

City Advisory Vote vs. Referendum Vote

On December 8, 2009, the City Council passed Ordinance 09-0331 enacting a 3.5% Utility Tax. The ordinance was subject to referendum, which required a petitioner to collect signatures of not less than 15% of the registered voters as of the last General Election. On January 25, the City was notified by the Pierce County Auditor that the petitions contained a total of 1,201 valid signatures. (The total number required was 950.)

The Council during the next month will be discussing either placing the referendum on the April 27, 2010 Special Election ballot or repealing the original ordinance. The Utility Tax is intended to fill a \$450,000 gap in General Fund operations.

Prior to the adoption of the ordinance, the Council discussed the possibility of sending the Utility Tax measure to a vote of the people before adopting an ordinance. This could only be done in the form of an advisory vote. What this means is that the Council would ask the voters if they were in favor of the Council enacting a Utility Tax. The Council would then use those results to determine whether or not they should enact the Utility Tax. If they decided to move forward, an ordinance would need to be passed which would then be subject to referendum. If a referendum petition was successful, the measure would again be sent to the ballot. Therefore, there was a possibility that the City would have to pay for two elections on the same issue.

By law, the voters cannot directly approve a Utility Tax. An advisory vote is a non-binding action that requires future Council action. Since Utility Taxes are subject to referendum, even if an advisory vote is affirmative the measure could still be referred back to the voters.