.79.440 Violations by signers.** Every person who signs an initiative or referendum petition with any other than his true name shall be guilty of a felony. Every person who knowingly signs more than one petition for the same initiative or referendum measure or who signs an initiative or referendum petition knowing that he is not a legal voter or who makes a false statement as to his residence on any initiative or referendum petition, shall be guilty of a gross misdemeanor. [1965 c 9 § 29.79.440. Prior: 1913 c 138 § 31; RRS § 5427. Formerly also RCW 29.79.450, 29.79.460 and 29.79.470.]

Misconduct in signing a petition: RCW 9.44.080.  
Only registered voters may vote—  
Exception: RCW 29.04.010.  
Registration, examination of voter as to qualifications: RCW 29.07.070.

Residence, contingencies affecting: Art. VI, § 4, state Constitution.  
Residence defined: RCW 29.01.140.

**29.79.480 Violations by officers.** Every officer who wilfully violates any of the provisions of this chapter or chapter 29.81 RCW, for the violation of which no penalty is herein prescribed, or who wilfully fails to comply with the provisions of this chapter or chapter 29.81 RCW, shall be guilty of a gross misdemeanor. [1965 c 9 § 29.79.480. Prior: 1913 c 138 § 32, part; RRS § 5428, part.]

**29.79.490 Violations—Corrupt practices.** Every person shall be guilty of a gross misdemeanor who:

(1) For any consideration or gratuity or promise thereof, signs or declines to sign any initiative or referendum petition; or

(2) Advertises in any manner that for or without consideration, he will solicit or procure signatures upon or influence or attempt to influence persons to sign or not to sign, to vote or not to vote upon an initiative or referendum petition or to vote for or against any initiative or referendum; or

(3) For any consideration or gratuity or promise thereof solicits or procures signatures upon an initiative or referendum petition; or



# Seattle City Attorney

Peter S. Holmes

EXHIBIT  
4

Carlton W. M. Seu  
Assistant City Attorney  
(206) 733-9390

August 13, 2014

Wayne Barnett, Executive Director  
Seattle Ethics and Elections Commission

Re: Transmittal of Explanatory Statement for Seattle  
Proposition Nos. 1A and 1B concerning Early Learning Programs and  
Providers of Such Services for Children.

Dear Mr. Barnett:

Attached please find the official City Attorney's Explanatory Statement for  
Seattle Proposition Nos. 1A and 1B for your use in the local voters' pamphlet in  
connection with the November 4, 2014 election.

If you have questions, please contact me.

Very truly yours,

PETER S. HOLMES  
City Attorney

By: Carlton W. M. Seu  
Assistant City Attorney

cc: Mayor Edward B. Murray  
Councilmembers  
Pete Holmes, City Attorney  
Monica Martinez Simmons, Council Clerk

Enclosures: Explanatory Statement



August 12, 2014

CITY OF SEATTLE
PROPOSITIONS NOS. 1A AND 1B
Early Learning Programs and Providers of Such Services for Children.
Measure placed on the November 4, 2013 ballot

Filed Ballot Title

THE CITY OF SEATTLE PROPOSITION NUMBERS 1A AND 1B

Proposition 1A (submitted by Initiative Petition No. 107) and Proposition 1B (alternative proposed by the City Council and Mayor) concern early learning programs and providers of such services for children.

Proposition 1A (Initiative 107) would establish a \$15 minimum wage for childcare workers (phased in over three years for employers with under 250 employees); seek to reduce childcare costs to 10% or less of family income; prohibit violent felons from providing professional childcare; require enhanced training and certification through a training institute; create a workforce board and establish a fund to help providers meet standards; and hire an organization to facilitate communication between the City and childcare workers.

As an alternative, the Seattle City Council and Mayor have proposed Proposition 1B (Ordinance 124509), which would fund a City early learning program with the goal of providing a safe, high-quality, affordable, and voluntary preschool option. The Ordinance requires teacher support, training and certification, using proven strategies, tuition support, and evaluation of results in preschools licensed for safety. This proposition authorizes regular property taxes above RCW 84.55 limits, allowing additional 2015 collection of up to \$14,566,630 (approximately 11 cents per \$1,000 assessed value) and \$58,266,518 over four years.

1. Should either of these measures be enacted into law?

Yes ..... [ ]
No ..... [ ]

2. Regardless of whether you voted yes or no above, if one of these measures is enacted, which one should it be?

Proposition 1A .....   
Proposition 1B .....

### **City Attorney’s Explanatory Statement**

This measure presents voters with two questions. The first question is whether either of the two alternative propositions, both of which concern early learning and providers of such services for children, should be adopted. The second question is which of the two alternative propositions should be adopted. If a majority of voters voting on the first question vote “No,” then neither alternative proposition will be adopted. If a majority of voters voting on the first question vote “Yes,” then the alternative proposition receiving the greatest number of votes in the second question will be adopted. Voters may vote on the second question regardless of how they voted on the first question. The explanatory statement for each of the alternative propositions appears on the next page of this voters’ pamphlet.

#### **Explanatory Statement – 1A:**

Currently, state law requires most child care providers to be licensed and disqualifies individuals with certain criminal convictions. The City of Seattle does not currently license or regulate early learning and child care services. Proposition 1A would adopt certain local regulations for providers of such services within Seattle. Child care providers are defined to include all early learning/preschool providers, including any City preschool program providers.

Current law mandates a \$15/hr. minimum wage for most Seattle employees to be phased in over three to seven years beginning April 1, 2015. Proposition 1A would change that schedule for early learning and child care teachers and staff, creating a separate schedule for workers in these categories, to be phased in over three years for certain employers beginning January 1, 2015.

Proposition 1A would also require implementation of a policy that no family should pay more than 10% of gross family income on early education and child care, and prohibit individuals with certain criminal convictions from providing child care in unlicensed facilities.

Proposition 1A would also require the City to hire a “Provider Organization” to facilitate communications between the City and child care teachers and staff. To be selected, an entity must have existed for more than 5 years, have successfully negotiated an agreement with a governmental entity on

behalf of child care teachers and staff, not be dominated by advocates for employer or government interests, and offer membership to teachers and staff.

Proposition 1A would also require creation of a “Professional Development Institute” that must be funded by the City and be jointly controlled and operated by the City and the Provider Organization. Early learning and child care teachers and staff would have to obtain training and certification through the Institute.

Proposition 1A would also create a “Workforce Board” to recommend policy and investment priorities for the training of child care teachers and staff, to oversee the Professional Development Institute, and to oversee a Small Business Early Childhood Resource Fund created to help small and nonprofit child care providers meet the Initiative’s requirements. The Mayor and the Provider Organization would each appoint half of the Board.

Proposition 1A would also allow certain persons to sue the City to enforce its terms and entitle such persons to attorney’s fees and costs if the City is found in violation.

Proposition 1A provides no funding sources for the Professional Development Institute, the Small Business Early Childhood Resource Fund, or to hire a Provider Organization.

**Explanatory Statement – 1B:**

Currently, the City of Seattle is served by private preschool and child care providers licensed and regulated by the state. Proposition 1B would adopt the City Council and Mayor’s proposed comprehensive approach to City-supported preschool and approve a property tax increase to fund the program for four years. The City’s preschool program would be voluntary and would serve 3- and 4-year-olds, providing free tuition for families at or below 300% of the federal poverty level and setting tuition on a sliding scale for other families, with some level of subsidy for all families. The City would contract for preschool services with eligible providers licensed for safety and certified for quality. The levy would allow 2015 collection of up to \$14,566,630 (approximately 11 cents per \$1,000 assessed value) and \$58,266,518 over four years.

Major program elements would include training for directors, supervisors, and teachers, including embedded professional development, coaching and mentoring; tuition support and degree pathway advising for teaching staff; external, independent evaluation of program implementation and outcomes; creation of data systems; quality assurance; and reporting. The City would

facilitate communications with teachers and staff, parents and guardians, and other relevant parties.

An Oversight Committee would be established to make formal recommendations on program design, including teacher professional development and training, and funding and to monitor progress. The program would be subject to independent evaluation and reporting requirements. The City would determine the most appropriate manner to effectuate the preschool program, including ways to address economic, cultural and linguistic barriers to participation and ways to be responsive to the specific needs of low income, immigrant and refugee communities, and communities of color. The City Council may amend the program as necessary.







**CITY OF SEATTLE**  
**ORDINANCE** 124509  
**COUNCIL BILL** 118114

1  
2  
3  
4 AN ORDINANCE relating to funding and providing preschool services for Seattle children;  
5 requesting that a special election be held concurrent with the November 4, 2014 general  
6 election for submission to the qualified electors of the City of a proposition to lift the  
7 limit on regular property taxes under Chapter 84.55 RCW and authorize the City to levy  
8 additional taxes for up to four years for the purpose of providing accessible high-quality  
9 preschool services for Seattle children designed to improve their readiness for school and  
10 to support their subsequent academic achievement; adopting the Seattle Preschool  
11 Program Action Plan; requiring the adoption of an Implementation Plan by the City  
12 Council; authorizing creation of a new subfund; directing the application of levy  
13 proceeds; establishing eligibility requirements for providers; creating an oversight  
committee; authorizing implementing agreements for this levy lid lift commonly known  
as the Seattle Preschool Program Levy; providing for the facilitation of communication  
between the City and affected groups; providing for a partnership agreement with Seattle  
School District No. 1; requiring annual progress reports; proposing a ballot title; and  
ratifying and confirming certain prior acts.

14 WHEREAS, participation in high-quality preschool improves academic performance and  
15 significantly increases graduation rates, thereby helping to ensure that future generations  
16 of children are well-prepared to enter an increasingly demanding and dynamic workforce;  
and

17 WHEREAS, high-quality preschool has been identified as a cost-effective means to address the  
18 achievement and opportunity gaps by preparing students for the academic and behavioral  
expectations of K-12 education; and

19 WHEREAS, several long-term evaluations, such as the High Scope Perry study, Abecedarian  
20 project, and the Chicago Child-Parent Center program, demonstrate that high-quality  
21 preschool leads not only to better academic achievement (such as higher reading scores  
22 and stronger high school graduation rates), but also to better health, higher-paying jobs,  
and lower rates of criminal behavior; and

23 WHEREAS, several jurisdictions, including Boston, San Francisco, the State of Oklahoma, the  
24 State of West Virginia, and 31 local districts in New Jersey, are already implementing  
25 high-quality preschool open to all children and, according to independent studies, the  
participating children are achieving the intended positive outcomes; and



1 WHEREAS, the Washington State Department of Early Learning is promoting alignment of  
2 local government efforts with the Washington Preschool Program; and

3 WHEREAS, the Mayor and City Council will require the Seattle Preschool Program providers to  
4 comply with all Washington State licensing provisions intended to ensure the safety of  
5 children and families, including those related to criminal background checks, fire safety  
6 and health standards; and

7 WHEREAS, on September 23, 2013, the City Council passed Resolution 31478, which called for  
8 developing a voluntary high-quality preschool program available in Seattle; and

9 WHEREAS, Resolution 31478 directed the Office for Education (OFE), with the assistance of  
10 independent consultants, to present to the Council a single written action plan with  
11 proposed parameters of the high-quality preschool program; and

12 WHEREAS, the Executive has proposed a single written Seattle Preschool Program Action Plan;

13 NOW, THEREFORE,

14 **BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

15 Section 1. Statement of Adoption, Policy and Intent. The City Council seeks to create a  
16 comprehensive approach to City-supported preschool (the "Seattle Preschool Program") through  
17 adoption and funding of the Seattle Preschool Program Action Plan ("Action Plan") and  
18 requiring adoption of a Seattle Preschool Program Implementation Plan ("Implementation  
19 Plan").

20 A. The City Council adopts and incorporates the Action Plan into this ordinance in its  
21 entirety. The Action Plan includes, but is not limited to, the following core strategies for the  
22 Seattle Preschool Program:

- 23 1. Achieving quality through evidence-based successful practices.
- 24 2. Using a mixed-delivery system, with classrooms offered by Seattle Public Schools and  
25 community providers.
- 26 3. Making participation in the program voluntary for providers and participants.



1 4. Achieving the ultimate goal of serving all eligible and interested 4-year-olds and all 3-  
2 year-olds from families making less than 300% of the federal poverty level in Seattle.

3 5. Providing free tuition for children from families earning at or below 300% of the  
4 federal poverty level.

5 6. Setting tuition on a sliding scale for families earning more than 300% of the federal  
6 poverty level with at least some level of subsidy for all families.

7 7. Establishing high standards for teacher education and training and supporting teachers  
8 in attaining these standards through tuition assistance and embedded professional development.

9 8. Compensating staff at levels designed to attract and retain well-prepared teachers and  
10 to provide fair compensation for a traditionally poorly compensated sector of our economy.

11 9. Informing programmatic improvement through ongoing, independent evaluation.

12 B. Levy Proceeds will be used for a four-year demonstration phase of the Seattle  
13 Preschool Program. Evidence-based strategies, developments in the early learning field, and best  
14 practices related to high-quality preschool may evolve over the course of the demonstration  
15 phase. The City Council may, as it deems necessary to strengthen the quality, outcomes, reach or  
16 efficiency of the Seattle Preschool Program, amend the Seattle Preschool Program Action Plan  
17 and core strategies and priorities for Levy investments through future Council ordinance. The  
18 City shall seek the recommendation of the Committee established in Section 7 of this ordinance  
19 prior to introducing any such future ordinance.

20 C. The City Council's intent is that the City shall determine the most appropriate manner  
21 in which to effectuate the Action Plan and above core strategies through design and adoption of  
22 the Implementation Plan and, as necessary, amendment of the Action Plan. Policy, funding  
23 priorities and specific requirements related to all substantive aspects of the Seattle Preschool  
24 Program, including but not limited to Preschool Services, tuition, teacher and staff qualifications,  
25 training, professional development, and compensation, and communication between the City and  
26 preschool teachers and staff, shall be made by the City, in consultation with the Oversight



1 Committee where appropriate, and shall be consistent with this ordinance, the Action Plan and  
2 Implementation Plan.

3 D. The City Council endorses the following Priorities for Funding, consistent with the  
4 Action Plan:

5 Priorities for Levy Funding:

6 The Action Plan recommends the Seattle Preschool Program begin with a four-year  
7 demonstration phase-in. In addition to the program's requirements to ensure preschool  
8 that is high-quality and is on track to achieve the positive outcomes for the participating  
9 children, the following priorities apply to the schedule of phasing in the Seattle Preschool  
10 Program subject to amendment by future Council ordinance:

- 11 1. Supporting programs which are able to braid and/or blend funding from multiple  
12 sources in order to allow Seattle Preschool Program funds to serve more children.
- 13 2. Serving Four-year olds, because they are first to enter kindergarten, and Three-  
14 year olds from low-income families (under 300% of the Federal Poverty Level) in  
15 mixed-age and mixed-income classrooms.
- 16 3. Supporting programs located in areas with the lowest academic achievement as  
17 reflected in 3rd grade reading and 4th grade math performance on Measures of  
18 Student Progress (MSP) or subsequently adopted assessments as well as areas  
19 with high concentrations of low-income households, English Language Learners,  
20 and incoming kindergartners.
- 21 4. Contracting with Seattle School District No. 1 ("School District").
- 22 5. Supporting programs providing extended day and summer services for interested  
23 families or offering dual language Preschool Services.
- 24
- 25
- 26



1  
2 Section 2. Definitions. As used in this ordinance, the following words when capitalized  
3 have the following meanings:

4 A. "Action Plan" means the Seattle Preschool Program Action Plan submitted by the  
5 Executive consistent with City Council Resolution 31478 and attached here as  
6 Attachment A.

7  
8 B. "City" means The City of Seattle.

9 C. "Full Day" means at least six hours per day.

10 D. "Implementation Plan" means the Seattle Preschool Program Implementation Plan  
11 described in Resolution 31527 and Section 8 of this ordinance.

12 E. "Preschool Services" means the array of programs and activities referred to in  
13 Section 1 and Section 5 of this ordinance as well as in both the Action Plan and  
14 Implementation Plan, with such modifications as the City Council may from time to time  
15 authorize by ordinance.  
16

17 F. "Proceeds" means that portion of regular property taxes levied and collected as  
18 authorized by voter approval pursuant to this ordinance that are above the limits on levies  
19 provided for in RCW 84.55.010, and all interest and other earnings derived from that  
20 portion of the Levy.  
21

22 G. "Three-year olds" means children who are Seattle residents and who are three-  
23 years old on August 31<sup>st</sup> prior to the beginning of the school year of enrollment.

24 H. "Four-year olds" means children who are Seattle residents and who are four-years  
25 old on August 31<sup>st</sup> prior to the beginning of the school year of enrollment.  
26



1           Section 3. Levy of Regular Property Taxes - Submittal. The City hereby submits to the  
2 qualified electors of the City a proposition as authorized by RCW 84.55.050 to exceed the levy  
3 limitation on regular property taxes contained in Chapter 84.55 RCW, as it now exists or may  
4 hereafter be amended, for property taxes levied in 2014 through 2017 for collection in 2015  
5 through 2018, respectively, raising up to \$58,266,518 in aggregate over a period of up to four  
6 years. The proposition shall be limited so that the City shall not levy more than \$14,566,630 in  
7 the first year, in addition to the maximum amount of regular property taxes it would have been  
8 limited to by RCW 84.55.010 in the absence of voter approval under this ordinance, plus other  
9 authorized lid lifts. Proceeds shall be used to fund the Seattle Preschool Program, including  
10 providing Preschool Services for Seattle children and their families consistent with the  
11 comprehensive approach to City-supported preschool described in this ordinance, the Action  
12 Plan, the Implementation Plan, and any amendments thereto adopted by future Council  
13 ordinance. Pursuant to RCW 84.55.050(4), the maximum regular property taxes that may be  
14 levied in 2018 for collection in 2019 and in later years shall be computed as if the levy lid in  
15 RCW 84.55.010 had not been lifted under this ordinance.

16           Section 4. Application of Proceeds. A new City Fund, the Preschool Services Fund, is  
17 created in the City Treasury. Unless otherwise directed by ordinance, Proceeds shall be  
18 deposited in the Preschool Services Fund and be used for the purposes of this ordinance. The  
19 Director of the Office for Education, or successor department, shall have responsibility for  
20 administering the Fund. The Director of Finance, or the Director's designee, is authorized to  
21 create subfunds or accounts within the Preschool Services Fund as may be needed or appropriate  
22 to implement the purposes of this ordinance. Proceeds may be temporarily deposited or invested  
23 in such manner as may be lawful for the investment of City money, and interest and other  
24 earnings shall be used for the same purposes as the Proceeds.

25           Section 5. Preschool Services. Preschool Services funded by Proceeds are intended to  
26 promote elementary school preparedness, developmentally-appropriate learning activities, and



1 professional development for program providers. Levy investments shall be implemented  
2 according to this ordinance, the Action Plan and the Implementation Plan and shall include at a  
3 minimum the following:

4 A. School Readiness. Major program elements include full day high-quality  
5 preschool for Three-year olds and Four-year-olds.

6 B. Program Support: Professional Development and Training. Major program  
7 elements include professional development, coaching, and mentoring of instructional  
8 staff on an ongoing basis; training for preschool directors and program supervisors;  
9 available training for teachers in areas of specific expertise including inclusion, bilingual  
10 education, cultural competence, and training and consultation to ameliorate challenging  
11 behaviors; and successful transitions from home or other care situations and to  
12 kindergarten. The design and implementation of such professional development and  
13 training programs shall be made by the City, in consultation with the Oversight  
14 Committee described in Section 7 of this ordinance where appropriate, and consistent  
15 with this ordinance, the Action Plan and Implementation Plan.  
16  
17  
18

19 C. Capacity building. Major program elements include tuition support and degree  
20 pathway advising for teaching staff to attain required educational credentials from  
21 accredited institutions of higher education, facility construction, renovations, and  
22 improvements as needed, classroom start-up, and organizational capacity building.

23 D. Research and Evaluation. Major program elements include not only external,  
24 independent evaluation of both program implementation, and short- and long-term  
25  
26  
27



1 evaluation of outcomes and programmatic impacts, but also the creation of necessary data  
2 systems.

