

September 4, 2015 in City

Community Bill of Rights challenge headed to Washington Supreme Court

Nicholas Deshais [The Spokesman-Review](#)

More than two years after the Community Bill of Rights was blocked from the ballot by a Superior Court judge, the Washington state Supreme Court agreed to hear the case this week, starting a 30-day countdown for both sides to prepare their arguments.

The ballot measure, which would have been considered by voters in 2013 before it was blocked by a judge, was the third initiative put forward by Envision Spokane. It would bolster environmental protection and neighborhood and labor rights if approved by voters.

Envision's latest effort, the Worker Bill of Rights, is a scaled-back version of the 2013 measure and will appear on this November's ballot.

Kai Huschke, Envision's campaign coordinator, said his group's message hasn't changed.

"Are we going to be able to bring initiatives forward without them being obstructed?" he said. "Or are we going to keep playing this game where the people that can afford to delay ballot measures keep attempting to?"

Rob Maguire, an attorney representing the coalition of business and government interests that challenged the initiative, said his group was "fortunate" the Supreme Court agreed to hear the case.

"Our Supreme Court is busy and they don't hear every case," Maguire said.

Maguire, who works for Seattle-based Davis Wright Tremaine and serves as general counsel to the state Republican Party, said he anticipated the court would give each side 10 to 15 minutes to make an oral argument, which would likely happen sometime early next year.

"It's a short thing, and you have to be really prepared," he said. The court could then take several months to issue a ruling.

Written briefs are due Oct. 2. At issue in the case is who, or what institution, has the ability to challenge the scope of an initiative and prevent it from appearing on a ballot.

Envision's attorney is Lindsey Schromen-Wawrin.

In 2013, after Envision had gathered enough signatures for the Community Bill of Rights to appear on the general election ballot, a coalition consisting of Spokane County, the Downtown Spokane Partnership, Greater Spokane Incorporated, the Spokane Home Builders Association and Avista Corp., among others, formed to prevent the measure from appearing on city ballots. Three Spokane City Council members – Mike Allen, Nancy McLaughlin and Steve Salvatori – also signed on to fight the measure.

The coalition argued the initiative attempted to create regulations and protections that were not within the city's power to enact, as well as hurt local government and business.

Superior Court Judge Maryann Moreno agreed with the arguments and ordered the initiative off the 2013 general election ballot.

Envision appealed the decision, and earlier this year a state appellate court reversed Moreno's decision and told the city to put it on the next available ballot. The coalition petitioned the state's highest court to hear the case, leading to this week's decision.

A similar fate nearly came to the initiative Envision successfully landed on this year's ballot, the Worker Bill of Rights, a stripped-down version of the Community Bill of Rights measure that focuses solely on labor rights.

One provision in the measure, which says the rights of corporations are secondary to people's rights, led Spokane Mayor David Condon to attempt to block the initiative from the ballot.

Last month, Superior Court Judge Salvatore Cozza dismissed Condon's challenge, saying the Supreme Court generally rules against challenges that would prevent an election from going forward. Condon said he will not appeal Cozza's decision.