

WARNING

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

INITIATIVE PETITION TO THE CITIZENS OF THE CITY OF SPOKANE
INITIATIVE NO. 2019 - 1

We, the undersigned citizens and legal voters of the City of Spokane, Washington, respectfully direct that this proposed City Charter amendment, known as Initiative No. 2019 - 1, a full, true and correct copy of which is printed herein, be submitted to the electors of the City of Spokane for their approval or rejection at the next available special or general municipal election. The proposed City Charter amendment shall appear as the following proposition:

BALLOT TITLE

CHARTER AMENDMENT REGARDING OPEN GOVERNMENT AND TRANSPARENCY IN CITY GOVERNMENT

Shall the Spokane City Charter be amended to require all collective bargaining negotiations be transparent and open to public observation, requiring public notification of such meetings as required by the Washington State Open Public Meetings Act and require all contracts be available for public review and observation on the City’s website?

_____ YES
_____ NO

Each of us for himself or herself says: I have personally signed this petition; I am a legal voter of the City of Spokane; my residence address is correctly stated; and I have knowingly signed this petition only once.

(The full text of the proposed City Charter amendment is printed on the reverse side of this page)

PETITIONER'S SIGNATURE <i>(in dark ink and as shown on the signer's voter registration)</i>		PRINTED NAME <i>(legibly in dark ink)</i>	ADDRESS WHERE REGISTERED TO VOTE			
			Street Address	City	State	Zip
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Petitioner: Michael Cathcart, Better Spokane, 510 W. Riverside, Suite 500, Spokane, WA 99201 (509)999-8315
Signature-gathering firm: Ballot Access, 51530 Huntington Rd. #6, La Pine, OR 97739-7507 (503)433-1504 Flair@tritonpolling.com
City Business Registration No. 604436168-001-0001

SUMMARY OF THE MEASURE

THE LAW AS IT CURRENTLY EXISTS:

The City and the respective represented labor groups negotiate collectively bargained agreements pursuant to the Washington State Public Employees’ Collective Bargaining Act, Chapter 41.56 RCW. Collective bargaining sessions are conducted in private meetings between the parties and are not required to be open to the public pursuant to the Open Public Meetings Act, RCW 42.30.140 (4).

THE EFFECT OF THE PROPOSAL, IF APPROVED:

This measure will amend the City Charter to require all collective bargaining negotiations be transparent and open to public observation, public notification of such meetings as required by the Washington State Open Public Meetings Act and all contracts be available for public review and observation on the City’s website.

I, (print name legibly), swear or affirm under penalty of law that I circulated this sheet of the foregoing petition, and that, to the best of my knowledge, every person who signed this sheet of the foregoing petition knowingly and without any compensation or promise of compensation willingly signed his or her true name and that the information provided therewith is true and correct. I further acknowledge that under chapter 29A.84 RCW, forgery of signatures on this petition constitutes a class C felony, and that offering any consideration or gratuity to any person to induce them to sign a petition is a gross misdemeanor, such violations being punishable by fine or imprisonment or both. (Signature) (Date)

CHARTER AMENDMENT REGARDING OPEN GOVERNMENT AND TRANSPARENCY IN CITY GOVERNMENT

WHEREAS, democracy demands transparency; and

WHEREAS, a transparent government is a top priority for the citizens of the City of Spokane; and

WHEREAS, the Open Public Meetings Act was passed by citizen initiative in the State of Washington in 1972, and

WHEREAS, the legislative declaration of the Open Public Meetings Act (RCW 42.30.010) states in part:

The people of this state do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.; and

WHEREAS, the people of Washington State declared at the ballot box through Initiative 276 (chapter 42.17 Revised Code of Washington) that, “the people have the right to expect from their elected representatives at all levels of government the utmost of integrity, honesty, and fairness in their dealings,” and that our form of government “is founded on a belief that those entrusted with the offices of government have nothing to fear from full public disclosure;” and

WHEREAS, Substitute House Bill 1268, the Personnel System Reform Act approved by the Legislature in 2002, ended the longstanding precedent of publicly negotiated collective bargaining agreements; and

WHEREAS, collective bargaining agreements are among the City of Spokane’s largest expenditures; and

WHEREAS, both taxpayers and employees deserve the right to know how they are being represented during collective bargaining negotiations; and

WHEREAS, collective bargaining units and their agents have contributed hundreds of thousands of dollars to the election of local officials through direct and indirect campaign contributions, creating an impression of secret deal-making, which will be eliminated by making collective bargaining negotiations open to the public; and

WHEREAS, public observance of collective bargaining contract negotiations will not preclude bargaining representatives of both sides from meeting separately and privately to discuss negotiating tactics, goals, and methods; and

WHEREAS, opening collective bargaining negotiations to the public does not mean that the public will participate in the negotiations; and

WHEREAS, collective bargaining is defined in statute (RCW 41.56.030); and

WHEREAS, making collective bargaining contract negotiations transparent does not conflict with and is not preempted by state law; and

WHEREAS, the Open Public Meetings Act (RCW 42.30.140) permits collective bargaining contract negotiations to be exempted from the open public meetings requirements, but this exemption does not compel such negotiations to be secret; and

WHEREAS, the Open Public Meetings Act (RCW 42.30.140) does not prohibit governments from making these negotiations open to the public.

NOW, THEREFORE, THE PEOPLE OF THE CITY OF SPOKANE HEREBY ORDAIN:

Section 1. Article IV of the City Charter of the City of Spokane shall be amended by adding a new section to read as follows:

Section 40. Open Collective Bargaining Negotiations

- A. As of December 1, 2019, the City of Spokane will conduct all collective bargaining contract negotiations in a manner that is transparent and open to public observation both in person and through video streaming or playback. This section does not require the city to permit public comment opportunities during negotiations.
- B. The City of Spokane shall provide public notice of all collective bargaining negotiations in accordance with the Open Public Meetings Act (RCW 42.30.060-42.30.080.)
- C. The City of Spokane shall publish and maintain all notes, documentation, and collective bargaining proposals on the city’s official website within two business days of their transmission between the negotiating parties.
- D. The City of Spokane shall publish all final collective bargaining agreements on the city’s official website for the life of the agreement.
- E. Any elected official or an elected official’s agent who is determined by the City Ethics Commission to have participated in any collective bargaining negotiation in violation of this charter amendment shall be referred to the City or County Prosecutors office for appropriate action.
- F. Open to public observation does not include meetings related to any activity conducted pursuant to the enforcement of a collective bargaining agreement (CBA) after the CBA is negotiated and executed, including but not limited to grievance proceedings.

Section 2. Severability. If any provision of this charter amendment or its application to any person or circumstance is held invalid, the remainder of the amendment or the application of the provision to other persons or circumstances is not affected.

Section 3. Submission to Voters. This City Charter amendment shall be submitted to the voters of the City of Spokane for their approval or rejection at the next applicable election under Section 82 of the Spokane City Charter.

Section 4. Effective Date. This Charter amendment, if approved by the voters, shall take effect and be in full force upon the issuance of the certificate of election by the Spokane County Auditor’s Office.