3 E. Administration. Major elements include City staff or contracted services to  
4 oversee quality assurance, enrollment management, contract monitoring, policy and  
5 planning, community outreach, and reporting results.

6  
7 In the annual City budget or by separate ordinance, the City's legislative authority shall from  
8 year to year determine the Preschool Services and funding allocations that will most effectively  
9 achieve the Levy goals and outcomes in accordance with Chapter 35.32A RCW. Within a budget  
10 year, the City is authorized to reallocate unexpended and unencumbered funds from one core  
11 strategy to another by making operating budget transfers consistent with Seattle Municipal Code  
12 (SMC) 5.08.020. Before the Executive submits any proposed changes in Levy funding by  
13 ordinance, the Executive will seek the recommendation of the Oversight Committee described in  
14 Section 7 of this ordinance. If it chooses to, the Executive may seek recommendations from other  
15 persons or entities. Unexpended appropriations of Proceeds shall carry forward to subsequent  
16 fiscal years until they are exhausted or abandoned by ordinance.

17 Section 6. Providers. To be eligible to contract with the City to provide preschool  
18 through this program, qualified organizations must meet the following criteria, in addition to any  
19 criteria established under the Implementation Plan called for in Section 8 and Resolution 31527:

20 A. They must be licensed by the Washington State Department of Early Learning to  
21 provide preschool services (or exempt from licensing requirements by virtue of being a  
22 public school or institution of higher education).

23 B. They must participate in the Washington State Early Achievers Program, or a  
24 successor program, and receive a rating of three or higher in the Quality Rating and  
25 Improvement System.



1 C. They must meet minimum requirements for the Classroom Assessment Scoring  
2 System (CLASS) and the Early Childhood Environment Rating Scale-Revised (ECERS-  
3 R) scores as determined through the implementation planning process.

4 Section 7. Oversight Committee. Conditioned upon voter approval of the ballot  
5 proposition submitted by this ordinance, there is established an Oversight Committee  
6 ("Committee") to make recommendations on the design and funding of Levy programs and to  
7 monitor the progress of Levy programs in meeting Levy outcomes and goals. The Committee  
8 shall be the sole entity with designated authority to make official recommendations on these  
9 subjects to the City.

10 A. The Committee shall make recommendations on the Implementation Plan called  
11 for in Section 8 and Resolution 31527 and on the Partnership Agreement called for in  
12 Section 11.

13 B. The Committee shall each year:

- 14 1. By February, review the annual report of Levy outcomes and indicators for the  
15 previous school year;
- 16 2. By April, review mid-year indicators of progress for the first half of the current  
17 school year;
- 18 3. By May, review and advise on proposed course corrections, program  
19 modifications, or program eliminations;
- 20 4. By September, review and advise the City Council on proposed expenditures and  
21 reallocations, including the annual Levy budget; and
- 22 5. Periodically review and advise on program evaluations.

23 C. The Council requires that the Executive seek the recommendation of the  
24 Committee before the Executive submits to the Council the Implementation Plan and the  
25 Partnership Agreement. If it chooses to, the Executive may seek recommendations from  
26 other persons or entities.



1 D. The Committee shall consist of the twelve members of the Families and  
2 Education Levy Oversight Committee established by Ordinance 123567 with the addition  
3 of four Seattle residents with an interest in and understanding of Preschool Services as  
4 listed in Section 5. The Mayor shall appoint all four of the resident Committee members.  
5 All members appointed by the Mayor shall be confirmed by the City Council.

6 E. The four resident members shall be appointed to four-year terms. Upon the  
7 resignation, retirement, death, incapacity or removal of a Committee member, the Mayor  
8 may appoint a replacement for the balance of the term. The Mayor may remove any  
9 member who is absent from two or more consecutive meetings without cause. The Mayor  
10 may remove any member for other good cause shown or to ensure compliance with  
11 subsection F of this section.

12 F. The four resident members should have professional, personal, or research  
13 experience associated with the growth and development of children, including their  
14 preschool needs. The City will also seek candidates to serve on the Committee who have  
15 an understanding of and experience working with those who have historically not had  
16 access to high-quality preschool programs.

17 G. At all times no more than one of the four additional committee members shall be  
18 an officer, director, board member, trustee, partner or employee of an entity that receives  
19 or competes for funding under this ordinance; or be a member of the immediate family  
20 of, or an individual residing with, an officer, director, board member, trustee, partner or  
21 employee of an entity that receives or competes for funding under this ordinance; or be a  
22 person seeking or having an arrangement concerning future employment with an entity  
23 that receives or competes for funding under this ordinance. For the purposes of this  
24 ordinance an individual's "immediate family" means an individual's spouse or domestic  
25 partner, child, child of a spouse or domestic partner, sibling, sibling of a domestic  
26 partner, brother-in-law, sister-in-law, parent, parent of a spouse or domestic partner, a



1 person for whom the individual is a legal guardian, or a person claimed as a dependent on  
2 the individual's most recently filed federal income tax return. Subject to the preceding  
3 sentence and applicable law, an individual serving as an officer, director, board member,  
4 trustee, partner or employee of an entity that receives or competes for funding under this  
5 ordinance, or who has an interest in such an entity, shall not thereby be disqualified from  
6 serving on the Committee, but shall fully disclose any such relationships and shall not  
7 vote on any matter in which the interest of such entity is directly involved. For purposes  
8 of this section, "entity" does not include a City department or office. The provisions of  
9 this section are in addition to the requirements of SMC chapter 4.16.

10 H. The Committee will generally meet every other month or as needed beginning  
11 January 2015. The Office for Education, or successor department, shall provide staff and  
12 logistical support for the Committee. Members shall serve without pay. The Committee  
13 shall continue in existence through December 31, 2018, and thereafter if so provided by  
14 ordinance.

15 Section 8. Implementation Plan. As provided for in Resolution 31527, the  
16 Implementation Plan shall be approved and adopted by future ordinance prior to program  
17 implementation. The ordinance that adopts the initial Implementation Plan shall identify when  
18 Council will be required to approve changes by ordinance.

19 Section 9. Implementing Agreements. If this proposition is approved by the voters, the  
20 City may carry out the Preschool Services with City staff or by direct agreements with the  
21 School District, with Public Health – Seattle & King County, the State of Washington, and Head  
22 Start and Early Childhood Education and Assistance Program providers. Additionally, the City  
23 may enter into direct agreements with the providers of the curricula specified under the  
24 Implementation Plan, and may enter into agreements with consultants through the process under  
25 SMC 20.50. Any other Preschool Services shall be carried out through agreements entered into  
26



1 through a process described in the Implementation Plan, which will set out the complete process  
2 and schedule for how the additional programs and services will be selected and contracted.

3 The Mayor or the Mayor's designee is authorized to enter into agreements for Preschool Services  
4 as provided in Section 5. When using a request for proposal or request for investment process,  
5 the City shall perform outreach to small, economically disadvantaged businesses, including those  
6 owned by women and minorities. City agreements with other public entities shall encourage  
7 those entities to actively solicit bids for the subcontracting of any goods or services, when such  
8 subcontracting is required or appropriate, from qualified small businesses, including those owned  
9 by women and minorities. All City agreements for Preschool Services shall require the  
10 contracting entities to comply with all then-applicable requirements for non-discrimination in  
11 employment in federal, state, and City of Seattle laws and regulations.

12 Section 10. Communications. The City will facilitate communications with and  
13 feedback from teachers and staff of providers, provider organizations, parents/guardians, the  
14 School District, other governmental entities, impacted community groups, and other relevant  
15 parties on professional development, workforce development, training programs, updated  
16 policies, race and social justice impacts, and other information regarding the Seattle Preschool  
17 Program, and other pertinent information related to the field of early learning in general. The  
18 City has discretion in determining the best method in which to accomplish these  
19 communications. The City must issue a report on its communications efforts and offer possible  
20 strategies to respond to feedback it receives for consideration in the Implementation Plan, and  
21 on an annual basis, at a minimum, thereafter.

22 Section 11. Race and Social Justice Analysis. A Race and Social Justice Analysis, as  
23 outlined in Resolution 31527, must be conducted before, and inform the development of, the  
24 Implementation Plan.



1           Section 12. City of Seattle/Seattle School District No.1 Partnership Agreement. As the  
2 Seattle School participates in the Seattle Preschool Program, there shall be a Partnership  
3 Agreement(s) ("Partnership Agreement") developed by the City and the School District in which  
4 the roles and responsibilities of the City and the School District in implementing Preschool  
5 Services are established. The Partnership Agreement shall set forth the parties' roles and  
6 responsibilities for achieving the desired outcomes for Preschool Services. It shall outline how  
7 the City and the School District shall work collaboratively to the benefit of children in preschool.  
8 The Partnership Agreement shall cover items including, but not limited to, data sharing  
9 necessary to implement program evaluations and course corrections, standards for delivery of  
10 services, curriculum alignment and other proactive measures to ensure effective transitions from  
11 preschool to kindergarten and higher grades, and the sharing of facilities. The City cannot enter  
12 into the Partnership Agreement, or materially amend the Partnership Agreement, until the  
13 Partnership Agreement or the amendment, as the case may be, is approved by the City Council  
14 and the School District. Proceeds may be spent on School District programs or functions only in  
15 accordance with an effective Partnership Agreement.

16           Section 13. Reporting. The Director of the Office for Education, or successor department,  
17 will prepare and submit to the Oversight Committee, City Council, the Mayor, and residents of  
18 Seattle annual progress reports on the implementation of the Preschool Services covering each of  
19 the core strategies in the Action Plan.

20           Section 14. Election - Ballot Title. The City Council and Mayor find that this ordinance  
21 is on the same subject as proposed in Initiative 107 - early learning. The City Council has  
22 rejected Initiative 107 and proposes this ordinance as an alternative measure on the same subject  
23 pursuant to City Charter Article IV, Section 1. The City Council directs that the City Clerk file  
24 this ordinance with the Director of Elections of King County, Washington, as ex officio  
25 supervisor of elections, requesting that the Director of Elections call and conduct a special  
26 election in the City in conjunction with the state general election to be held on November 4,



1 2014, for the purpose of submitting to the qualified electors of the City the proposition set forth  
2 in this ordinance pursuant to City Charter Article IV, Section 1 and applicable law as an  
3 alternative measure different from Initiative 107 but dealing with the same subject. The City  
4 Clerk is directed to certify to the King County Director of Elections the ballot title approved by  
5 the City Attorney in accordance with his responsibilities under RCW 29A.36.071 and RCW  
6 29A.72.050. The following ballot title statement of subject and concise description are  
7 submitted to the City attorney for his consideration:

8  
9 The City of Seattle's Proposition concerns the City's plan to provide early learning preschool for  
10 children.

11 This proposition funds the City's preschool plan (Ordinance 118114) with the goal of providing  
12 safe, high-quality, affordable, and voluntary early learning preschool. The plan requires use of  
13 proven strategies, support and training for teachers, tuition support, and evaluation of results in  
14 preschools licensed for safety. This proposition authorizes regular property taxes above RCW  
15 84.55 limits, allowing additional 2015 collection of up to \$14,566,630 (approximately 11 cents  
16 per \$1,000 assessed value) and \$58,266,518 over four years.

17 Section 15. Ratification. Certification of such proposition by the City Clerk to the King  
18 County Director of Elections in accordance with law prior to the date of such election on  
19 November 4, 2014, and any other act consistent with the authority and prior to the effective date  
20 of this ordinance, are hereby ratified and confirmed.

21 Section 16. Severability. In the event any one or more of the provisions of this ordinance  
22 shall for any reason be held to be invalid, such invalidity shall not affect any other provision of  
23 this ordinance or the levy of the taxes authorized herein, but this ordinance and the authority to  
24 levy those taxes shall be construed and enforced as if such invalid provisions had not been  
25 contained herein; and any provision which shall for any reason be held by reason of its extent to  
26 be invalid shall be deemed to be in effect to the extent permitted by law.



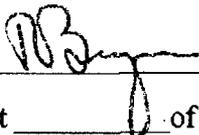
1 Section 17. Comprehensive law. This ordinance is intended to establish a complete and  
2 comprehensive framework for the creation, implementation, and development of a Seattle public  
3 preschool program.

4 Section 18. Conflicting laws. In the event any one or more of the provisions of this  
5 ordinance shall for any reason be held to be in conflict with any prior or concurrent enactment of  
6 law, this ordinance shall govern.

7 Section 19. This ordinance shall take effect and be in force 30 days after its approval by  
8 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it  
9 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

10 Upon submission to the vote of the people, if approved, this ordinance shall then take full  
11 effect ten days after proclamation by the Mayor of such approval.

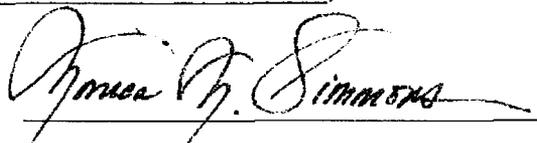
12 Passed by the City Council the 23<sup>rd</sup> day of June, 2014, and  
13 signed by me in open session in authentication of its passage this  
14 23<sup>rd</sup> day of June, 2014.

15  
16   
17 President \_\_\_\_\_ of the City Council

18  
19 Approved by me this 27 day of June, 2014.

20   
21 \_\_\_\_\_  
22 Edward B. Murray, Mayor

23  
24 Filed by me this 30<sup>th</sup> day of June, 2014.

25   
26 \_\_\_\_\_



Monica Martinez Simmons, City Clerk

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(Seal)

Attachment A: Seattle Preschool Program Action Plan



**FISCAL NOTE FOR NON-CAPITAL PROJECTS**

<b>Department:</b>	<b>Contact Person/Phone:</b>	<b>CBO Analyst/Phone:</b>
Department of Neighborhoods	Donnie Grabowski / 206-233-2603	Forrest Longman / 684-0331

**Legislation Title:**

AN ORDINANCE relating to funding and providing preschool services for Seattle children; requesting that a special election be held concurrent with the November 4, 2014 general election for submission to the qualified electors of the City of a proposition to lift the limit on regular property taxes under Chapter 84.55 RCW and authorize the City to levy additional taxes for up to four years for the purpose of providing accessible high-quality preschool services for Seattle children designed to improve their readiness for school and to support their subsequent academic achievement; adopting the Seattle Preschool Program Action Plan; requiring the adoption of an Implementation Plan by the City Council; authorizing creation of a new subfund; directing the application of levy proceeds; establishing eligibility requirements for providers; creating an oversight committee; authorizing implementing agreements for this levy lid lift commonly known as the Seattle Preschool Program Levy; providing for the facilitation of communication between the City and affected groups; providing for a partnership agreement with Seattle School District No. 1; requiring annual progress reports; proposing a ballot title; and ratifying and confirming certain prior acts.

**Summary of the Legislation:**

The proposed ordinance would submit a \$58 million, four-year Seattle Preschool Program Levy ("Levy") package to Seattle voters for their approval in the fall of 2014. The proposed Levy would be raised under the provisions of RCW 84.55.060, which allows a city to obtain voter approval to exceed the "lid" on regular property taxes for any purposes. Levy proceeds would be intended for the following preschool services programs for the period September 2015-August 2019:

- 1) **School Readiness.** Major program elements include full day high-quality preschool for Three-year olds and Four-year olds.
- 2) **Program Support: Professional Development and Training.** Major program elements include professional development, coaching and mentoring of instructional staff on an ongoing basis; training for preschool directors and program supervisors; available training for teachers in areas of specific expertise including inclusion, bilingual education, cultural competence, and training and consultation to ameliorate challenging behaviors; successful transitions from home or other care situations and to kindergarten.
- 3) **Capacity building.** Major program elements include tuition support and degree pathway advising for teaching staff to attain required educational credentials from accredited institutions of higher education, facility construction, renovations, and improvements as needed, classroom start-up, and organizational capacity building.



- 4) **Research and Evaluation.** Major program elements include not only external, independent evaluation of both program implementation, and short- and long-term evaluation of outcomes and programmatic impacts, but also the creation of necessary data tracking systems.
- 5) **Administration.** Major elements include City staff or contracted services to oversee quality assurance, enrollment management, contract monitoring, policy and planning, community outreach, and reporting results.

**Background:**

In September 2013, the City Council unanimously passed Resolution 31478, which outlined a set of tasks associated with advancing efforts to achieve voluntary, high-quality preschool for three- and four-year olds in Seattle. The Resolution requested a gap analysis report, which was presented to the City Council in January 2014 and estimated that there are about 12,000 three- and four-year-old children in Seattle, with approximately 63% to 73% of them, respectively, in childcare. The Resolution also requested an action plan, proposing parameters of a voluntary, high-quality program. Following a competitive process, the City selected a team comprised of Berk Consulting, Inc., Columbia City Consulting, Dr. Ellen Frede, and Dr. W. Steven Barnett ("the Consultants") to develop recommendations for the City's action plan, an interactive financial model to cost out the action plan's recommendations, and an outreach summary report. The Office for Education conducted extensive outreach to the community between February and April in multiple formats (workshops, community meetings, targeted outreach to the early learning community) to provide feedback and input during the development of the recommendations for the City's action plan. The Consultants submitted a final draft of the recommendations in early May. Following this, the Executive created the Seattle Preschool Program Action Plan, which includes several of the Consultant recommendations on quality and program elements but also includes new recommendations for City Council's consideration. The Seattle Preschool Program Action Plan is included as an attachment to Resolution 31527.

  X   This legislation has financial implications.

**Appropriations: N/A**

Appropriations Notes: This ordinance includes no appropriations. The budget authority needed to implement the Seattle Preschool Program will be considered as part of the annual budget process or through other ordinances. Levy revenues will support future appropriations.

**Anticipated Revenue/Reimbursement Resulting from this Legislation: N/A**

Revenue/Reimbursement Notes: This ordinance creates no revenue. However, if the proposed Levy is passed, it will provide revenues totaling \$58,034,730 over four years. The Levy rate and average cost to a homeowner of the proposed Levy are highlighted in Attachment 1 to this fiscal note.

In addition, this legislation assumes the City will receive a variety of revenues from other



sources to help off-set program costs, including tuition. Tuition will be free for families earning up at 300% of the Federal Poverty Level (FPL). This is a change from the proposed legislation, in which tuition was free for families earning up to 200% of FPL. According to the Office for Education (OFE) staff, this change should not negatively impact tuition revenue projections shown in the adopted Action Plan.

The new sliding scale fee includes the following underlying assumptions:

Federal poverty levels and % applied to gross family income									
% of FPL	At or below 300%	301%- 359%	360%- 399%	400%- 419%	420%- 459%	460%- 519%	520%- 619%	620%- 760%	760% and above
% of gross Income to be paid towards tuition	Free	1.75%	2%	3%	3.50%	3.75%	4.50%	4.75%	95% of tuition

It is unknown how many families at particular income levels will participate, thus, there is some inherent uncertainty in the tuition revenue projections. Revenues from other revenue sources also have a certain amount of uncertainty as they are based on estimates of participation rates of lower-income children.

**Total Regular Positions Created, Modified, or Abrogated through this Legislation, Including FTE Impact: N/A**

Position Notes: This ordinance creates no new positions. Implementation of the Seattle Preschool Program will require a number of new positions. Positions will be added as part of the annual budget process or through other ordinances. Seattle Preschool Program Levy revenues will provide the funding for these positions.

**Spending/Cash Flow: N/A**

Spending/Cash Flow Notes:

Projected Expenditure and Revenues for the Seattle Preschool Program Levy are included in Attachment 2.

**Other Implications:**

- a) **Does the legislation have indirect financial implications, or long-term implications?**  
 As noted above, this legislation does not directly result in appropriation or position changes, but if it is approved by City Council and a ballot measure is approved by Seattle's citizens, the average cost to a Seattle homeowner will increase during the four-year levy.
- b) **What is the financial cost of not implementing the legislation?**  
 The City would not be able to provide high-quality, voluntary preschool to three- and four-year-olds and help them be better prepared for school and life.
- c) **Does this legislation affect any departments besides the originating department?**  
 No.
- d) **What are the possible alternatives to the legislation that could achieve the same or**



**similar objectives?**

There are no other funding sources available to the City that will accomplish these objectives.

