

**CITY OF MERCER ISLAND  
ORDINANCE NO. 04-03**

AN ORDINANCE DIRECTING KING COUNTY RECORDS, ELECTIONS AND LICENSING DIVISION TO PREPARE A VOTERS' PAMPHLET IN CONNECTION WITH A SPECIAL ELECTION TO BE HELD ON MARCH 9, 2004, REGARDING A MEASURE AUTHORIZING THE CITY OF MERCER ISLAND TO INCREASE ITS TAX LEVIES ANNUALLY FOR TEN CONSECUTIVE YEARS ABOVE THE LIMIT ESTABLISHED IN RCW 84.55.010 FOR (1) REMOVING NON-NATIVE, INVASIVE PLANT MATERIAL FROM ALL CITY-OWNED PARKS, OPEN SPACES, STREET ENDS AND PUBLIC RIGHTS OF WAY; (2) REPLACING INVASIVES WITH NATIVE PLANTS AS NEEDED; (3) EDUCATING MERCER ISLAND RESIDENTS ON NATIVE VEGETATION AND PROBLEMS ASSOCIATED WITH NON-NATIVE, INVASIVE PLANT SPECIES; (4) ACQUIRING OPEN SPACE; AND (5) BUILDING TRAILS.

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- A. King County has validated The Mercer Island Parks & Open Space Preservation Initiative Measure No. 03-01 ("Initiative"); and
- B. On July 7, 2003, the Mercer Island City Council adopted a Resolution opposing the Initiative; and
- C. Consistent with RCW 35.17.260 and Mercer Island City Code (MICC) 2.24.120, the Mercer Island City Council rejected the Initiative on September 15, 2003 and forwarded the Initiative to King County Records and Elections Division to be placed on a special election on March 9, 2004; and
- D. RCW 29.81A.010 requires the City Council to adopt this ordinance if it wishes to direct King County to publish and distribute a local voters' pamphlet in connection with the Initiative measure.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MERCER ISLAND, DO ORDAIN AS FOLLOWS:

**Section 1. Voters' Pamphlet Authorized.**

Pursuant to Chapter 29.81 RCW, the Mercer Island City Council hereby authorizes King County to publish and distribute a voters' pamphlet in compliance with Chapter 29.81 RCW and the King County Records, Elections and Licensing Services Division Guidelines for Ballot Measures. The City of Mercer Island shall pay all proper costs associated with such voters' pamphlet consistent with RCW 29.81A.070.

KING COUNTY RECORDS, ELECTIONS AND LICENSING SERVICES  
Election Section  
RECEIVED BY: *L. Sanchez*

**Section 2. Severability/Validity.**

The provisions of this ordinance are declared separate and severable. If any section, paragraph, subsection, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that they would have passed this ordinance and each section, paragraph, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, paragraphs, clauses or phrases may subsequently be found by competent authority to be unconstitutional or invalid.

**Section 3. Ratification.**

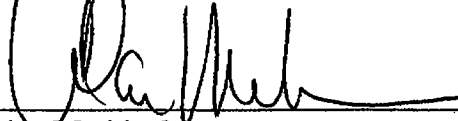
Any act consistent with the authority and prior to the effective date of this ordinance is hereby ratified and affirmed.

**Section 4. Effective Date.**

Due to King County's requirement that this ordinance be received no later than January 23, 2004, the City Council hereby finds that a public emergency exists and adoption of this ordinance and the corresponding preparation of the voters' pamphlet in connection with Initiative No. 01-03 is in the best interests of the citizens of Mercer Island and promotes the public welfare by fully informing the Mercer Island citizens of all of the issues related to the Initiative prior to this election. This Ordinance shall take immediate effect and be in full force following adoption and execution.

PASSED by the City Council of the City of Mercer Island, Washington at its regular meeting on the 20th day of January, 2004, and signed in authentication of its passage.

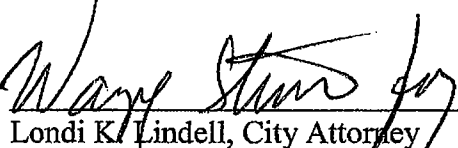
CITY OF MERCER ISLAND

  
\_\_\_\_\_  
Alan Merkle, Mayor

ATTEST:

  
\_\_\_\_\_  
Allison Spietz, City Clerk

APPROVED AS TO FORM:

  
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Londi K. Lindell, City Attorney  
Published: 1/20/2004