

RESOLUTION NO. 2012/009

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONROE, WASHINGTON, DECLARING THE CITY COUNCIL'S INTENT TO REPEAL ORDINANCE NO. 006/2012. IF THE CITY PREVAILS IN ITS PENDING APPEAL OF THE SNOHOMISH COUNTY SUPERIOR COURT'S FINAL DECISION IN CAUSE NO. 11-2-06796-1; EXPRESSLY RESERVING THE CITY'S DISCRETION; AND ESTABLISHING AN IMMEDIATE EFFECTIVE DATE.

WHEREAS, in July 2011 the City of Monroe commenced a declaratory judgment action under Snohomish County Cause No. 11-2-06796-1, seeking a judicial determination regarding the validity of proposed Monroe Initiative No. 1; and

WHEREAS, on February 14, 2012, the Snohomish County Superior Court entered its final decision in said case, invalidating Sections 1 and 2 of the proposed initiative, severing Section 3, and imposing penalties and fees pursuant to RCW 4.24.525; and

WHEREAS, Section 3 of the proposed initiative would require the City to hold an advisory vote on its previously adopted Automatic Traffic Safety Camera ordinance; and

WHEREAS, the City has authorized an appeal of the Superior Court's decision, but desires to comply with the statutes governing the local initiative process during the pendency of said appeal by adopting an ordinance (Ordinance No. 006/2012) containing Section 3 of Monroe Initiative No. 1; and

WHEREAS, because the City has already conducted an advisory vote regarding the City's traffic camera program in November 2011, holding another advisory vote on the same topic would be redundant, unnecessary and wasteful; and

WHEREAS, the City Council desires to express its intent to repeal Ordinance No. 006/2012 if the City prevails on appeal; NOW, THEREFORE

IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF MONROE AS FOLLOWS:

Section 1. Nonbinding Declaration of Intent. The City Council hereby declares its intent to promptly repeal Ordinance No. 006/2012 if the City prevails in its appeal of the Snohomish County Superior Court's decision in Cause No. 11-2-06796-1.

Section 2. Reservation of Authority. Nothing in this resolution or in Ordinance No. 006/2012 shall be construed as waiving, abridging or otherwise limiting the City's authority

with respect to said ordinance, the City's Automated Traffic Safety Camera program, and/or the above-referenced appeal. Without limitation of the forgoing, to the fullest extent allowed by law the City hereby reserves in full its discretion to repeal Ordinance No. 006/2012 and/or to obtain a stay of the Superior Court's decision.

Section 3. Effective Date. This resolution shall take effect immediately upon passage.

PASSED BY THE MONROE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 6th DAY OF MARCH, 2012.

CITY OF MONROE, WASHINGTON:



Robert G. Zimmerman, Mayor

ATTEST/AUTHENTICATED:



Eadye Martinson, Deputy City Clerk

APPROVED AS TO FORM:



J. Zachary Lell, City Attorney