**e) Is a public hearing required for this legislation?**

A City Council public hearing is scheduled on Thursday, May 29.

**f) Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?**

No.

**g) Does this legislation affect a piece of property?**

No.

**h) Other Issues: None.**

**List attachments to the fiscal note below:**

Attachment 1: Levy Rate and Annual Cost to Homeowner

Attachment 2: Projected Expenditures and Revenues for the 2014 Seattle Preschool Program

Levy





**Attachment 1: Levy Rate and Annual Cost to Homeowner**

Total Levy Amount: \$58,266,518

Tax Year	Assessed Value Estimate (\$ billions)	% Growth	Annual Levy Amount	Rate per \$1,000 of Assessed Value	Annual Cost to Owner of Median Residential Assessed Value	Median Residential Assessed Value
2014	\$128.21	9.57%				
2015	\$138.44	7.98%	\$14,566,630	\$0.105	\$43.36	\$412,078
2016	\$144.36	4.28%	\$14,566,630	\$0.101	\$43.74	\$433,506
2017	\$149.73	3.72%	\$14,566,630	\$0.097	\$43.86	\$450,847
2018	\$153.15	2.28%	\$14,566,630	\$0.095	\$44.38	\$466,626

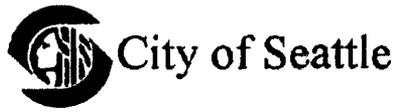


**Attachment 2: Projected Expenditures and Revenues for 2014 Seattle Preschool Program Levy**

<i>Levy Expenditures:</i>	2015	2016	2017	2018	2019	Total
<i>School Readiness</i>	\$1,053,928	\$4,731,254	\$10,162,059	\$17,108,285	\$14,555,521	\$47,611,047
<i>Program Support: Professional Development and Training</i>	\$247,675	\$742,874	\$1,392,357	\$2,160,650	\$1,654,922	\$6,198,478
<i>Capacity Building</i>	\$1,342,346	\$2,597,576	\$2,806,910	\$2,913,052	\$1,942,479	\$11,602,363
<i>Research and Evaluation</i>	\$918,614	\$687,115	\$759,817	\$819,711	\$599,242	\$3,784,499
<i>Administration</i>	\$1,711,616	\$2,116,001	\$2,328,807	\$2,576,965	\$1,792,728	\$10,526,117
<b>Total:</b>	<b>\$5,274,179</b>	<b>\$10,874,819</b>	<b>\$17,449,950</b>	<b>\$25,578,664</b>	<b>\$20,544,891</b>	<b>\$79,722,504</b>
<i>Revenues:</i>						
<i>Tuition</i>	\$140,860	\$683,367	\$1,541,202	\$2,554,823	\$2,158,020	\$7,078,272
<i>Head Start</i>	\$42,137	\$170,537	\$304,969	\$445,646	\$361,514	\$1,324,802
<i>ECEAP</i>	\$80,041	\$323,940	\$579,297	\$846,517	\$686,706	\$2,516,502
<i>Step Ahead</i>	\$177,707	\$721,659	\$1,297,670	\$1,892,597	\$1,524,477	\$5,614,111
<i>Families and Education Levy Leveraged Funds:</i>	\$113,533	\$447,855	\$765,035	\$1,086,811	\$879,798	\$3,293,031
<i>Working Connections Child Care (WCCC):</i>	\$41,632	\$164,767	\$283,446	\$400,014	\$318,259	\$1,208,117
<i>Child Care Assistance Program (CCAP):</i>	\$16,880	\$65,212	\$107,297	\$134,230	\$90,882	\$414,500
<i>Child and Adult Care Food Program (CACFP):</i>	\$38,383	\$186,212	\$419,965	\$696,168	\$588,042	\$1,928,770
<b>Total:</b>	<b>\$651,174</b>	<b>\$2,763,549</b>	<b>\$5,298,880</b>	<b>\$8,056,805</b>	<b>\$6,607,697</b>	<b>\$23,378,106</b>
<b>Difference (Net Program Cost)</b>	<b>\$4,623,006</b>	<b>\$8,111,271</b>	<b>\$12,151,070</b>	<b>\$17,521,858</b>	<b>\$13,937,194</b>	<b>\$56,344,398</b>
<b>+ 3% contingency:</b>	<b>\$138,690</b>	<b>\$243,338</b>	<b>\$364,532</b>	<b>\$525,656</b>	<b>\$418,116</b>	<b>\$1,690,332</b>
<b>TOTAL:</b>	<b>\$4,761,696</b>	<b>\$8,354,609</b>	<b>\$12,515,602</b>	<b>\$18,047,514</b>	<b>\$14,355,310</b>	<b>\$58,034,730</b>
<b>ESTIMATED/ACTUAL REVENUES:</b>						
	2015	2016	2017	2018	2019-2024	Total
Levy Legal Allocation (per Ordinance)	\$14,566,630	\$14,566,630	\$14,566,630	\$14,566,630	\$0	\$58,266,518
Estimated property taxes to be collected	\$14,286,440	\$14,440,923	\$14,476,260	\$14,505,565	\$325,543	\$58,034,730

# SEATTLE PRESCHOOL PROGRAM ACTION PLAN

A blueprint for narrowing the  
opportunity and achievement gap



# INDEX



“There is nothing more morally important that I will do as Mayor in the next four years than creating a high quality preschool program for three- and four-year-olds in Seattle.”

- Mayor Ed Murray

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# INTRODUCTION

**“A LARGE BODY OF SCIENTIFIC EVIDENCE HAS SHOWN THAT THE FUNDAMENTAL ARCHITECTURE OF THE BRAIN IS ESTABLISHED BEFORE A CHILD ENTERS KINDERGARTEN. THESE EARLY YEARS OF A CHILD’S LIFE ARE AN IMPORTANT WINDOW OF OPPORTUNITY FOR SOCIAL AND COGNITIVE DEVELOPMENT.**

The right environments, experiences, and investments in these years can produce a lifetime of benefits. Failure to adequately support young children combined with the adversity that all too many children face can lead to academic failure, troubled lives, low wages, and poor health in later years.

Families who wish to provide good early educational experiences for their children frequently find it difficult to do on their own. Quality preschool programs are expensive, and working parents that need long hours of child care may conclude that a good early education is out of reach. In Seattle, over a quarter of all 3- and 4-year-olds live in families with incomes below 200% of federal poverty level (\$47,700 for a family of four in 2014). Families struggling to make ends meet may find they have limited child care options. ...

The evidence of the importance of early education for brain development and lifetime success combined with the inadequate quality of much early care and education has inspired numerous public policy initiatives to support high-quality, universal preschool. Yet in most states the vast majority of 3- and 4-year-olds have no access to public preschool programs. Increasingly, local communities, including Boston, San Antonio, and Washington, D.C., have been unwilling to wait for state or federal government action and have moved ahead with their own programs.

On September 23, 2013, Seattle City Council joined these cities by unanimously passing...Resolution 31478, which endorsed voluntary, high-quality preschool for all 3- and 4-year-old children. ... The ultimate goal of this program is to offer every family the opportunity to enroll their children in a preschool program that will provide strong support for each child's learning and development in partnership with parents and caregivers. This will better prepare Seattle's children to succeed in school and enhance equal opportunity for later life success.”

**BERK in partnership with Columbia City Consulting, Dr. Ellen Frede and Dr. W. Steven Barnett,  
*Recommendations for Seattle's Preschool for All Action Plan, 2014***



# THE SEATTLE CONTEXT

Over the last decade, it has become clear that the education “gap” is about more than achievement on standardized tests. From the time children enter school, there is a “preparedness gap.” While some children have ample opportunities to develop school-ready social and pre-academic skills, many others do not. The education “gap” is about opportunity. In Seattle, it is our goal to ensure that every child has the opportunity to thrive in school and life.

On average, children from low-income families and children of color have fewer opportunities to become appropriately prepared for the social and academic challenges of the K-12 system than their peers. Due at least in part to this opportunity gap, in Seattle today, economic and racial disparities persist in third grade reading levels, fourth grade math levels, and high school graduation rates. According to former President of the American Educational Research Association, professor, and researcher Gloria Ladson-Billings, the “historical, economic, sociopolitical, and moral decisions and policies that characterize our society have created an education debt”<sup>1</sup> — a debt formed by annually compounding disparities.

We must address these disparities now, for the sake of our children and our children’s children. Social justice cannot wait as more debt accrues. Now is the time to create opportunities for success. Now is the time to close the opportunity and preparedness gaps.

We now know that disparities linked to family income and race evident early in life can persist throughout a student’s academic career. Here in Washington, the Washington Kindergarten Inventory of Developing Skills (WaKIDS) is used to gather information about children’s developing skills as they enter kindergarten.

AS A FINANCIAL INVESTMENT,  
THE RATE OF RETURN FOR  
FUNDING HIGH-QUALITY  
PRESCHOOL IS ESTIMATED TO  
RANGE BETWEEN \$3 TO \$7  
FOR EVERY \$1 INVESTED.

Observations are completed in six domains: social-emotional, physical, language, cognitive, literacy, and math. WaKIDS data show that of the over 38,000 children who were assessed in the 2013-14 school year, almost 60% of children entered kindergarten below expected levels in one or more of these domains and almost 29% were below expected levels in three or more domains. These deficits were more pronounced for children from low-income families than peers from higher-income families.

Until race and family income no longer predict aggregate school performance, investments must be made to

# THE SEATTLE CONTEXT

ameliorate these inequities. Research shows that attending a high-quality preschool program can make a positive difference in a child's life, irrespective of the child's socioeconomic background, race, or gender. For this reason and others, the City of Seattle is dedicated to ensuring all children have high-quality early learning opportunities.

Over the last decade, it has become clear from both scientific and economic perspectives that investments in high-quality learning lead to better academic and life outcomes for children and families. High-quality early learning helps prepare children to enter school with the skills they need to succeed.

The High/Scope Perry Preschool longitudinal study documents better life outcomes for children who received one year of high-quality preschool education. Forty years after participation, benefits for participants have been shown to include higher incomes and educational attainment and lower rates of incarceration as compared with non-participating peers. James Heckman, Nobel laureate and economist at the University of Chicago writes:

"Longitudinal studies demonstrate substantial positive effects of early environmental enrichment on a range of cognitive and non-cognitive skills, schooling achievement, job performance and social behaviors, long after the interventions ended."<sup>2</sup> More recent independent studies have confirmed the tangible academic and social benefits of high-quality preschool implemented on a large scale in Boston, Tulsa, New Jersey, and other jurisdictions.

In addition to providing benefits for individuals and families, high-quality early childhood education programs have been shown to be profitable investments for society as a whole. As a financial investment, the rate of return for funding high-quality preschool is estimated to range between \$3 and \$7 for every \$1 invested. The best current evidence suggests that for every dollar spent, the average impact on cognitive and achievement outcomes of quality preschool is larger than the average impact of other well-known educational interventions.<sup>3</sup>

Over the last few years states and cities have begun to respond to these scientific and economic imperatives by focusing on early childhood education. States including New Jersey, Oklahoma, and Georgia and cities such as Boston and San Antonio are investing in preschool programs. Washington State has also invested in early learning by creating the Department of Early Learning and developing a Quality Rating and Improvement System, known as Early Achievers, to help early learning programs offer high quality care by providing resources for preschool and child care providers to support children's learning and development.

In Seattle, we have learned from many of these efforts. We are streamlining the City's current early learning functions and investments into a single organizational unit. Over the past eight months we have developed a



# THE SEATTLE CONTEXT

proposal for the Seattle Preschool Program, focusing on evidence-based approaches to support beneficial outcomes for children, their families, and our city as a whole.

In support of this effort, we have relied on advice and planning support from numerous engaged community members and experts in the field. The City contracted with BERK, in partnership with noted local experts, John Bancroft and Tracey Yee, as well as national experts, Dr. Ellen Frede and Dr. W. Steven Barnett, to develop a set of research-based recommendations for Seattle's Preschool Program.

Drafts of these recommendations were reviewed by eleven national and local experts in education. Over 100 representatives from Seattle's early learning communities participated on six workgroups. Outreach meetings were held with over 60 community groups and attended by hundreds of Seattleites.

Feedback gathered through workgroups and outreach has been used by the consultants to contextualize their recommendations and will continue to inform the City throughout the implementation of the Seattle Preschool Program.

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<sup>1</sup> Ladson-Billings, G. (2006). From the achievement gap to the education debt: Understanding achievement in U.S. schools. *Educational Researcher*, 35(7), 3-12.

<sup>2</sup> Heckman, J. J. (2008). Schools, skills, and synapses. *Economic Inquiry*, 46(3), 289-324.

<sup>3</sup> Yoshikawa, H., Weiland, C., Brooks-Gunn, J., Burchinal, M., Espinosa, L., Gormley, W., ... Zaslow, M. J. (2013). Investing in our future: The evidence base for preschool education. Policy brief, Society for Research in Child Development and the Foundation for Child Development. Retrieved from the Foundation for Child Development website: [fed-us.org/sites/default/files/Evidence Base on Preschool Education FINAL.pdf](http://fed-us.org/sites/default/files/Evidence%20Base%20on%20Preschool%20Education%20FINAL.pdf)

# MAYOR MURRAY'S PROPOSAL

With Seattle context in mind, Mayor Murray will transmit legislation to City Council proposing the following:

- » A four-year, \$58 million levy to fund a demonstration phase of the Seattle Preschool Program that will build toward serving 2,000 children in 100 classrooms by 2018.
- » The cost will be \$43.36 a year or \$3.61 a month to the average homeowner in Seattle.
- » The plan is anchored in evidence-based practice, acknowledging that program quality is vital to success.
- » The program will be provided through a mixed-delivery system, with classrooms offered by Seattle Public Schools and community providers.
- » The program will be voluntary for providers and participants.
- » The program will have the ultimate goal of serving all eligible and interested 4-year-olds and all 3-year-olds from families making less than 300% of the federal poverty level in Seattle.
- » Tuition will be free for children from families earning at or below 300% of the federal poverty level.
- » Tuition will be on a sliding scale for families earning more than 300% of the federal poverty level with at least some level of subsidy for all families.
- » The program establishes high standards for teacher education and training and fully supports teachers in attaining these standards through tuition assistance and embedded professional development.
- » Staff compensation levels are designed to attract and retain well-prepared teachers and to provide fair compensation for a traditionally poorly compensated sector of our economy.
- » The program creates a feedback loop to inform programmatic improvement through ongoing, independent evaluation.

This proposal is built on the high-quality parameters of the BERK Recommendations and those of City Council Resolution 31478. The implementation schedule is realistic, so that the necessary quality is truly achieved before the Seattle Preschool Program is expanded. Lessons learned through the four-year demonstration phase of the Seattle Preschool Program will guide our actions in coming years as we work toward achieving our goal of expanding access to affordable, high-quality preschool to Seattle's three- and four-years-olds.

This Administration looks forward to working with partners across the educational continuum to collaborate in making other strategic, evidence-based investments to eradicate the opportunity, achievement, and preparedness gaps.



# CORE GUIDING PRINCIPLES

The plan is evidence-based. If implemented with fidelity, it will **narrow, even eliminate, the opportunity and preparedness gaps** and deliver significant academic gains for the children of Seattle.

## REFLECTED IN:

- Curricula that is proven effective, play-based, and focused on social-emotional and academic development
- Staff education and professional development requirements
- Classroom size and dosage of instruction

The plan will demonstrate **meaningful collaboration and key partnerships** with Seattle Public Schools, the Washington State Department of Early Learning, community-based preschool providers, early childhood development providers, and other stakeholders to deliver an effective and coordinated program that leverages existing resources.

## REFLECTED IN:

- Use of the State of Washington's Department of Early Learning Quality Rating and Improvement System, known as Early Achievers
- Head Start and Early Childhood Education and Assistance Program (ECEAP) collaborations
- A partnership agreement with Seattle Public Schools

The plan includes a **realistic and practical timeline** to achieve and sustain high-quality preschool.

## REFLECTED IN:

- Quality before quantity approach - 2,000 kids enrolled by 2018
- 4-year levy demonstration phase
- Goal of serving all eligible and interested children within 20 years

# CORE GUIDING PRINCIPLES

The program will be **affordable for low- and middle-income families**, ensuring that cost will not be a barrier to participation in high-quality preschool.

## REFLECTED IN:

- Sliding scale for tuition
- Families earning at or below 300% of the Federal Poverty Level (\$71,550 for a family of four in 2014) will receive free tuition for each child enrolled
- Families earning more than 300% of the Federal Poverty Level will pay a per child tuition fee based on the family's total household size and income
- Within any given household size, families with higher incomes will pay a progressively higher share of the per child tuition fee
- Families with total household income at or above 760% of the Federal Poverty Level will be limited to a 5% tuition credit per child

---

The plan calls for **ongoing monitoring and evaluation** to ensure we meet our school readiness, quality, and achievement goals.

## REFLECTED IN:

- A comprehensive evaluation strategy for the program, designed with independent evaluation experts
- Ongoing assessments of classroom quality, which includes making full use of existing assessment infrastructure
- Use of developmentally-appropriate, performance-based assessments
- External evaluations of implementation and outcomes

---

The Seattle Preschool Program is **voluntary**. It is voluntary for families and it is voluntary for providers.



# CORE GUIDING PRINCIPLES

The plan provides for the **support and resources** to meet the high-quality standards and expectations of the program.

## REFLECTED IN:

- Competitive salaries for Seattle Preschool Program teachers
- Coaches and training for teachers and instructors
- Tuition support for education and certifications
- Range of pathways and portals for providers to access support and resources

Beyond classroom instruction, the initial phase will **include an additional set of policies, services, and program elements**, that may be modified or enhanced in future phases of the program.

## REFLECTED IN:

- Setting a 15- to 20-year full implementation goal of serving 80% of all 4-year-olds and all 3-year-olds from families earning less than 300% of the federal poverty level in Seattle
- Use of Seattle's Race and Social Justice Initiative toolkit and the provision of funding for consultant services to review workforce capacity, identify the needs of refugee and immigrant communities, and offer strategies to create pathways to high-quality early learning opportunities
- Screenings for developmental and behavioral concerns
- The provision and leveraging of mental health resources so that teachers can meet the needs of all children

# PROGRAM STANDARDS

## Organizational Model

The City of Seattle will build and manage a preschool program that utilizes a mixed-delivery approach. The City will contract with organizations that meet program standards and expectations, as outlined herein and in the Implementation Plan (which will be developed by the City of Seattle's Office for Education to detail the standards presented here). The City anticipates partnering with:

- Seattle Public Schools
- Community-based preschool providers
- Hub organizations that provide administrative support to a variety of cooperating providers

After initial program start-up, the City will work to develop a Family Child Care (FCC) Pilot to assess whether and how partnering with FCC providers can be implemented in a way that achieves, in a cost-effective manner, the same quality standards as other types of providers.

---

## Organizational Eligibility

To be eligible to contract with the City to provide preschool through this program, qualified organizations will need to meet the following criteria:

- They must be licensed by the Washington State Department of Early Learning to provide preschool services (or exempt from licensing requirements by virtue of being a public school or institution of higher education).
- They must participate in the Early Achievers Program, hold a rating of Level 3 or above, and meet minimum requirements for the Classroom Assessment Scoring System (CLASS) and the Early Childhood Environment Rating Scale-Revised (ECERS-R) scores as determined through the Implementation Planning process.

In order to participate in the program, organizations must commit to:

- Providing two or more preschool classrooms
- Ensuring that all children in contracted classrooms are Seattle residents
- Adhering to the program standards listed herein



# PROGRAM STANDARDS

## **Contracting Priorities**

Contracting with Seattle Public Schools will be a priority. Additionally, priority will be given to qualified organizations meeting the standards listed herein that:

- Have the capacity to provide more preschool classrooms for the program.
- Make care available before and after preschool classroom hours, on holidays, and over the summer.
- Provide dual language programs.
- Have higher ratings in Early Achievers and higher scores in CLASS and ECERS-R.
- Are located in areas with the lowest academic achievement as reflected in 3rd grade reading and 4th grade math performance on Measures of Student Progress (MSP) or subsequently adopted assessments, as well as those with high concentrations of low-income households, English language learners, and incoming kindergartners.
- Provide preschool services through Head Start or Early Childhood Education and Assistance Program (ECEAP).
- Have existing contracts with the City to provide preschool services.

---

## **Teacher-Student Ratio and Class Size**

- The maximum class size is 20, with a ratio of 1 adult for every 10 children. In the average classroom, we anticipate one Lead Teacher and one Instructional Assistant.
- In classrooms where more than 6 of the students are considered to be members of a "special population" as defined in the Implementation Plan (for example, children in foster/kinship care or other areas of child welfare system, English language learners, children who receive special education services), additional instructional staff support will be provided for the classroom.

# PROGRAM STANDARDS

## Student eligibility

The program will be open to Seattle residents who:

- Are 4-years-old on August 31st prior to the beginning of a school year of enrollment, or
- Are 3-years-old on August 31st from families with income equal to 300% of Federal Poverty Level or below.

As the program is ramping up, priority will be given to:

- Children who are currently enrolled in preschool with a contracted organization.
- Children whose sibling is currently enrolled in the Seattle Preschool Program and would be concurrently enrolled with the sibling in the year of enrollment.
- Children living in close proximity to available program classrooms.
- Children who are 4-years-old relative to children who are 3-years-old, both during the initial enrollment process and when there is a wait list.

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## Dosage: Classroom Hours

Preschool classes will operate on a full-day schedule. In a typical week, this will mean 5 days a week and 6 hours per day. Children will attend preschool 180 days per year.

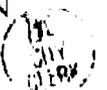
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## Language Support

Dual language programs that meet the qualifications of the Seattle Preschool Program and are representative of Seattle's linguistic diversity will receive funding priority.

Bilingual lead teachers and instructional assistants who meet the competency criteria developed in the Implementation Plan will be fairly compensated for their expertise.

Students will be assessed in languages of instruction when feasible.



# PROGRAM STANDARDS

## Curricula

Providers will be required to adopt the approved curricula as detailed in the Implementation Plan.

After 2018, a curriculum waiver process will be considered for high-quality providers.

---

## Staff Education Requirements

All newly hired staff will be required to meet the following standards:

- Director and/or Program Supervisor: Bachelor's Degree in Early Childhood Education or a BA with college-level coursework in Early Childhood Education. Expertise or coursework in educational leadership and business management is also required.
- Lead Teachers: Bachelor's Degree in Early Childhood Education or a BA and a State Teaching Credential with a P-3 Endorsement.
- Assistant Teachers: Associate's Degree in Early Childhood Education or two years of coursework in Early Childhood Education meeting Washington State Core Competencies for Early Care and Educational Professionals.
- Coaches: Bachelor's Degree in Early Childhood Education or a BA and a State Teaching Credential with a P-3 Endorsement.  
"Endorsements" in selected curricula are also required.

Current staff will be given 4 years to meet these requirements. The City will work with local colleges and universities to develop an alternate route program for teachers with Bachelor's Degrees in fields other than Early Childhood Education. The City will also develop an alternative process through which experienced, high-quality lead teachers — as defined in the Implementation Plan — may be granted waivers.

Compensation will vary based on degree attainment, State certification status, and experience. Lead teachers who meet the education/certification requirements above will be paid on par with public school teachers.

# PROGRAM STANDARDS

## Staff Professional Development

The City's professional development model is coaching intensive. Coaches who have been "certified" or "endorsed" in the selected curricula will provide:

- On-site curriculum support (reflective coaching) to teachers, center directors, and program supervisors.
- Off-site training.

Additionally, training will be provided in areas of need, likely including:

- Best practices in inclusion, bilingual education, cultural relevancy, and classroom management for Lead Teachers and Instructional Assistants.
- Best practices in reflective coaching, educational leadership, and business management for Directors and Program Supervisors.

Additionally, the City will coordinate with the Washington State Department of Early Learning to leverage professional development resources available to providers through the Early Achievers Program.

---

## Developmentally Appropriate, Inclusive Support

The Seattle Preschool Program will have a "Zero Expulsion and Suspension Policy." The Program will take an integrated approach to supporting children's social and emotional growth by providing developmentally appropriate curriculum resources and professional development and coaching to all contracted organizations.

Furthermore, the City will:

- Support screenings, such as: The Early Screening Inventory-Revised Version (ESI-R), the Ages and Stages Questionnaire (ASQ), and/or the Ages and Stages Questionnaire-Social Emotional (ASQ-SE).
- Provide in-class support for teachers from coaches or mental health professionals as needed.
- Support teachers in effectively meeting the needs of all children, especially those who exhibit challenging behaviors.
- Work alongside Seattle Public Schools Special Education department to meet the needs of children with Individualized Educational Plans (IEPs).



# PROGRAM STANDARDS

## **Family Engagement**

The Seattle Preschool Program will:

- Prioritize a universal family engagement approach that integrates intentional parent/child activities and promotes academic, social, and emotional school readiness.
  - » Families will be provided with evidence-based activities, which could include proven home-learning activities, tied to the chosen curriculum models.
  - » Providers will host events throughout the school year to connect families to resources and information on topics such as child development and nutrition.
- Build on Early Achievers Strengthening Families framework to increase providers' foundational knowledge about the importance of parents and families in children's lives and the family's impact on child outcomes.
- Create a family engagement grant fund that could be used by providers to design, develop, and provide family engagement activities.

---

## **Governance and Organizational Structure**

The City of Seattle's Office for Education, or successor city agency, will administer the program.

The City will establish a Preschool Levy Oversight Body, which will be an expansion of the current Families and Education Levy Oversight Committee, to make recommendations on the design and funding of the program and to monitor the progress of the program in meeting its outcomes and goals.

# PROGRAM STANDARDS

## Kindergarten Transitions

The City will work with the Washington State Department of Early Learning and Seattle Public Schools and execute written agreements to:

- Align practices, responsibilities, and timelines and to address data sharing, academic expectations, curriculum alignment, and professional development.
- Ensure that families are connected with available information and resources.

---

## Capacity Building

The City of Seattle is committed to developing Seattle Preschool Program workforce and helping existing preschool providers meet the quality standards herein and in the Implementation Plan.

To accomplish this, the City will:

- Provide funding for tuition assistance to program instructional and administrative staff to meet program standards.
- Fund facilities renovations, improvements, and start-up when needed.

---

## Timeline, Ramp-Up and Cost

This Action Plan is for a 4-year demonstration phase of the Seattle Preschool Program. The City aims to serve over 2,000 of all eligible children by the 2018-2019 school year.

The Seattle Preschool Program will be submitted as an ordinance, pending the concurrence of City Council. A special election will be held in conjunction with the state general election on November 4, 2014 for the purpose of approving a four-year property tax levy. The net cost to the City is projected to be approximately \$58,000,000. The average per child reimbursement to providers is projected to be approximately \$10,700.



# PROGRAM STANDARDS

## **Outcomes and Evaluations**

The City of Seattle's Office for Education, or successor city agency, in partnership with independent experts in early learning and evaluation, will develop a Comprehensive Evaluation Strategy (CES) based on the recommendations for quality assurance and program evaluation provided by BERK. The CES will outline an approach to and timeline for conducting and reporting both process and efficacy evaluations.

The process evaluation will assess the City's administration and oversight of the Seattle Preschool Program, the quality of providers contracted to provide preschool in the Seattle Preschool Program, and the fidelity of the implementation of program standards outlined herein and in the Implementation Plan. The efficacy evaluation will provide valid estimates of the effectiveness of the program in achieving its goal of improving children's preparedness for kindergarten with sufficient precision to guide decisions about the program. Toward this end, the CES will define key research questions, outline an approach to data collection and analysis, and create a timeline for reporting the results of evaluations to the Mayor, City Council, the Levy Oversight Committee, and the public. All evaluations will be conducted by independent, external experts in early learning and evaluation.

# MOVING FORWARD

This plan and the Recommendations for Seattle's Preschool for All Action Plan, a report commissioned by the City of Seattle and completed by BERK in partnership with Columbia City Consulting, Dr. Ellen Frede, and Dr. W. Steven Barnett will be transmitted to City Council in May 2014 in response to City Council Resolution 31478.

Two pieces of legislation are expected to result from this plan: a ballot measure ordinance and a resolution that would approve this Action Plan.

Pending City Council approval of the ballot measure ordinance, the City Clerk will file an ordinance with the Director of Elections of King County, Washington, as ex officio supervisor of elections, requesting that the Director of Elections call and conduct a special election in the City in conjunction with the state general election to be held on November 4, 2014, for the purpose of submitting to the qualified electors of the City the proposition set forth in the ordinance.

The City of Seattle's Office for Education will develop an Implementation Plan that addresses all program standards outlined herein. The Implementation Plan will be included in an ordinance package to be approved by City Council by 2015.



# ESTIMATED PROGRAM BUDGET

EXPENDITURES	2015	2016	2017	2018	2019 (8 months)	
School Readiness	\$1,053,928	\$4,731,254	\$10,162,059	\$17,108,285	\$14,555,521	\$47,611,047
Program Support	\$247,675	\$742,874	\$1,392,357	\$2,160,650	\$1,654,922	\$6,198,478
Capacity Building	\$1,342,346	\$2,597,576	\$2,806,910	\$2,913,052	\$1,942,479	\$11,602,363
Research & Evaluation	\$918,614	\$687,115	\$759,817	\$819,711	\$599,242	\$3,784,499
Administration	\$1,711,616	\$2,116,001	\$2,328,807	\$2,576,965	\$1,792,728	\$10,526,117
<b>Total expenditures</b>	<b>\$5,274,179</b>	<b>\$10,874,819</b>	<b>\$17,449,950</b>	<b>\$25,578,664</b>	<b>\$20,544,891</b>	<b>\$79,722,504</b>
REVENUES						
Tuition	\$140,860	\$683,367	\$1,541,202	\$2,554,823	\$2,158,020	\$7,078,272
Head Start	\$42,137	\$170,537	\$304,969	\$445,646	\$361,514	\$1,324,802
ECEAP	\$80,041	\$323,940	\$579,297	\$846,517	\$686,706	\$2,516,502
Step Ahead	\$177,707	\$721,659	\$1,297,670	\$1,892,597	\$1,524,477	\$5,614,111
Families & Education Levy Leveraged Funds	\$113,533	\$447,855	\$765,035	\$1,086,811	\$879,798	\$3,293,031
Working Connections Child Care (WCCC)	\$41,632	\$164,767	\$283,446	\$400,014	\$318,259	\$1,208,117
Child Care Assistance Program (CCAP)	\$16,880	\$65,212	\$107,297	\$134,230	\$90,882	\$414,500
Child and Adult Care Food Program (CACFP)	\$38,383	\$186,212	\$419,965	\$696,168	\$588,042	\$1,928,770
<b>Total revenues</b>	<b>\$651,174</b>	<b>\$2,763,549</b>	<b>\$5,298,880</b>	<b>\$8,056,805</b>	<b>\$6,607,697</b>	<b>\$23,378,106</b>
Difference (Net Program Cost)	\$4,623,006	\$8,111,271	\$12,151,070	\$17,521,858	\$13,937,194	\$56,344,398
+ 3% contingency:	\$138,690	\$243,338	\$364,532	\$525,656	\$418,116	\$1,690,332
<b>TOTAL:</b>	<b>\$4,761,696</b>	<b>\$8,354,609</b>	<b>\$12,515,602</b>	<b>\$18,047,514</b>	<b>\$14,355,310</b>	<b>\$58,034,730</b>

Actual revenues and expenditures may vary depending on factors such as enrollment and the sliding scale fee schedule.

# ESTIMATED PROGRAM BUDGET

## Notes

1. A four-year levy would collect \$58,034,730 over four years (2015-2018), with approximately \$14.5 million collected annually. This budget represents how the funds collected will be invested over five calendar years (through the end of the 2018-19 school year). The 2019 budget represents eight months of expenditures (January through August 2019).
2. The 2015 budget assumes a full year of expenditures, including program ramp up costs in early 2015. The preschool program would begin at the start of the 2015-16 school year.
3. The budget assumes the following estimated number of children would be served through the 2018-19 school year:

	SY 2015-16	SY 2016-17	SY 2017-18	SY 2018-19
3-year-olds	90	259	461	660
4-year-olds	190	521	939	1,340
Total	280	780	1,400	2,000
Classrooms	14	39	70	100



# SLIDING SCALE FEE SCHEDULE

Household Income	HOUSEHOLD SIZE						
	2	3	4	5	6	7	8
\$30,000	Free	Free	Free	Free	Free	Free	Free
\$35,000	Free	Free	Free	Free	Free	Free	Free
\$40,000	Free	Free	Free	Free	Free	Free	Free
\$45,000	Free	Free	Free	Free	Free	Free	Free
\$50,000	\$875	Free	Free	Free	Free	Free	Free
\$55,000	\$963	Free	Free	Free	Free	Free	Free
\$60,000	\$1,200	\$1,050	Free	Free	Free	Free	Free
\$65,000	\$1,950	\$1,138	Free	Free	Free	Free	Free
\$70,000	\$2,450	\$1,225	Free	Free	Free	Free	Free
\$75,000	\$2,813	\$1,500	\$1,313	Free	Free	Free	Free
\$80,000	\$3,000	\$2,400	\$1,400	Free	Free	Free	Free
\$85,000	\$3,825	\$2,975	\$1,488	\$1,488	Free	Free	Free
\$90,000	\$4,050	\$3,150	\$1,800	\$1,575	Free	Free	Free
\$95,000	\$4,275	\$3,563	\$1,900	\$1,663	Free	Free	Free
\$100,000	\$4,750	\$3,750	\$3,000	\$1,750	\$1,750	Free	Free
\$105,000	\$4,988	\$4,725	\$3,675	\$2,100	\$1,838	Free	Free
\$110,000	\$5,225	\$4,950	\$4,125	\$2,200	\$1,925	\$1,925	Free
\$115,000	\$5,463	\$5,175	\$4,313	\$3,450	\$2,013	\$2,013	Free
\$120,000	\$10,173	\$5,400	\$4,500	\$4,200	\$2,400	\$2,100	Free
\$125,000	\$10,173	\$5,938	\$5,625	\$4,375	\$2,500	\$2,188	\$2,188
\$130,000	\$10,173	\$6,175	\$5,850	\$4,875	\$3,900	\$2,600	\$2,275
\$135,000	\$10,173	\$6,413	\$6,075	\$5,063	\$4,725	\$2,700	\$2,363
\$140,000	\$10,173	\$6,650	\$6,300	\$5,250	\$4,900	\$2,800	\$2,450
\$145,000	\$10,173	\$6,888	\$6,525	\$5,438	\$5,075	\$4,350	\$2,900
\$150,000	\$10,173	\$7,125	\$7,125	\$6,750	\$5,625	\$4,500	\$3,000
\$155,000	\$10,173	\$10,173	\$7,363	\$6,975	\$5,813	\$5,425	\$3,100
\$160,000	\$10,173	\$10,173	\$7,600	\$7,200	\$6,000	\$5,600	\$3,200
\$165,000	\$10,173	\$10,173	\$7,838	\$7,425	\$6,188	\$5,775	\$4,950
\$170,000	\$10,173	\$10,173	\$8,075	\$7,650	\$7,650	\$6,375	\$5,950
\$175,000	\$10,173	\$10,173	\$8,313	\$8,313	\$7,875	\$6,563	\$6,125
\$180,000	\$10,173	\$10,173	\$8,550	\$8,550	\$8,100	\$6,750	\$6,300
\$185,000	\$10,173	\$10,173	\$10,173	\$8,788	\$8,325	\$6,938	\$6,938
\$190,000	\$10,173	\$10,173	\$10,173	\$9,025	\$8,550	\$8,550	\$7,125
\$195,000	\$10,173	\$10,173	\$10,173	\$9,263	\$8,775	\$8,775	\$7,313
\$200,000	\$10,173	\$10,173	\$10,173	\$9,500	\$9,500	\$9,000	\$7,500

The Sliding Scale Fee illustrates the approximate annual tuition fees families will pay on a per child basis. Additional detail regarding the underlying sliding scale fee assumptions are detailed in the fiscal note. The adopted sliding scale fee may be modified over time via ordinance to account for any changes in program costs and provider reimbursement rates.

# ACKNOWLEDGEMENTS

Mayor Murray would like to acknowledge the hard work and dedicated planning that has gone into creating this Action Plan.

## **Special thanks to:**

**Seattle City Council President Tim Burgess**

**BERK Consulting**

**Dr. Ellen Frede, Acelero Learning**

**Dr. W. Steven Barnett, National Institute for Early Education Research**

**John Bancroft, Columbia City Consulting**

**Tracey Yee, Columbia City Consulting**

### **Staff from:**

Mayor's Office, City of Seattle

Seattle City Council, City of Seattle

Office for Education, City of Seattle

City Budget Office, City of Seattle

Human Services Department, City of Seattle

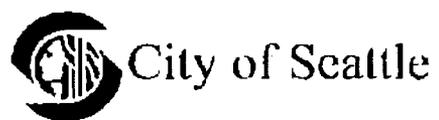
Public Health - Seattle & King County

Seattle Public Schools

Washington State Department of Early Learning

The City also extends its appreciation to the Seattle Early Education Collaborative and the Seattle early learning community for their continued support and cooperation.







**City of Seattle**  
**Edward B. Murray**  
**Mayor**

May 27, 2014

Honorable Tim Burgess  
President  
Seattle City Council  
City Hall, 2<sup>nd</sup> Floor

Dear Council President Burgess:

I am pleased to transmit the attached proposed Council Bill requesting a proposition be put forth to the voters to lift the property tax limit and levy additional taxes for the purpose of providing high-quality preschool services in Seattle. The Seattle Preschool Program Levy (levy) would generate \$58,266,518 over four years for the purpose of providing accessible, high-quality preschool services for Seattle's three- and four-year-old children to improve their readiness for school and to support their subsequent academic achievement. The proceeds from the levy would be invested in five areas including school readiness, program support, capacity building, research and evaluation, and administration. Over time, the ultimate goal of these investments is to ensure all of Seattle's children have the opportunity to thrive in school and life.

We now know that disparities linked to family income and race evident early in life can persist throughout a student's academic career. Here in Washington, the Washington Kindergarten Inventory of Developing Skills (WaKIDS) is used to gather information about children's developing skills as they enter kindergarten. Observations are completed in six domains: social-emotional, physical, language, cognitive, literacy, and math. WaKIDS data show that of the over 38,000 children who were assessed in the 2013-14 school year, almost 60% of children entered kindergarten below expected levels in one or more of these domains and almost 29% were below expected levels in three or more domains. Deficits were more pronounced for children from low-income families than peers from higher-income families. Due at least in part to this preparedness gap, in Seattle today, economic and racial disparities persist in third grade reading levels, fourth grade math levels, and high school graduation rates. Until race and family income no longer predict aggregate school performance, investments must be made to ameliorate these inequities. Research shows that attending a high-quality preschool program can make a positive difference in a child's life, irrespective of the child's socioeconomic background, race, or gender. For this reason and others, I am dedicated to ensuring all children have high-quality early learning opportunities.

I believe implementing the Seattle Preschool Program will be one of the most important things we can achieve together during my time as Mayor. Lessons learned through the four-year demonstration phase of the Seattle Preschool Program will guide our actions in coming years as we work toward achieving our goal of expanding access to affordable, high-quality preschool to Seattle's three- and four-year-olds. Thank you for your consideration of this legislation. Should you have questions, please contact Holly Miller, Director, Office for Education, at 684-4508.

Sincerely,

Edward B. Murray  
Mayor of Seattle

cc: Honorable Members of the Seattle City Council

Office of the Mayor  
Seattle City Hall, 7<sup>th</sup> Floor  
600 Fourth Avenue  
PO Box 94749  
Seattle, Washington 98124-4749

Tel (206) 684-4000  
Fax: (206) 684-5360  
Hearing Impaired use the Washington Relay Service (7-1-1)  
[www.seattle.gov/mayor](http://www.seattle.gov/mayor)  
Appendix 123





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## Pre-K: Tidbits for Reporters

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Johnson, Graham (CMG-Seattle) <GJohnson@kirotv.com>

Tue, Jul 29, 2014 at 10:46 AM

To: Early Success <yes4earlysucces@gmail.com>

Yes – here is the release. We’re in the Rainier Valley for this event. Can we come interview you immediately afterward?

Thanks!

Graham

Media Advisory:

FOR IMMEDIATE RELEASE

Contact: Sandeep Kaushik, (206) 355-9230

PRE-K PRESS CONFERENCE THIS MORNING:

Seattle Mayor Ed Murray, former Mayor Norm Rice, Council President Tim Burgess and Early Childhood Education Leaders Will Hold Press Conference to Launch Campaign to Pass City Pre-K Plan on November Ballot

City plan to provide free or subsidized pre-K for thousands of Seattle kids implements high quality standards and is fully funded, unlike I-107, an incompatible plan also on the November ballot

Seattle Mayor Ed Murray will be joined by former Mayor Norm Rice, City Council President Tim Burgess and early education leaders to launch the campaign to pass the City's carefully targeted plan on the November ballot to create a high-quality preschool system for Seattle's kids.

Voters will have to choose this November between the City plan and an incompatible and unfunded alternate plan, I-107, which would reduce quality standards and could cost the City more than \$100 million a year to implement.

Other speakers will include preschool education experts and providers: Erica Mullen, Executive on Education Initiatives at the YMCA, and Dominique Alex, Executive Director of Children's Home Society Early Learning Center, which is hosting the event.

Details of the event are as follows:

Seattle Pre-K Campaign Launch Press Conference

Tuesday, July 29 11 am

Children's Home Society Early Learning Center

3700 S Genesee St.

Seattle

**From:** Early Success [mailto:yes4earlysuccess@gmail.com]

**Sent:** Tuesday, July 29, 2014 10:44 AM

**To:** Johnson, Graham (CMG-Seattle)

**Subject:** Fwd: Pre-K: Tidbits for Reporters

[Quoted text hidden]



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King County Elections  
919 Southwest Grady Way  
Renton, WA 98057-2906

206-296-VOTE  
TTY: Relay: 711  
FAX: 206-296-0108

Hours:  
Weekdays 8:30 a.m. - 4:30 p.m.

### November 4, 2014 General And Special Election

#### City of Seattle

Simple Majority as to the first question; if first question is approved, then the option with the most votes as to second question (Seattle City Charter, article IV)

#### Proposition Numbers 1A and 1B

Proposition 1A (submitted by Initiative Petition No. 107) and Proposition 1B (alternative proposed by the City Council and Mayor) concern early learning programs and providers of such services for children.

Proposition 1A (Initiative 107) would establish a \$15 minimum wage for childcare workers (phased in over three years for employers with under 250 employees); seek to reduce childcare costs to 10% or less of family income; prohibit violent felons from providing professional childcare; require enhanced training and certification through a training institute; create a workforce board and establish a fund to help providers meet standards; and hire an organization to facilitate communication between the City and childcare workers.

As an alternative, the Seattle City Council and Mayor have proposed Proposition 1B (Ordinance 124509), which would fund the four-year initial phase of a City early learning program with the goal of developing a widely-available, affordable, licensed, and voluntary preschool option. The Ordinance requires support, training and certification for teachers. The program uses research-based strategies, includes evaluation of results, and provides tuition support. This proposition authorizes regular property taxes above RCW 84.55 limits, allowing additional 2015 collection of up to \$14,566,630 (approximately 11¢ per \$1,000 assessed value), totaling \$58,266,518 over four years.

1. Should either of these measures be enacted into law?

Yes

No

2. Regardless of whether you voted yes or no above, if one of these measures is enacted, which one should it be?

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### EXPLANATORY STATEMENT

This measure presents voters with two questions. The first question is whether either of the two alternative propositions, both of which concern early learning and providers of such services for children, should be adopted. The second question is which of the two alternative propositions should be adopted. If a majority of voters voting on the first question vote "No," then neither alternative proposition will be adopted. If a majority of voters voting on the first question vote "Yes," then the alternative proposition receiving the greatest number of votes in the second question will be adopted. Voters may vote on the second question regardless of how they voted on the first question. The explanatory statement for each of the alternative propositions appears on the next page of this voters' pamphlet.

#### Explanatory Statement – 1A:

Currently, state law requires most child care providers to be licensed and disqualifies individuals with certain criminal convictions. The City of Seattle does not currently license or regulate early

learning and child care services. Proposition 1A would adopt certain local regulations for providers of such services within Seattle. Child care providers are defined to include all early learning/preschool providers, including any City preschool program providers.

Current law mandates a \$15/hr. minimum wage for most Seattle employees to be phased in over three to seven years beginning April 1, 2015. Proposition 1A would change that schedule for early learning and child care teachers and staff, creating a separate schedule for workers in these categories, to be phased in over three years for certain employers beginning January 1, 2015.

Proposition 1A would also require implementation of a policy that no family should pay more than 10% of gross family income on early education and child care, and prohibit individuals with certain criminal convictions from providing child care in unlicensed facilities.

Proposition 1A would also require the City to hire a "Provider Organization" to facilitate communications between the City and child care teachers and staff. To be selected, an entity must have existed for more than 5 years, have successfully negotiated an agreement with a governmental entity on behalf of child care teachers and staff, not be dominated by advocates for employer or government interests, and offer membership to teachers and staff.

Proposition 1A would also require creation of a "Professional Development Institute" that must be funded by the City and be jointly controlled and operated by the City and the Provider Organization. Early learning and child care teachers and staff would have to obtain training and certification through the Institute.

Proposition 1A would also create a "Workforce Board" to recommend policy and investment priorities for the training of child care teachers and staff, to oversee the Professional Development Institute, and to oversee a Small Business Early Childhood Resource Fund created to help small and nonprofit child care providers meet the Initiative's requirements. The Mayor and the Provider Organization would each appoint half of the Board.

Proposition 1A would also allow certain persons to sue the City to enforce its terms and entitle such persons to attorney's fees and costs if the City is found in violation.

Proposition 1A provides no funding sources for the Professional Development Institute, the Small Business Early Childhood Resource Fund, or to hire a Provider Organization.

**Explanatory Statement – 1B:**

Currently, the City of Seattle is served by private preschool and child care providers licensed and regulated by the state. Proposition 1B would adopt the City Council and Mayor's proposed comprehensive approach to City-supported preschool and approve a property tax increase to fund the program for four years. The City's preschool program would be voluntary and would serve 3- and 4-year-olds, providing free tuition for families at or below 300% of the federal poverty level and setting tuition on a sliding scale for other families, with some level of subsidy for all families. The City would contract for preschool services with eligible providers licensed for safety and certified for quality. The levy would allow 2015 collection of up to \$14,566,630 (approximately 11 cents per \$1,000 assessed value) and \$58,266,518 over four years.

Major program elements would include training for directors, supervisors, and teachers, including embedded professional development, coaching and mentoring; tuition support and degree pathway advising for teaching staff; external, independent evaluation of program implementation and outcomes; creation of data systems; quality assurance; and reporting. The City would facilitate communications with teachers and staff, parents and guardians, and other relevant parties.

An Oversight Committee would be established to make formal recommendations on program design, including teacher professional development and training, and funding and to monitor progress. The program would be subject to independent evaluation and reporting requirements. The City would determine the most appropriate manner to effectuate the preschool program, including ways to address economic, cultural and linguistic barriers to participation and ways to be responsive to the specific needs of low income, immigrant and refugee communities, and communities of color. The City Council may amend the program as necessary.

**For questions about this measure, contact:** Wayne Barnett, Director, Seattle Ethics and Elections Commission, 206-684-8577, [wayne.barnett@seattle.gov](mailto:wayne.barnett@seattle.gov)

**Statement For**

**Statement Against**

**1A Pro Statement:**

**1A Con Statement:**

**Seattle is facing a childcare crisis, and kids pay the real price when parents can't afford to pay and teachers can't afford to stay in their jobs.**

**Seattle Proposition 1A: The Wrong Approach**

Seattle Proposition 1A provides **no funding** to help families struggling to pay for quality preschool and **no funding** for improved teacher training to make sure Seattle's kids get the high

**Only Citizen's Initiative 107 helps kids by**

**working toward more affordable**

**childcare:** Quality, licensed childcare now costs Seattle families more than in-state tuition at the University of Washington. Single mothers pay up to 52% of their income on licensed childcare. Only Initiative 107 requires City Hall to work with the community to develop goals and a timeline for addressing this crisis.

**Only Citizen's Initiative 107 helps kids by reducing teacher turnover.** Due to low wages and erratic training, up to 38% of our children's caregivers leave their jobs each year. **This is most harmful to children in critical early developmental stages.** Leading national research shows children who experience consistency in their caregivers are significantly better prepared to succeed in school and life.

**Only Citizen's Initiative 107 raises standards for all of Seattle's young children.**

- Ensures all of Seattle's 4,500 licensed teachers receive needed world-class training and a \$15.00 per hour minimum wage.
- Sets a long-term goal of reducing childcare costs to 10% of a family's income.
- Improves safety standards by prohibiting violent felons from providing childcare (licensed or unlicensed).
- Establishes a training advisory board that includes parents and teachers who know firsthand the challenges of affordable, high quality childcare.

**Only Citizen's Initiative 107 is affordable.** By making efficient and strategic reforms to our existing system, only Initiative 107 helps more kids without raising property taxes. Leveraging private, federal and state funds – Initiative 107 is estimated to cost half that of City Hall's plan, while reaching five times the number of teachers and children they teach.

**Only Citizen's Initiative 107 was developed by parents, teachers and experts who know early learning starts at birth.** Only Initiative 107 addresses the needs of our children, from birth to school age, instead of waiting until a child turns three years old.

**Supported by those we trust.**

Washington Community Action Network; Ages in Stages Childcare and Preschool; Tiny Tots Development Center; CARE: Culturally Appropriate and Responsive Education Center; Economic Opportunity Institute; American Federation of Teachers, Seattle; SEIU Washington State Council; Working Washington -- and many more parents, teachers, education experts, childcare centers, elected officials, unions and community organizations. More at [www.YesforEarlySuccess.com](http://www.YesforEarlySuccess.com).

quality pre-school they deserve. What it does include are huge unfunded mandates that will force the City to cut other critical services because you can't get something for nothing.

**Threatens Huge Cuts to Other City Services**

The City of Seattle Budget Office estimates that if fully implemented **Proposition 1A will cost the City about \$100 million per year**, far more than the entire human services budget. And because Prop 1A has no funding source, it would require a 10 percent across-the-board cut to City services, including police and fire.

**Costly Mandates, No Funding**

All of us want to provide the best opportunities for Seattle pre-schoolers, but Prop 1A is completely incompatible with the goals of providing high quality, student-centered early education to those who need it most—while also protecting critical city services. There is a reason respected organizations like the YMCA of Greater Seattle, other local care providers, Tabor 100, Save the Children Action Network, Seattle Firefighters Local 27 and the King County Labor Council support the City-sponsored measure and not Prop 1A: 1A imposes costly mandates on City government while failing to address the fundamental need to provide proven, quality pre-k to Seattle's kids.

**Focused on Adults, Not Kids**

Prop 1A was written by special interests who stand to gain from its passage. It requires childcare teachers and staff to get certification through a training institute paid for by taxpayers but controlled by the two outside groups sponsoring this initiative. It diverts scarce resources to benefit those organizations instead of focusing on what's best for Seattle kids and it reduces quality standards compared to the City-backed measure. That's another reason why the City measure, not Prop 1A, is supported by care providers, unions, and education leaders like former Mayor Norm Rice.

**Don't Be Fooled By Misleading Promises**

Prop 1A supporters mislead the public when they say this is about raising wages. Childcare workers will already get \$15 an hour and paid sick leave under new City laws.

**We can't afford an unfunded, misguided plan that diverts resources away from critical public priorities. Please Vote NO on Prop 1A!**

**1B Con Statement:**

Propositions 1A (Citizen's Initiative 107) and 1B (City Hall's plan) **together** create a more affordable, accessible, and high quality early learning system for Seattle's families. Unfortunately, City Hall has wrongly pitted these two ballot measures against each other. **While most of us can agree on the goal of universal preschool, it is critical to get it right.**

**City Hall's plan is too narrow for its price tag.** Too many children in Seattle are already falling behind in school, and the numbers are significantly worse for children of color and low

**Support higher quality, more affordable childcare in Seattle.**

**Vote for Proposition 1A: Citizen's Initiative 107!**

**1B Pro Statement:**

**VOTE YES for City of Seattle Preschool Program – Proposition 1B!**

Providing quality preschool for children across Seattle regardless of economic circumstance is one of the most important things we can do as a city. We need a program that focuses on the well being of our kids, which includes high quality standards, and is fully funded. The City of Seattle's preschool program (Proposition 1B), supported by Mayor Murray, the City Council, early education experts and respected providers is the only ballot measure that meets that test.

**Good for Our Kids**

Nearly a quarter of Seattle schoolchildren fall behind by grade three, and the numbers are worse for children of color, low income and immigrant kids. We can fix this problem – kids who experience quality preschool have better high school and college graduation rates, lower levels of behavioral problems, and have greater economic success as adults. Providing quality preschool in facilities licensed for safety will ensure our kids enter kindergarten ready to learn.

The targeted, voluntary Seattle Preschool Program makes quality preschool an affordable reality for Seattle's 3- and 4-year old children. Unlike the competing plan, Prop 1B establishes strong quality standards to ensure kids learn the skills they need to succeed in the K-12 system.

**A Realistic, Fully Funded Plan**

The Seattle Preschool Program (Proposition 1B) is funded with a modest property tax levy of about \$43 a year for a family living in a \$400,000 home. This investment funds preschool for 3- and 4-year-olds using a sliding payment scale and provides subsidies to families based on financial need, making preschool free for 4-person households making up to \$71,000 per year.

The opposing plan includes many costly mandates but doesn't provide any funding for these new requirements or to assist those families struggling to afford preschool. Also unlike the competing plan, Proposition 1B funds training and skills development for participating preschool teachers to help them meet the program's standards, and ensures those teachers earn salaries comparable to elementary school teachers.

**Broad Support for the Seattle Plan**

The City proposal is the result of an inclusive process that unites the Mayor, City Council, providers, Tabor 100, Washington State Association of Head Start and

income and immigrant families. Parents and teachers know that learning starts at birth. City Hall's plan leaves too many behind by reaching only 100 teachers, and only 2,000 of the 34,000 Seattle children under the age of five.

**City Hall's plan restricts the choice of parents** by creating only a small number of classrooms with rigid curriculum guidelines for the whole city.

**City Hall's plan drives out experienced teachers** with decades of experience by placing new burdensome regulations on caregivers.

**City Hall's plan does nothing to address affordability** of childcare. Seattle families pay \$40,000 on childcare in the first five years of their child's life. Quality early childcare is out of reach for too many kids.

**Citizen's Initiative 107, an affordable alternative to City Hall's plan, gets it right by raising standards for all of Seattle's 4,500 licensed teachers, working toward lowered childcare costs for all families, and fostering high quality care for all of our city's children.** Citizen's Initiative 107 is estimated to cost half that of City Hall's plan, while reaching five times the number of teachers and children they teach.

Seattle needs a solution that addresses the number one issue facing kids: inconsistent care and teacher turnover. Each year, 38% of early childhood educators leave the field. Seattle's childcare system needs professional development that supports and guides teachers and care providers—and involves early educators and parents from the start.

**Join parents, teachers and community organizations in supporting the only proposal that raises standards for all of Seattle's children – Citizen's Initiative 107!**

**Rebuttal Of Statement For**

**1A Con Rebuttal:**

Contrary to proponents' self-serving spin, **Proposition 1A (I-107) is deeply flawed and irresponsible, creating hundreds of millions in additional public costs without providing any way to pay for them.**

Unlike 1B, which is voluntary, carefully targeted preschool that ramps up over time to ensure effective, quality instruction for kids, **Proposition 1A is overly broad, even covering many non-preschool programs, adding huge additional costs.** That's not quality preschool.

1A forces all providers into a training system controlled by two unions sponsoring Prop 1A, with **Seattle taxpayers on the hook for the costs.** Don't get snookered by proponents' self-serving "estimate"—the non-partisan, publicly available Seattle Budget Office fiscal analysis finds **1A imposes costs of about \$100 million a year, requiring deep cuts in other City services to fund.**

That's why the King County Labor Council

ECEAP, the YMCA and dozens of other respected organizations. Proposition 1B is the only preschool plan endorsed by the King County Labor Council.

**Let's ensure all Seattle kids have the chance to succeed. Vote YES on Prop 1B!**

#### **Rebuttal of Statement Against**

##### **1A Pro Rebuttal:**

Instead of manufacturing conflict, let's work together to find the most cost effective ways to do what's best for all of Seattle's kids.

- City Hall's top-down plan requires \$58 million in new property taxes and only reaches 6% of Seattle's kids under 5.
- I-107 – estimated to cost as little as \$3 million to implement – is **cost effective**, requiring no new taxes and addresses quality and affordability of care for 100% of Seattle's kids.
- I-107 is **collaborative**, not top-down like City Hall's plan. A parent-teacher-expert board will recommend high quality childcare standards for approval by City Council.
- I-107 is **innovative**, establishing a private-public partnership and training program to leverage existing monies from federal, state, and private funding sources.
- I-107 is **endorsed** by parents, preschool teachers, childcare experts and organizations we know and trust, not political insiders and big business.

Vote for Prop1A, I-107.

**Submitted by:** Patricia Bailey, Laura Chandler, and Katherine Green - [www.yesforearlysuccess.com](http://www.yesforearlysuccess.com)

##### **1B Pro Rebuttal:**

**Unlike 1B (the City proposal), Proposition 1A (I-107) is unfunded and unaffordable.**

A progressive, child-focused plan, 1B has sole endorsements from Mayor Murray, former Mayor Norm Rice, early learning experts, King County Labor Council, the YMCA and many neighborhood providers.

**Proposition 1B is the only funded preschool plan**, the only one that provides money for teacher training, and the only one that's voluntary for parents and providers. In contrast, **1A includes unaffordable mandates – costing around \$100 million per year, six times the cost of 1B – and provides no money to pay for them.**

Prop 1B is carefully targeted at three and four year-olds, because we can have the greatest impact at these ages. **1A is so poorly written and overly broad it opens the City to lawsuits to pay costs for non-**

**didn't endorse Proposition 1A, instead backing Proposition 1B.** Please reject this irresponsible, unaffordable measure. Choose 1B instead.

**Submitted by:** Bob Gilbertson and Sarah Morningstar - [www.qualityseattlepreschool.com](http://www.qualityseattlepreschool.com)

##### **1B Con Rebuttal:**

Both Proposition 1A and 1B are good for kids. The differences come down to cost, collaboration and community support.

- Cost City Hall's top-down plan requires \$58 million in new property taxes and reaches 6% of Seattle's kids under 5.
- I-107 – estimated to cost as little as \$3 million to implement – is **cost effective**, requiring no new taxes and addresses quality and affordability of care for 100% of Seattle's kids.
- I-107 is **collaborative**, not top-down like City Hall's plan. A parent-teacher-expert board will recommend high quality childcare standards for approval by City Council.
- I-107 is **innovative**, establishing a private-public partnership and training program to leverage existing monies from federal, state, and private funding sources.
- I-107 is **endorsed** by parents, preschool teachers, childcare experts and organizations we know and trust, not political insiders and big business.

Vote for Prop1A, Citizen's Initiative107.

**Submitted by:** Vincent Duffy, Lauren Tozzi, and Vonzella Avery - [www.yesforearlysuccess.com](http://www.yesforearlysuccess.com)

**preschool programs**— not the targeted,  
quality preschool we need.

1B is the best option for Seattle's kids. Vote  
Yes!

**Submitted by:** Norm Rice, Maggie Burgess,  
and Calvin Lyons -  
[www.qualityseattlepreschool.com](http://www.qualityseattlepreschool.com)

**Complete Text of Resolution**

[Download the full text of Resolution 31530](#)



**Information for...**

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Residents  
Businesses  
Job seekers  
Volunteers  
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Only 1

Measure Actually

Expands  
Preschools

in Seattle.



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2000 L Street NW, Suite 500, Washington, DC 20036



**Save the Children**  
Action Network

2000 L Street NW, Suite 500  
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SCS 1406.

Save the Children Action Network is a 501(c)(4) organization.



SUPPORT STRONG PRESCHOOL:

**VOTE 1B**

29351 0 508

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\*\*\*\*\*ECRLOT\*\*C 003

# ONLY PROP. 1B EXPANDS & FUNDS HIGH-QUALITY PRESCHOOL

Of the two preschool propositions on the ballot, only **Proposition 1B** actually expands and funds a network of high-quality preschools throughout Seattle.

Proposition 1A does not expand access to preschool for Seattle's children. And because the plan is unfunded, it will result in cuts of up to \$100 million to critical city services if it passes.

**Proposition 1B** actually funds preschool expansion for all Seattle kids. It is modeled on proven, successful programs in other cities that boosted kids' language, literacy, and math abilities up to one year ahead of children not in those programs.<sup>1</sup>

With **Proposition 1B**, we get more inspirational teachers, safer learning environments, and child care for working parents. Proposition 1B is the right investment for Seattle's next generation.

Check the Facts: 1) *Seattle Times*, 10/8/14

Appendix 133

# ONLY 1

## BALLOT PROPOSITION WILL EXPAND PRESCHOOL



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Appendix 134

2000 L Street NW, Suite 500  
Washington, DC 20036

SCS 1407

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26351 505 0 1

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# ONLY PROP. 1B

## EXPANDS AND FUNDS HIGH-QUALITY PRESCHOOL

Of the two preschool propositions on the ballot, only Proposition 1B actually expands and funds a network of high-quality preschools throughout Seattle.

Proposition 1A does not expand access to preschool for Seattle's children. And it would result in cuts of up to \$100 million to city services if it passes.

Proposition 1B actually funds preschool expansion for all Seattle kids. It is modeled on proven, successful programs in other cities that boosted kids' language, literacy, and math abilities up to one year ahead of children not in those programs.<sup>1</sup>

With Proposition 1B, we get more inspirational teachers, safer learning environments, and child care for working parents. Proposition 1B is the right investment for Seattle's next generation.

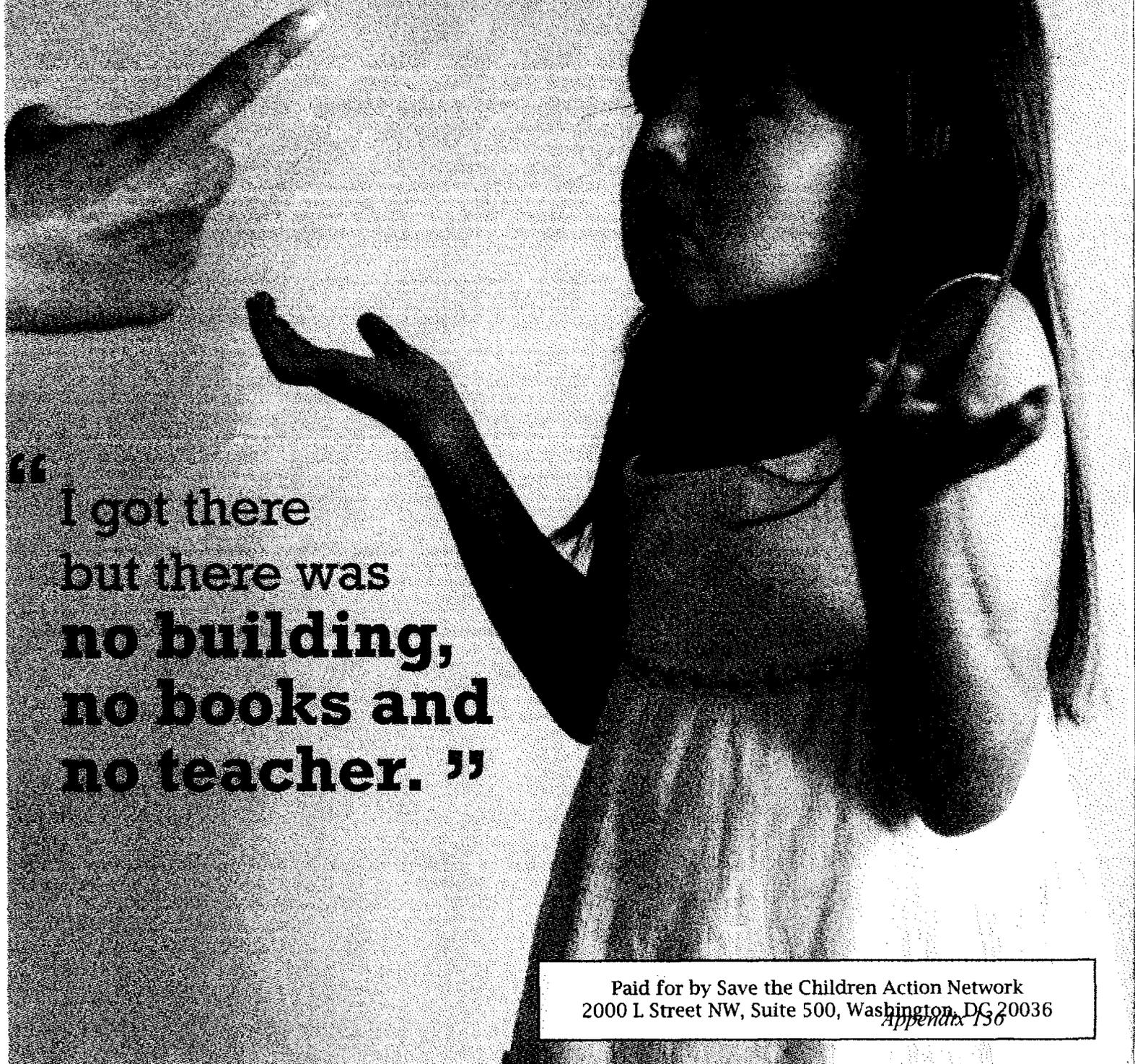
Check the Facts:

1) *Seattle Times*, 10/8/14

**SUPPORT STRONG  
PRESCHOOL: VOTE 1B**  
*Appendix 133*



**“ Why  
aren't you  
in school? ”**



**“ I got there  
but there was  
no building,  
no books and  
no teacher. ”**

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2000 L Street NW, Suite 500, Washington, DC 20036

*Appendix 136*

2000 L Street NW, Suite 500  
Washington, DC 20036

SCS 1401

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29351 508 0 1

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US POSTAGE  
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PRESS



\*\*\*\*\*ECRLOT\*\*C 003

# Funding Preschool Will Make It a Reality



It's important that Seattle is working toward providing every child with early childhood education. After all, by the time children reach age five, their brains are 90% developed.

But you have two choices on the ballot. Prop. 1A is a nice idea, but it doesn't put any money toward expanding preschool. So, if we don't fund it, how will kids have buildings, teachers, and books? Seattle would have to cut \$100 million from other services like transit and public safety.

**Proposition 1B will actually fund preschool and make it a reality for Seattle kids.** It will pay

for the amazing teachers who will inspire our kids, invest in books that challenge them, and provide safe learning environments.

Investing in Seattle's children now is critical to building an educated workforce and a strong economy later. Prop. 1B makes those investments, and we all win.



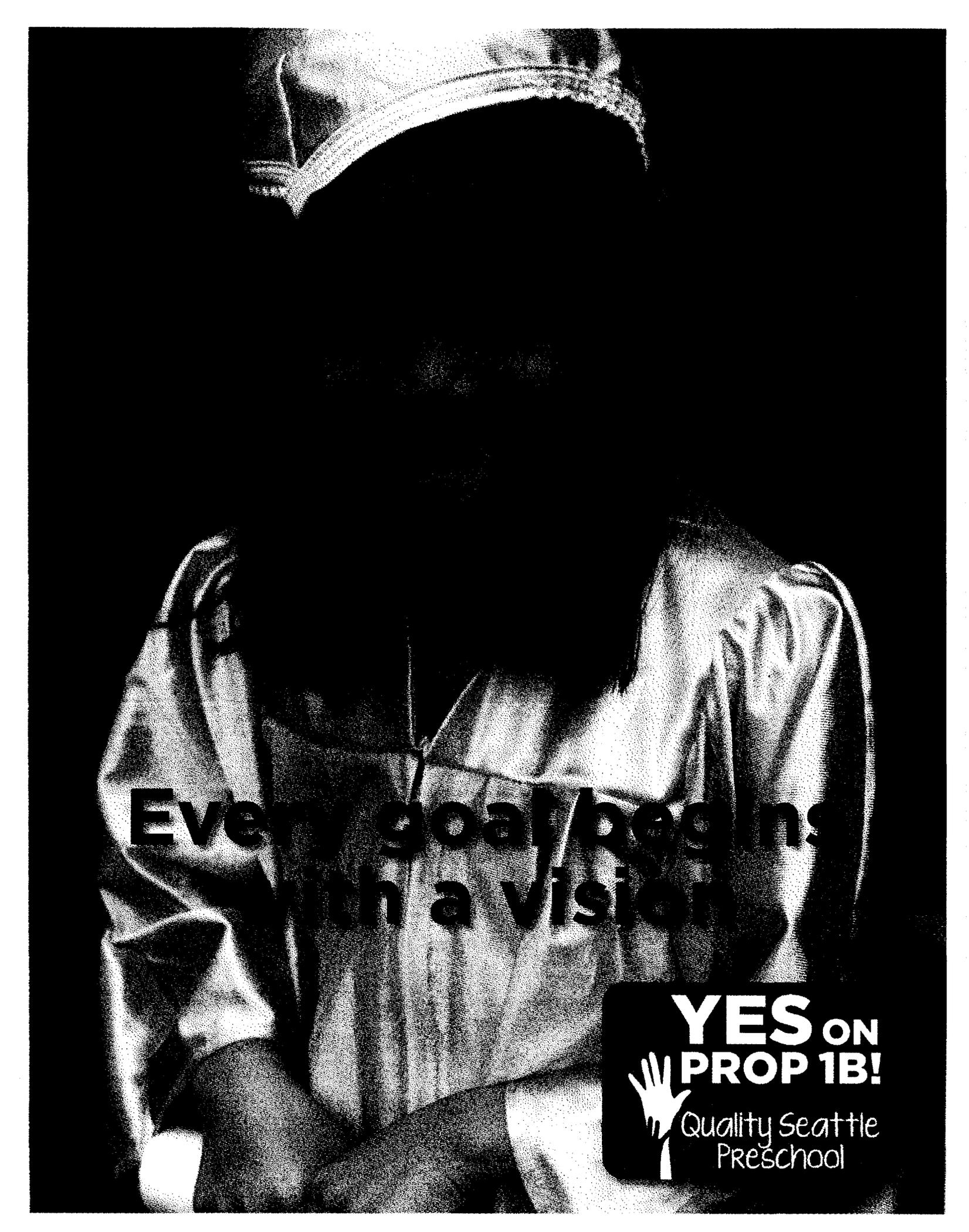
**Proposition 1B is endorsed by organizations you trust, like Head Start, the YMCA, the Boys and Girls Clubs, and the United Way.**

@SCActionNetwork



SaveTheChildrenActionNetwork

# Vote for



**Every goal begins  
in a vision.**

**YES ON  
PROP 1B!**



Quality Seattle  
Preschool

# Only Proposition 1B Path to Quality,

## **A STEP FORWARD FOR SEATTLE KIDS**

Right now, over 25% of Seattle 3 and 4 year olds enter kindergarten at a disadvantage that can impact future success. Proposition 1B is a funded, thoughtful program to address this challenge.

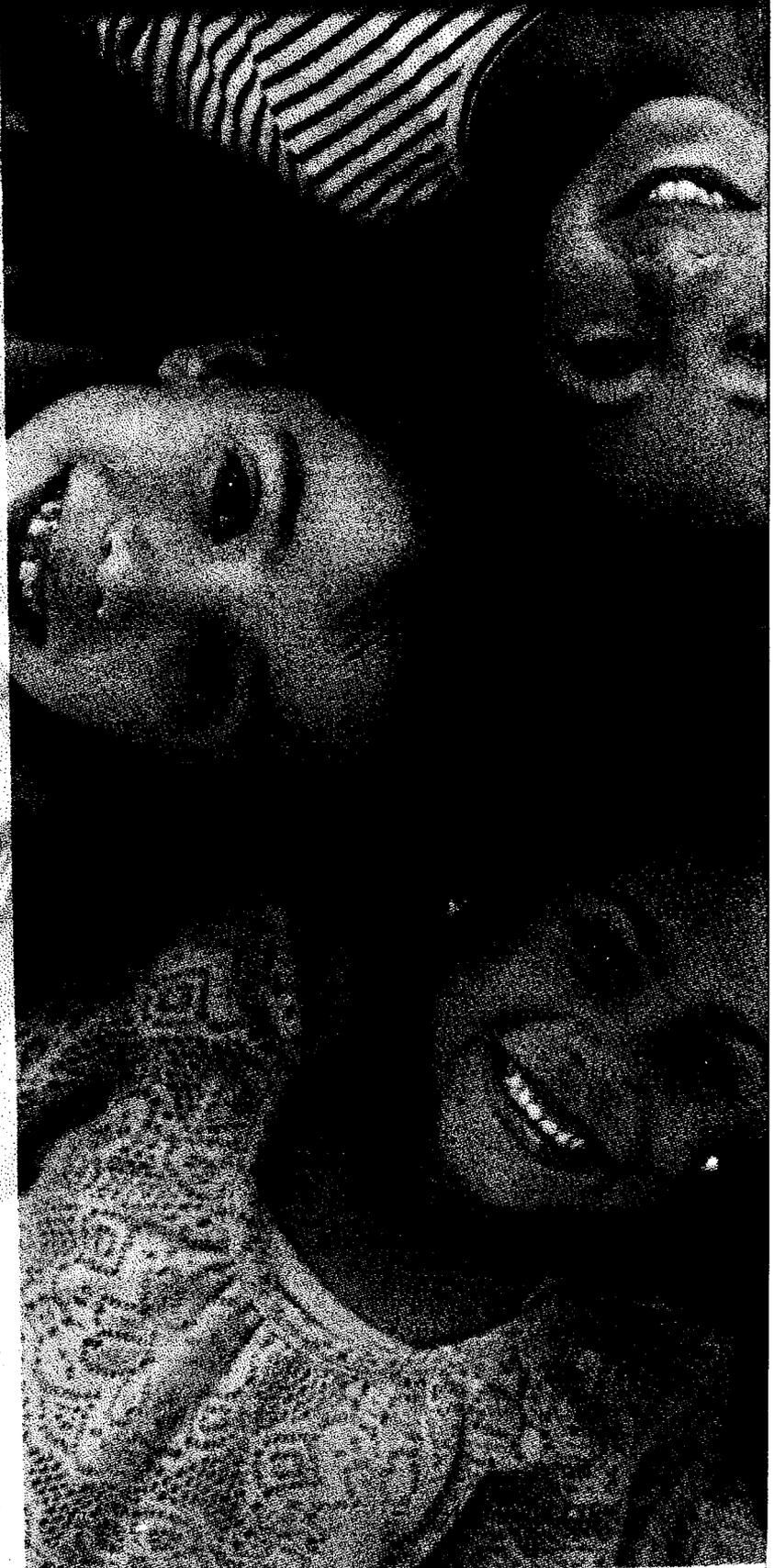
1B will IMMEDIATELY establish affordable, high quality pre-K for Seattle kids, at a sliding scale to help families afford the education our kids deserve.

## **A GOAL WE CAN ACHIEVE**

Because 1B is phased-in and flexible, it is the **ONLY** plan that will deliver on the promise for early education. The alternative is unfunded— not one dollar for classroom support or financial relief— and isn't focused on quality early learning.

## **A PLAN FOR FUTURE SUCCESS**

Because 1B uses the latest research from UW and national experts, results can be measured and the program improved as it expands.



# Prop 1B Sets Seattle on a Universal Pre-K

**YES ON  
PROP 1B!**  
Quality Seattle  
Preschool

## SELECT ENDORSEMENTS:



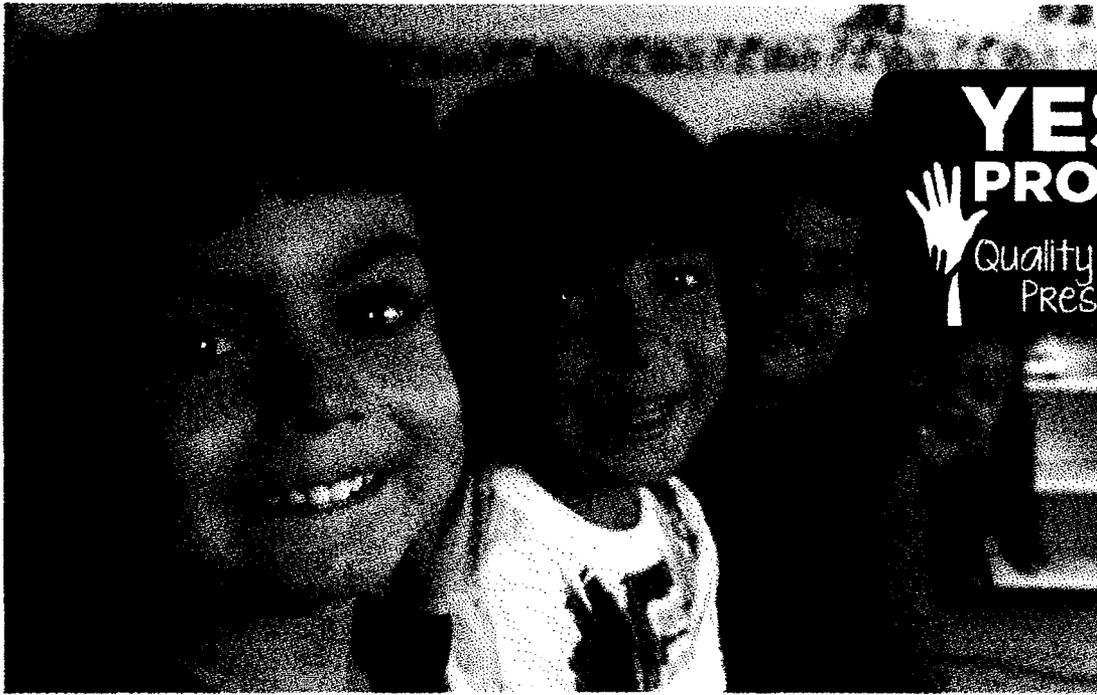
**ADDITIONAL ORGANIZATIONS**  
Atlantic Street Center  
Child Care Resources  
Childcare Directors Association of Greater Seattle  
Denise Louie Early Education Center  
Kids Co.  
League of Education Voters  
Neighborhood House  
Tabor 100  
Rainier Scholars  
Save the Children Action Network  
Seattle Human Services Coalition

Seed of Life Center for Early Learning and Preschool  
Solid Ground  
Wellspring Family Services  
34th and 43rd District Democrats  
King County Young Democrats  
West Seattle Democratic Women  
**ELECTED AND EDUCATION LEADERS**  
Mayor Ed Murray  
City Council Members Tim Burgess, Sally Clark, Sally Bagshaw, Bruce Harrell, Jean Godden, Tom Rasmussen

Former Mayors Norm Rice, Charles Royer  
Former City Council Members David Della, Dolores Sibonga, Peter Steinbrueck  
State Legislators Jamie Pedersen, Eileen Cody, Brady Walkinshaw, Jessyn Farrell, Ruth Kagi, Gael Tarleton  
King County Council Members Joe McDermott, Rod Dembowski  
Former King County Executive Ron Sims  
Seattle School Board Member Stephan Blandford  
Seattle School Board Member Sherry Carr

Seattle School Board Member Harlum Martin-Morris  
Michael Young, President, University of Washington  
Elson Floyd, President, Washington State University  
Steven Sundborg, President, Seattle University\*  
Dan Martin, President, Seattle Pacific University\*  
Jill Wakefield, Chancellor, Seattle Colleges\*

*\*Individual endorsement, title for identification purposes only.*



**YES ON  
PROP 1B!**  
Quality Seattle  
Preschool

Paid for by Quality Pre-K  
for Our Kids, 3518 Fremont Ave N #545,  
Seattle WA 98103 Top 5 Contributors:  
Matt Griffin, Christopher Larson,  
Howard S. Wright III, Save The Children  
Action Network, Nick Hanauer



**The goal of universal, quality pre-K  
begins with smart planning,  
responsible funding, and  
measurable results.**

**THAT'S WHY ONLY 1B IS ENDORSED BY:**

**The Stranger**  
10/14/14  
"Prop. 1B would create... publicly funded free and reduced-cost preschool for thousands of the city's 3- and 4-year-olds... It's impossible to pass up the opportunity to finally vote for public preschool, because public pre-K is one of the few proven ways to give kids a fighting chance in this world."

**The Seattle Times**  
10/8/14  
Seattle voters should "...vote for the [measure] that would actually create and fund a network of high-quality, affordable classrooms for the city's 3- and 4-year-olds. That's Proposition 1B."

**publicola**  
10/20/14  
"Prop 1B deserves to win...a clearly defined progressive plan that gets more kids in classrooms..."

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**Vote YES on 1B!**

See inside or visit [www.qualityseattlepreschool.com](http://www.qualityseattlepreschool.com) for a full list of endorsements!

Appendix 141



Positive  
As of: July 29, 2014 2:04 PM EDT

## Buckley v. Secretary of Commonwealth

Supreme Judicial Court of Massachusetts  
September 13, 1976, Argued ; October 13, 1976, Decided  
No Number in Original

**Reporter:** 371 Mass. 195; 355 N.E.2d 806; 1976 Mass. LEXIS 1152

John J. Buckley & others v. Secretary of the Commonwealth

The court restrained the Secretary of the Commonwealth from placing the legislative substitute on the November, 1976, ballot.

**Prior History:** [\*\*\*1] Suffolk.

Civil action commenced in the Supreme Judicial Court for the county of Suffolk on July 21, 1976.

The case was reserved and reported, without decision, by *Braucher, J.*

### LexisNexis® Headnotes

Civil Procedure > Parties > Capacity of Parties > General Overview  
Governments > Legislation > Initiative & Referendum

### Core Terms

initiative, ballot, voters, Convention, handguns, amend, provides, sentence

**HN1** The first 10 signers of an initiative or referendum petition are proper parties in moving through the courts to protect their petition.

Governments > Legislation > Enactment  
Governments > Legislation > Initiative & Referendum

### Case Summary

#### Procedural Posture

Plaintiff signers of an initiative petition instituted an action against defendant Secretary of the Commonwealth for a declaratory judgment that a measure proposed by the legislature as a substitute for a qualified initiative petition was not in accordance with the requirements of art. 48 of the Amendments to the Massachusetts Constitution.

**HN2** Article 48 of the Amendments to the Massachusetts Constitution provides: Legislative power shall continue to be vested in the general court; but the people reserve to themselves the popular initiative, which is the power of a specified number of voters to submit constitutional amendments and laws to the people for approval or rejection.

Governments > Legislation > Initiative & Referendum

#### Overview

The signers of an initiative petition asserted that the legislative substitute to the petition had to be an alternative of the petition and not a different approach to the basic purpose of the initiative. The Secretary of the Commonwealth asserted that a second approach was within the framework of art. 48 to the Amendments to the Massachusetts Constitution that allowed the voters in the initiative process a reasonable choice. The court restrained the Secretary of the Commonwealth from placing the legislative substitute on the November, 1976, ballot because it determined that art. 48 of the Amendments to the Massachusetts Constitution allowed a substitute that was a true alternative but did not allow a second approach. The court determined that the legislative substitute was harmful to the initiative of the effect it would have on the voting process.

**HN3** Article 48, § 2 of the Amendments to Massachusetts Constitution provides that: The general court may submit to the people a substitute for any measure introduced by initiative petition, such substitute to be designated on the ballot as the legislative substitute for such an initiative measure and to be grouped with it as an alternative therefor.

Governments > Legislation > Initiative & Referendum

**HN4** A legislative substitute for an initiative petition must offer a true alternative and may not constitute a second approach which departs from the basic purpose of the initiative petition.

Governments > Legislation > Initiative & Referendum

#### Outcome

**HN5** The court holds that 1976 House Bill No. 5081 does not conform to the requirements of art. 48 of the

Amendments to the Mass. Const. for a legislative substitute for the initiative petition.

**Opinion by:** REARDON

### Headnotes/Syllabus

#### Headnotes

*Constitutional Law*, Initiative, General Court. *Initiative Practice, Civil, Parties. Words*, "Legislative substitute."

### Syllabus

Qualified voters, who were signers of an initiative petition, had standing to bring an action to prohibit the defendant from placing on a ballot a legislative alternative to their petition. [197-198]

Under art. 48, The Initiative, III, § 2, of the Massachusetts Constitution, a legislative substitute for a measure introduced by initiative petition does not meet constitutional requirements if it relates only generally to the subject matter of the initiative petition. [198-200]

Where an initiative petition proposed the banning of possession and sale of private handguns, *art. 48 of the Amendments to the Massachusetts Constitution* prohibited the placing on the ballot as a legislative substitute a measure providing for mandatory prison sentences for use of a firearm in the commission of specified crimes. [200-203]

**Counsel:** *Robert G. Stewart* for [\*\*\*2] the plaintiffs.

*Thomas R. Kiley*, Assistant Attorney General (*Louis A. Rizoli* with him) for the defendant.

*Frank T. Wojcik*, for *Robert J. Vanni & others*, amici curiae, submitted a brief.

*Robert I. Stewart*, amicus curiae, submitted a brief.

*James R. McIntyre*, Counsel to the Senate, *Dawn-Marie Keefe*, Assistant to the Senate Counsel, & *John F. Donovan*, Counsel to the House of Representatives, amici curiae, submitted a brief.

*Lewis H. Weinstein & Stephen B. Deutsch*, for the League of Women Voters of Massachusetts, amicus curiae, submitted a brief.

**Judges:** Hennessey, C.J., Reardon, Quirico, Kaplan, & Wilkins, JJ.

### Opinion

[\*196] [\*\*807] This matter reaches us on reservation and report from a single justice. A declaratory judgment is being sought by the plaintiffs who include the first ten signers of an initiative petition entitled, "An Act banning [\*\*808] the private possession and sale of handguns." They seek to establish that a measure proposed by the Legislature as a substitute for a qualified initiative petition is not in accordance with the requirements of art. 48 of the Amendments to the Constitution of the Commonwealth. They [\*\*\*3] seek also an order prohibiting the defendant from placing the legislative substitute on the November, 1976, ballot as an alternative to the initiative petition. An initiative petition bearing the title referred to above, signed by the ten individual plaintiffs in this action and certified by the Attorney General as being in proper form for submission to the voters, was presented on December 3, 1975, by the plaintiffs to the Secretary of the Commonwealth, accompanied by forms containing 102,146 certified signatures. The petition was then sent to the clerk of the House of Representatives and the House proceeded to reject formally the law proposed by the petition. Thereafter, in May, 1976, a measure designated as a legislative substitute for the initiative petition was introduced (1976 House Bill No. 5081), and in June, 1976, both the House and the Senate voted to have this substitute appear on the November, 1976, ballot as an alternative to the initiative petition.<sup>1</sup> In the meantime six of the ten original signers filed with the Attorney General on May 28, 1976, an amendment to their petition, which amendment the Attorney General certified to be perfecting in nature. On July 7, [\*\*\*4] 1976, the initiative petition was completed by filing with the Secretary of the [\*197] Commonwealth 16,614 certified signatures in support of the petition as amended. The Secretary intends to print summaries of both the initiative petition and the legislative substitute on the general election ballot, and the summaries will be grouped and appear as question 5A and question 5B respectively.

The action which has been brought is a challenge [\*\*\*5] on constitutional grounds to the validity of 1976 House Bill No. 5081 as an alternative. After hearing and following consideration of the arguments presented, this court issued an order, "That the legislative proposal known as House No. 5081 does not meet the requirements of Amendment XLVIII to the Massachusetts Constitution for

<sup>1</sup> We note that in the resolutions submitting 1976 House Bill No. 5081 to the people as a legislative substitute for the initiative measure there was a provision that 1976 House Bill No. 5081 "be designated on the ballot as the legislative substitute . . . to be grouped with it [the initiative petition] as an alternative . . ." It was further stated that "the ballot gives the voters an opportunity to vote for the proposed measure, or for the legislative substitute, or for both, or to vote against either or both." We do not pass on the propriety of these latter provisions.

a legislative substitute for the Initiative Petition entitled 'An Act banning the private possession and sale of handguns,'" and restraining the defendant from placing the proposition of 1976 House Bill No. 5081 on the November, 1976, ballot.

This opinion constitutes a statement of the reasons for the issuance of the order. This case is of first impression since it appears that a legislative substitute to a law proposed by initiative petition has never before appeared on a Massachusetts ballot. The 1976 House Bill No. 5081 provides mandatory sentences of imprisonment for use of a firearm in the commission of some fourteen crimes "for not less than the minimum sentence imposed by the judge for such crime." It further provides that any such sentence shall not be suspended nor shall the person convicted be eligible for probation, parole or furlough, or receive [\*\*\*6] any deduction from his sentence for good conduct. The initiative petition, on the other hand, provides a comprehensive prohibition on the private ownership, possession or sale of handguns with certain exceptions for museum pieces and the like.

1. We consider first the standing of the plaintiffs to bring their complaint. Although some question has been raised in this regard, we see no problem with the position of these plaintiffs. Traditionally we have considered *HNI* the first ten signers of an initiative or referendum petition to be proper parties in moving through the courts [\*\*809] to protect [\*198] their petition. See *Cohen v. Attorney Gen.*, 354 Mass. 384 (1968); *Compton v. State Ballot Law Comm'n*, 311 Mass. 643 (1942); *Yont v. Secretary of the Commonwealth*, 275 Mass. 365 (1931). In fact, only through the recognition of this right could the ultimate objectives of *HN2* art. 48 be attained. It is therein provided: "Legislative power shall continue to be vested in the general court; but the people reserve to themselves the popular initiative, which is the power of a specified number of voters to submit constitutional amendments and laws to the people for [\*\*\*7] approval or rejection . . ." I. Definition. Were the plaintiffs unable to protect their right by judicial review prior to an election, the very heart and spirit of this language might be abrogated. There can be no doubt that they have a right to bring this action for timely declaratory and injunctive relief.

2. We thus find ourselves presented with the important and novel question of the constitutionality of a legislative "substitute" for an initiative petition within the meaning of *HN3* art. 48, The Initiative, III, § 2. The relevant part of that section provides, "The general court may . . . submit to the people a substitute for any measure introduced by initiative petition, such substitute to be designated on the ballot as the legislative substitute for such an initiative measure and to be grouped with it as an alternative

therefor." "Substitute" and "alternative" are not defined in art. 48 and, thus, counsel have assisted the court by citation of relevant passages from the more than 1,000 pages of debate, 2 Debates in the Massachusetts Constitutional Convention, 1917-1918 (1918) (hereinafter "Debates"). Legislative history such as this is certainly open for consideration by [\*\*\*8] the court in interpreting the above provision. *Barnes v. Secretary of the Commonwealth*, 348 Mass. 671 (1965). However, we refer to the Debates as one avenue only for construing the words of the amendment "in such way as to carry into effect what seems to be the reasonable purpose of the people in adopting [it]." *Raymer v. Tax Comm'r*, 239 Mass. 410, 412 (1921). This is particularly so where the language of the Debates is, by itself, less than dispositive [\*199] of the issue. We consider also that, as Chief Justice Rugg put it succinctly in *Yont v. Secretary of the Commonwealth*, 275 Mass. 365, 366 (1931), "[a]n amendment to the Constitution is a solemn and important declaration of fundamental principles of government. It is characterized by terse statements of clear significance. Its words were employed in a plain meaning to express general ideas. It was written to be understood by the voters to whom it was submitted for approval. It is to be interpreted in the sense most obvious to the common intelligence. Its phrases are to be read and construed according to the familiar and approved usage of the language." See cases cited at 367.

Initially [\*\*\*9] we consider the aims of art. 48 in the light of the text and structure of the provision. There can be no doubt that it created a people's process. It was intended to provide both a check on legislative action and a means of circumventing an unresponsive General Court. It presented to the people the direct opportunity to enact statutes regardless of legislative opposition. It projected a means by which the people could move forward on measures which they deemed necessary and desirable without the danger of their will being thwarted by legislative action. As Mr. Joseph Walker of Brookline stated in the Constitutional Convention, "The principle of the initiative and referendum in its purity means that the people of this Commonwealth may have such laws and may have such a Constitution as they see fit themselves to adopt." Debates at 16. In truth, The Initiative, III, § 2, the legislative substitute clause, was complementary to the people's initiative process and is to be construed in the light of those portions of the amendment to which it clearly relates. To give an overbroad meaning to the word "substitute" in The Initiative, III, § 2, would allow the central purpose of the [\*\*\*10] initiative process of art. 48 to be easily subverted. To become law an initiative petition [\*\*810] must receive not only a majority of votes but also more votes than the legislative substitute with which it is grouped. The Initiative, VI. A "legislative substitute" which relates only generally to the subject matter of the

people's petition might well block [\*200] the enactment of an initiative proposal supported by a majority of voters.

And once defeated the initiative petition could not be presented to the voters again for six more years. The Initiative, II, § 3, as amended by art. 74.

When one looks at the language of art. 48 relating to a "legislative substitute," further support is found for the proposition that the Constitution is not satisfied if what the Legislature proposes as a substitute relates only generally to the subject matter of the initiative petition. This becomes clear since the amendment (art. 48) provides that any legislative substitute must be grouped with the initiative petition on the ballot as an alternative. The Initiative, III, § 2.

Moreover, art. 48, General Provisions, VIII, revoked the power of the Legislature, pursuant to the former [\*\*\*11] art. 42, "to refer to the people for their rejection or approval at the polls any act or resolve of the general court . . ." It would be unreasonable to construe the "legislative substitute" provision as restoring to the General Court the power to propose laws for popular enactment, except as true substitutes for initiative proposals.

3. The language and structure of art. 48 thus demand that *HN4* a legislative substitute for an initiative petition must offer a true alternative and may not constitute a second approach which departs from the basic purpose of the initiative petition. We find this construction supported by the Debates on the amendment.

The original draft of the amendment submitted to the Constitutional Convention by the Committee on The Initiative and Referendum contained no clause concerning conflicting or alternative measures and no provision for legislative substitutes. Debates at 3-6. The minority report of the convention, submitted by seven of the fifteen committee members, questioned the general "wisdom and expediency" of popular enactment of statutes, Debates at 10, and also voiced specific objections to particular portions of the proposed amendment. The minority [\*\*\*12] noted that no provision was made for revising an initiative petition once presented to the General Court: "Voters have no choice [\*201] save to pass or reject a measure exactly as framed by the petitioners. It may contain both good and bad provisions, but both must be accepted or rejected without amendment. . . . Very few legislative measures are introduced in form or phrase deserving of final adoption. Whether one favors the initiative or not, he must face these objections . . ." Debates at 13.

To meet this objection, Mr. Josiah Quincy proposed an amendment to the original draft providing that (1) conflicting or alternative measures proposed by initiative may be grouped together on the ballot and designated as such, and (2) the Legislature may, on its own motion, submit to the people a *substitute* for any measure introduced by initiative petition. The Quincy amendment required that such legislative substitute "be grouped with the . . . [initiative proposal] as an alternative therefor." Debates at 765.

Remarks on the record by Mr. Quincy indicate the intention which underlay his proposal: "Now, in regard to the facility of amending a measure: I do not understand that [\*\*\*13] my amendment changes the situation in respect to the amendment of an initiative petition proposed by the people. There is no provision in the amendment as it now stands for the amendment of the proposed measure after it reaches the Legislature. There is a pending amendment under my name which offers an opportunity for the addition by the Legislature of an alternative amendment, which is to that extent an opportunity to amend through submitting an alternative; but it is not consistent with the theory of this measure that the Legislature should have any opportunity to amend a measure as proposed by the initiative [\*\*811] petition, at any rate not without the consent of the proposers." Debates at 634.

We read the Debates and the action thereon as vesting in the General Court a perfectly plausible right to edit, polish or amend an initiative proposal while retaining in that process the sense of the proposal so revised.<sup>2</sup>

[\*\*\*14] [\*202] 4. The handgun initiative petition and the Legislature's proposal in 1976 House Bill No. 5081 are consistent and harmonious and could well be enacted together. The handgun initiative petition would propose broad restrictions on the private ownership of pistols. The legislative proposal is more narrow, being substantially a crime control measure designed to deter the intentional use of firearms in certain specified crimes. As the plaintiffs argue, the Legislature's proposal is not the perfected version of the initiative petition but is quite different in content and effect. Common sense would indicate that it is not a substitute which could be contemplated by the language in art. 48. Certainly its result is far afield from that which is sought in the initiative petition. While this court is not concerned with the wisdom of the policies underlying either measure, *Opinion of the Justices, 368 Mass. 831 (1975); General Elec. Co. v. Kimball Jewelers, Inc., 333 Mass. 665 (1956)*, we note that the legislative proposal is a narrower, more conventional measure than

<sup>2</sup> Such a change might be one which by appropriate language increased or decreased the classes of persons excepted from the operation of the law in a manner supportive of the intrinsic objectives of the initiative.

the initiative petition. It is possible that those who oppose handguns to the extent of favoring [\*\*\*15] confiscation of them would be prone to vote for stiffer sentences for gun-related crimes as well. Some other voters, on the other hand, might approve the legislative proposal but not the initiative petition. The initiative petition cannot be enacted unless it receives majority approval and also prevails over the legislative alternative.<sup>3</sup> We must agree that the plaintiffs' claim that the very presence of the Legislature's proposal on the ballot as a legislative substitute harms the plaintiffs.

In short, we cannot countenance the emasculation of the initiative petition by the attempt to substitute a measure with objectives at variance with those which the plaintiffs have proposed. To do so would be to fly in the face of the evident intent of the distinguished members of the Constitutional [\*203] Convention who prepared the way

for the [\*\*\*16] passage of art. 48 by the people. To allow 1976 House Bill No. 5081 to go on the ballot with the initiative petition here in question would interfere with the ability of the people to declare their position on the basic question originally proposed.

5. In view of the foregoing we see no necessity of discussing other issues which have been argued to us bearing on the question of matters specifically excluded from the initiative process. *HNS* We hold that 1976 House Bill No. 5081 does not conform to the requirements of art. 48 of the Amendments to the Constitution of the Commonwealth for a legislative substitute for the initiative petition which we have discussed, and that the Secretary of the Commonwealth should be restrained from placing the proposition of 1976 House Bill No. 5081 on the November, 1976, ballot.

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<sup>3</sup> Article 48, The Initiative, V, § 1, also requires that the voters approving a law shall equal in number at least thirty per cent of the total number of ballots cast.

# Washington State Constitution

## ARTICLE II

### LEGISLATIVE DEPARTMENT

**SECTION 1 LEGISLATIVE POWERS, WHERE VESTED.** The legislative authority of the state of Washington shall be vested in the legislature, consisting of a senate and house of representatives, which shall be called the legislature of the state of Washington, but the people reserve to themselves the power to propose bills, laws, and to enact or reject the same at the polls, independent of the legislature, and also reserve power, at their own option, to approve or reject at the polls any act, item, section, or part of any bill, act, or law passed by the legislature.

(a) Initiative: The first power reserved by the people is the initiative. Every such petition shall include the full text of the measure so proposed. In the case of initiatives to the legislature and initiatives to the people, the number of valid signatures of legal voters required shall be equal to eight percent of the votes cast for the office of governor at the last gubernatorial election preceding the initial filing of the text of the initiative measure with the secretary of state.

Initiative petitions shall be filed with the secretary of state not less than four months before the election at which they are to be voted upon, or not less than ten days before any regular session of the legislature. If filed at least four months before the election at which they are to be voted upon, he shall submit the same to the vote of the people at the said election. If such petitions are filed not less than ten days before any regular session of the legislature, he shall certify the results within forty days of the filing. If certification is not complete by the date that the legislature convenes, he shall provisionally certify the measure pending final certification of the measure. Such initiative measures, whether certified or provisionally certified, shall take precedence over all other measures in the legislature except appropriation bills and shall be either enacted or rejected without change or amendment by the legislature before the end of such regular session. If any such initiative measures shall be enacted by the legislature it shall be subject to the referendum petition, or it may be enacted and referred by the legislature to the people for approval or rejection at the next regular election. If it is rejected or if no action is taken upon it by the legislature before the end of such regular session, the secretary of state shall submit it to the people for approval or rejection at the next ensuing regular general election. The legislature may reject any measure so

proposed by initiative petition and propose a different one dealing with the same subject, and in such event both measures shall be submitted by the secretary of state to the people for approval or rejection at the next ensuing regular general election. When conflicting measures are submitted to the

people the ballots shall be so printed that a voter can express separately by making one cross (X) for each, two preferences, first, as between either measure and neither, and secondly, as between one and the other. If the majority of those voting on the first issue is for neither, both fail, but in that case the votes on the second issue shall nevertheless be carefully counted and made public. If a majority voting on the first issue is for either, then the measure receiving a majority of the votes on the second issue shall be law.

# Charter of the City of Seattle

## **ARTICLE IV. Legislative Department.**

### **Section 1. A. LEGISLATIVE POWER, WHERE VESTED:**

The legislative powers of The City of Seattle shall be vested in a Mayor and City Council, who shall have such powers as are provided for by this Charter; but the power to propose for themselves any ordinance dealing with any matter within the realm of local affairs or municipal business, and to enact or reject the same at the polls, independent of the Mayor and the City Council, is also reserved by the people of The City of Seattle, and provision made for the exercise of such reserved power, and there is further reserved by and provision made for the exercise by the people of the power, at their option, to require submission to the vote of the qualified electors and thereby to approve or reject at the polls any ordinance, or any section, item or part of any ordinance dealing with any matter within the realm of local affairs or municipal business, which may have passed the City Council and Mayor, acting in the usual prescribed manner as the ordinary legislative authority.

## **ARTICLE IV. Legislative Department.**

### **Section 1. B. INITIATIVE AND REFERENDUM; HOW EXERCISED; PETITIONS; VERIFICATION OF SIGNATURES; COMPLETION OF PETITION, CONSIDERATION IN COUNCIL:**

The first power reserved by the people is the initiative.<sup>1</sup> It may be exercised on petition of a number of registered voters equal to not less than ten (10) percent of the total number of votes cast for the office of Mayor at the last preceding municipal election, proposing and asking for the enactment as an ordinance of a bill or measure, the full text of which shall be included in the petition. Prior to circulation for signatures, such petition shall be filed with the City Clerk in the form prescribed by ordinance, and by such officer assigned a serial number, dated, and approved or rejected as to form, and the petitioner so notified within five (5) days after such filing. Signed petitions shall be filed with the City Clerk within one hundred eighty (180) days after the date of approval of the form of such petitions. Upon such filing, the City Clerk shall convey the signed petition to the officer responsible for the verification of the sufficiency of the signatures to the petition under state law for such verification, and transmit it, together with his or her report thereon to the

City Council at a regular meeting not more than twenty (20) days after the City Clerk has received verification of the sufficiency of such petition signatures from the officer responsible for verification of the sufficiency of signatures under state law, and such transmission shall be the introduction of the initiative bill or measure in the City Council. If the officer responsible for verification of the sufficiency of signatures under state law notifies the City Clerk that any petition, which, upon filing had a sufficient number of signatures, has insufficient verified signatures, the City Clerk shall notify the principal petitioners, and an additional twenty (20) days shall be allowed them in which to complete such petition to the required percentage. Consideration of such initiative petition shall take precedence over all other business before the City Council, except appropriation bills and emergency measures. (As amended at November 5, 2002 election.)

**ARTICLE IV. Legislative Department.**

**Section 1. C. COUNCIL MAY ENACT OR REJECT BUT NOT MODIFY; COUNCIL MAY PASS SUBSTITUTE:**

The City Council may enact, or reject, any initiative bill or measure, but shall not amend or modify the same. It may, however, after rejection of any initiative bill or measure, propose and pass a different one dealing with the same subject.

**ARTICLE IV. Legislative Department.**

**Section 1. D. WHEN REJECTED MEASURE AND SUBSTITUTE SUBMITTED TO PEOPLE; GENERAL AND SPECIAL ELECTIONS:**

If the City Council rejects any initiative measure, or shall during forty-five (45) days after receipt thereof have failed to take final action thereon, or shall have passed a different measure dealing with the same subject, the said rejected initiative measure and such different measure dealing with the same subject, if any has been passed, shall be taken in charge by the City Clerk and the City Council shall order the measure submitted to the qualified electors for approval or rejection at the next regularly scheduled election, irrespective of whether it is a state or municipal election or a

primary or general election; but the City Council may in its discretion designate submission be at a general election rather than a primary or call an earlier special election. (As amended at the November 7, 2006 election)

**ARTICLE IV. Legislative Department.**

**Section 1. E. WHEN A SPECIAL ELECTION REQUIRED:**

If an initiative petition shall be signed by a number of qualified voters of not less than twenty (20) percent of the total number of votes cast for the office of Mayor at the last preceding municipal election, or shall at any time be strengthened in qualified signatures up to said percentage, then the City Council shall provide for a special election upon said subject, to be held within (60) days from the proof of sufficiency of the percentage of signatures.

**ARTICLE IV. Legislative Department.**

**Section 1. F. MEASURES ADOPTED TO BECOME ORDINANCES, WHEN:**

Any measure thus submitted to the vote of the people, which shall receive in its favor a majority of all the votes cast for and against the same, shall become an ordinance, and be in full force and effect from and after proclamation by the Mayor, which shall be made, and published in the City official newspaper, within five (5) days after certification of the results of the election. Provided that if such adopted ordinance contemplates any expenditure which is not included in the current budget, or which is not to be paid from an existing bond issue or which eliminates or reduces an existing revenue; such expenditure or elimination shall not be lawful until after the next succeeding budget shall take effect; Provided, further, that the above restriction shall not be operative when less than Twenty Thousand (\$20,000.00) Dollars is involved. (As amended at November 7, 2006 election.)

**ARTICLE IV. Legislative Department.**

**Section 1. G. SUBMISSION OF SUBSTITUTE AND INITIATIVE MEASURES; IF BOTH APPROVED, THAT HAVING HIGHEST VOTE ADOPTED:**

In case the City Council shall, after rejection of the initiative measure, have passed a different measure, dealing with the same subject, it shall be submitted at the same election with the initiative measure and the vote of

the qualified electors also taken for and against the same, and if both such measures be approved by a majority vote, if they be conflicting in any particular, then the one receiving the highest number of affirmative votes shall thereby be adopted, and the other shall be considered rejected.

## **RCW 29A.36.071**

### **Local measures — Ballot title — Formulation — Advertising.**

(1) Except as provided to the contrary in RCW 82.14.036, 82.46.021, or 82.80.090, the ballot title of any referendum filed on an enactment or portion of an enactment of a local government and any other question submitted to the voters of a local government consists of three elements: (a) An identification of the enacting legislative body and a statement of the subject matter; (b) a concise description of the measure; and (c) a question. The ballot title must conform with the requirements and be displayed substantially as provided under RCW29A.72.050, except that the concise description must not exceed seventy-five words; however, a concise description submitted on behalf of a proposed or existing regional transportation investment district may exceed seventy-five words. If the local governmental unit is a city or a town, the concise statement shall be prepared by the city or town attorney. If the local governmental unit is a county, the concise statement shall be prepared by the prosecuting attorney of the county. If the unit is a unit of local government other than a city, town, or county, the concise statement shall be prepared by the prosecuting attorney of the county within which the majority area of the unit is located.

(2) A referendum measure on the enactment of a unit of local government shall be advertised in the manner provided for nominees for elective office.

(3) Subsection (1) of this section does not apply if another provision of law specifies the ballot title for a specific type of ballot question or proposition.

## RCW 29A.72.050

### Ballot title — Formulation, ballot display.

(1) The ballot title for an initiative to the people, an initiative to the legislature, a referendum bill, or a referendum measure consists of: (a) A statement of the subject of the measure; (b) a concise description of the measure; and (c) a question in the form prescribed in this section for the ballot measure in question. The statement of the subject of a measure must be sufficiently broad to reflect the subject of the measure, sufficiently precise to give notice of the measure's subject matter, and not exceed ten words. The concise description must contain no more than thirty words, be a true and impartial description of the measure's essential contents, clearly identify the proposition to be voted on, and not, to the extent reasonably possible, create prejudice either for or against the measure.

(2) For an initiative to the people, or for an initiative to the legislature for which the legislature has not proposed an alternative, the ballot title must be displayed on the ballot substantially as follows:

"Initiative Measure No. . . . concerns (statement of subject). This measure would (concise description). Should this measure be enacted into law?

Yes .....

No .....

"

(3) For an initiative to the legislature for which the legislature has proposed an alternative, the ballot title must be displayed on the ballot substantially as follows:

"Initiative Measure Nos. . . . and . . . B concern (statement of subject).

Initiative Measure No. . . . would (concise description).

As an alternative, the legislature has proposed Initiative Measure No. . .  
.B, which would (concise description).

1. Should either of these measures be enacted into law?

Yes .....

No .....

2. Regardless of whether you voted yes or no above, if one of these  
measures is enacted, which one should it be?

Measure No. ....

or

Measure No. ....  "

(4) For a referendum bill submitted to the people by the legislature, the ballot issue must be displayed on the ballot substantially as follows:

"The legislature has passed . . . Bill No. . . . concerning (statement of subject). This bill would (concise description). Should this bill be:

Approved ....

Rejected ....  "

(5) For a referendum measure by state voters on a bill the legislature has passed, the ballot issue must be displayed on the ballot substantially as follows:

"The legislature passed . . . Bill No. . . . concerning (statement of subject) and voters have filed a sufficient referendum petition on this bill. This bill would (concise description). Should this bill be:

Approved .....

Rejected .....

"

(6) The legislature may specify the statement of subject or concise description, or both, in a referendum bill that it refers to the people. The legislature may specify the concise description for an alternative it submits for an initiative to the legislature. If the legislature fails to specify these matters, the attorney general shall prepare the material that was not specified. The statement of subject and concise description as so provided must be included as part of the ballot title unless changed on appeal.

The attorney general shall specify the statement of subject and concise description for an initiative to the people, an initiative to the legislature, and a referendum measure. The statement of subject and concise description as so provided must be included as part of the ballot title unless changed on appeal.

## RCW 35.17.260

## Legislative — Ordinances by initiative petition.

Ordinances may be initiated by petition of registered voters of the city filed with the commission. If the petition accompanying the proposed ordinance is signed by the registered voters in the city equal in number to twenty-five percent of the votes cast for all candidates for mayor at the last preceding city election, and if it contains a request that, unless passed by the commission, the ordinance be submitted to a vote of the registered voters of the city, the commission shall either:

(1) Pass the proposed ordinance without alteration within twenty days after the county auditor's certificate of sufficiency has been received by the commission; or

(2) Immediately after the county auditor's certificate of sufficiency for the petition is received, cause to be called a special election to be held on the next election date, as provided in \*RCW 29.13.020, that occurs not less than forty-five days thereafter, for submission of the proposed ordinance without alteration, to a vote of the people unless a general election will occur within ninety days, in which event submission must be made on the general election ballot.

[1996 c 286 § 4; 1965 c 7 §35.17.260 . Prior: 1911 c 116 § 21, part; RRS § 9110, part.]

## Notes:

**\*Reviser's note:** RCW 29.13.020 was recodified as RCW 29A.04.330 pursuant to 2003 c 111 § 2401, effective July 1, 2004.

RCW 35.17.330

Legislative — Initiative — Effective date — Record.

If the number of votes cast thereon favor the proposed ordinance, it shall become effective immediately and shall be made a part of the record of ordinances of the city.

[1965 c 7 § 35.17.330. Prior: 1911 c 116 § 21, part; RRS § 9110, part.]

RCW 35.17.350

Legislative — Initiative — Repeal or amendment — Method.

The commission may by means of an ordinance submit a proposition for the repeal or amendment of an ordinance, initiated by petition, by submitting it to a vote of the people at any general election and if a majority of the votes cast upon the proposition favor it, the ordinance shall be repealed or amended accordingly.

A proposition of repeal or amendment must be published before the election thereon as is an ordinance initiated by petition when submitted to election.

[1965 c 7 § 35.17.350. Prior: 1911 c 116 § 21, part; RRS § 9110, part.]

**RCW 35.22.195**

**Powers of cities adopting charters.**

Any city adopting a charter under Article XI, section 10 of the Constitution of the state of Washington, as amended by amendment 40, shall have all of the powers which are conferred upon incorporated cities and towns by Title 35 RCW, or other laws of the state, and all such powers as are usually exercised by municipal corporations of like character and degree.

[1965 ex.s. c 47 § 2. Formerly RCW 35.21.620.]

**Notes:**

Legislative powers of charter city: RCW 35.22.200.

## RCW 35.22.200

## Legislative powers of charter city — Where vested — Direct legislation.

The legislative powers of a charter city shall be vested in a mayor and a city council, to consist of such number of members and to have such powers as may be provided for in its charter. The charter may provide for direct legislation by the people through the initiative and referendum upon any matter within the scope of the powers, functions, or duties of the city. The mayor and council and such other elective officers as may be provided for in such charter shall be elected at such times and in such manner as provided in \*Title 29 RCW, and for such terms and shall perform such duties as may be prescribed in the charter, and shall receive compensation in accordance with the process or standards of a charter provision or ordinance which conforms with RCW 35.21.015.

[2001 c 73 § 2; 1965 ex.s. c 47 § 13; 1965 c 7 § 35.22.200. Prior: (i) 1890 p 223 § 6, part; RRS § 8977, part. (ii) 1927 c 52 § 1; 1911 c 17 § 2; RRS § 8949.]

## Notes:

**\*Reviser's note:** Title 29 RCW was repealed and/or recodified in its entirety pursuant to 2003 c 111, effective July 1, 2004. See Title 29A RCW.

**Findings -- Intent -- Severability -- 2001 c 73:** See notes following RCW 35.21.015.

Powers of cities adopting charters: RCW 35.22.195.

**RCW 35A.11.100**

**Initiative and referendum — Exercise of powers.**

Except as provided in RCW 35A.11.090, and except that the number of registered voters needed to sign a petition for initiative or referendum shall be fifteen percent of the total number of names of persons listed as registered voters within the city on the day of the last preceding city general election, the powers of initiative and referendum in noncharter code cities shall be exercised in the manner set forth for the commission form of government in RCW 35.17.240 through 35.17.360, as now or hereafter amended.

[1973 1st ex.s. c 81 § 3.]

**Notes:**

Sufficiency of petition in code city: RCW 35A.01.040.

## RCW 84.55.050

## Election to authorize increase in regular property tax levy — Limited propositions — Procedure.

(1) Subject to any otherwise applicable statutory dollar rate limitations, regular property taxes may be levied by or for a taxing district in an amount exceeding the limitations provided for in this chapter if such levy is authorized by a proposition approved by a majority of the voters of the taxing district voting on the proposition at a general election held within the district or at a special election within the taxing district called by the district for the purpose of submitting such proposition to the voters. Any election held pursuant to this section shall be held not more than twelve months prior to the date on which the proposed levy is to be made, except as provided in subsection (2) of this section. The ballot of the proposition shall state the dollar rate proposed and shall clearly state the conditions, if any, which are applicable under subsection (4) of this section.

(2)(a) Subject to statutory dollar limitations, a proposition placed before the voters under this section may authorize annual increases in levies for multiple consecutive years, up to six consecutive years, during which period each year's authorized maximum legal levy shall be used as the base upon which an increased levy limit for the succeeding year is computed, but the ballot proposition must state the dollar rate proposed only for the first year of the consecutive years and must state the limit factor, or a specified index to be used for determining a limit factor, such as the consumer price index, which need not be the same for all years, by which the regular tax levy for the district may be increased in each of the subsequent consecutive years. Elections for this purpose must be held at a primary or general election. The title of each ballot measure must state the limited purposes for which the proposed annual increases during the specified period of up to six consecutive years shall be used.

(b)(i) Except as otherwise provided in this subsection (2)(b), funds raised by a levy under this subsection may not supplant existing funds used for the limited purpose specified in the ballot title. For purposes of this subsection, existing funds means the actual operating expenditures for the calendar year in which the ballot measure is approved by voters. Actual operating expenditures excludes lost federal funds, lost or expired state grants or loans, extraordinary events not likely to reoccur, changes in contract provisions beyond the control of the taxing district receiving the services, and major nonrecurring capital expenditures.

(ii) The supplanting limitations in (b)(i) of this subsection do not apply to levies approved by the voters in calendar years 2009, 2010, and 2011, in any county with a population of one million five hundred thousand or more. This subsection (2)(b)(ii) only applies to levies approved by the voters after July 26, 2009.

(iii) The supplanting limitations in (b)(i) of this subsection do not apply to levies approved by the voters in calendar year 2009 and thereafter in any county with a population less than one million five hundred thousand. This subsection (2)(b)(iii) only applies to levies approved by the voters after July 26, 2009.

(3) After a levy authorized pursuant to this section is made, the dollar amount of such levy may not be used for the purpose of computing the limitations for subsequent levies provided for in this chapter, unless the ballot proposition expressly states that the levy made under this section will be used for this purpose.

(4) If expressly stated, a proposition placed before the voters under subsection (1) or (2) of this section may:

(a) Use the dollar amount of a levy under subsection (1) of this section, or the dollar amount of the final levy under subsection (2) of this section, for the purpose of computing the limitations for subsequent levies provided for in this chapter;

(b) Limit the period for which the increased levy is to be made under (a) of this subsection;

(c) Limit the purpose for which the increased levy is to be made under (a) of this subsection, but if the limited purpose includes making redemption payments on bonds, the period for which the increased levies are

made shall not exceed nine years;

(d) Set the levy or levies at a rate less than the maximum rate allowed for the district; or

(e) Include any combination of the conditions in this subsection.

(5) Except as otherwise expressly stated in an approved ballot measure under this section, subsequent levies shall be computed as if:

(a) The proposition under this section had not been approved; and

(b) The taxing district had made levies at the maximum rates which would otherwise have been allowed under this chapter during the years levies were made under the proposition.

[2009 c 551 § 3; 2008 c 319 § 1; 2007 c 380 § 2; 2003 1st sp.s. c 24 § 4; 1989 c 287 § 1; 1986 c 169 § 1; 1979 ex.s. c 218 § 3; 1973 1st ex.s. c 195 § 109; 1971 ex.s. c 288 § 24.]

**Notes:**

**Application -- 2008 c 319:** "This act applies prospectively only to levy lid lift ballot propositions under RCW 84.55.050 that receive voter approval on or after April 1, 2008." [2008 c 319 § 2.]

**Effective date -- 2008 c 319:** "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [April 1, 2008]." [2008 c 319 § 3.]

**Finding -- Intent -- Effective date -- Severability -- 2003 1st sp.s. c 24:** See notes following RCW 82.14.450.

**Severability -- Effective dates and termination dates -- Construction -- 1973 1st ex.s. c 195:** See notes following RCW 84.52.043.

**Savings -- Severability -- 1971 ex.s. c 288:** See notes following RCW 84.40.030.