

CITY MANAGER WEEKLY UPDATE REPORT ~ KENT MYERS

July 16, 2010

It is expected that the next session of the State Legislature will include a number of bills that could be detrimental to Washington cities. With the State's financial crisis, the City of Port Angeles could be facing a number of items that will place additional cost burdens on city governments. With these challenges in mind, I am pleased to be appointed by the new AWC President to the 2010-11 AWC Legislative Committee (see attached letter). Hopefully, I can bring some new ideas to this committee and be able to develop a close working relationship with our legislative members.

With the political season now upon us, we have been getting questions about the placement of political signs. As a result of these questions, the City Attorney is reviewing his previous legal position as stated in 2004 (see attached memo). This previous position was the result of a Washington Supreme Court case which recognized that special consideration should be given to political signs. The City Attorney should have his review completed sometime next week and his comments will be forwarded to the Council. The previous position may or may not change as a result of this review.

The Clallam Economic Development Council (EDC) meeting this week went well particularly the presentation by Charles Brandt from Battelle on opportunities for this area to capitalize on the emerging development of alternative energy resources. A copy of his presentation should be available in the next few days and will be forwarded to Council. Following this presentation, the EDC Board adopted renewable energy as one of five new clusters that they would like to focus on for economic development efforts in the county over the next several years. The other four clusters include natural resources (agriculture and forestry), composite manufacturing, tourism and marine trades. It is expected that the Olympic Tourism Commission will take the lead role on local tourism development while the Port will take the lead responsibility for marine trades and composite manufacturing.

The local fund raising effort for Hurricane Ridge Road is moving full speed ahead. This week Russ and I met with representatives from the Winter Sports club and they are assisting our efforts. We expect to make a presentation to the County Lodging Tax Committee in the next several weeks. Also, I have draft a list of frequently asked questions (FAQs) that is being sent to various local organizations that will help in responding to the many questions about this fund raising campaign.

- Kent Myers

Kent Myers - Invitation to serve on AWC Legislative Committee

From: "Kathy Turner, AWC President and Mayor, City of Puyallup"
To: "Kent Myers"
Date: 7/8/2010 6:22 PM
Subject: Invitation to serve on AWC Legislative Committee



As president of the Association of Washington Cities, I would like to invite you to serve on AWC's 2010-11 Legislative Committee. Many of you have volunteered and I thank you for making the commitment – it's a two-year term.

The Legislative Committee recommends specific legislative proposals for the 2011 and 2012 legislative sessions, within the framework of the resolutions adopted by the membership this June (please see link below). Committee members are assigned to subcommittees that correspond to the adopted AWC Resolutions:

- City fiscal health & flexibility
- Healthy & safe communities
- Flexible general government operations
- Land use & environmental stewardship
- Economic development & quality infrastructure

These issues are addressed in the upcoming legislative session or biennium. The committee also includes a Long-term subcommittee that focuses on larger issues that require longer time frames.

See links below for a full list of invitees and subcommittee assignments, and a chart that shows how AWC's policy development process works.

The Legislative Committee meets as a full committee two times this year, and the individual subcommittees meet more frequently either in person or via conference call starting in late July as determined by the subcommittee chairs (calling in is always an option even for the "in-person" meetings). The full committee meets:

- Monday, September 27 – Finalize preliminary 2011 Major Legislative Priorities to recommend to the Board
- Tuesday, November 16 – Finalize complete 2011 Legislative Priorities to recommend to the Board

The September meeting probably will be web-based and the November meeting is likely to be in-person in the SeaTac area. We will send out more information as these dates get closer.

I hope you accept this invitation to serve your association. **Please contact Sheri Sawyer by Wednesday, July 14 to confirm your participation on the committee.** She can be reached at sheris@awcnet.org or (360) 292-4393.

If you are unable to serve, I will need time to select a replacement for you on the committee. If you have any specific questions regarding service on this committee, you may contact Victoria Lincoln at victorial@awcnet.org or Sheri Sawyer at sheris@awcnet.org.

- [Statement of Policy and Resolutions](#)

- [Legislative policy development process](#)
- [AWC 2010-11 Legislative Committee invitees](#)

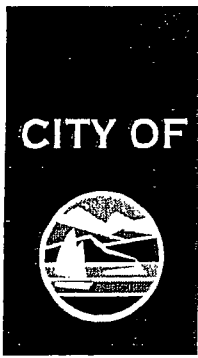
Sincerely,

Kathy Turner
President and Mayor, City of Puyallup
1076 Franklin St SE Olympia, WA 98501-1346
(253) 840-6673 (office); (253) 312-2262 (cell)
awcpresident@awcnet.org

Association of Washington Cities • 1076 Franklin St SE • Olympia, WA 98501

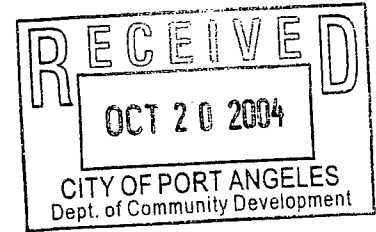
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MEMO

CITY ATTORNEY

William E. Bloor
City Attorney
[4531]

Dennis Dickson
Sr. Assistant City
Attorney
[4532]

Candace Kathol
Legal Assistant
[4536]

Diana Lusby
Legal Administrative
Assistant
[4530]

Jeanie DeFrang
Legal Administrative
Assistant
[4530]

Teresa Pierce
Legal Records Specialist
[4576]

Date: October 19, 2004
To: Brad Collins, Community Development Director
✓ Sue Roberds, Assistant Planner
From: William E. Bloor, City Attorney
Re: Political Signs

ISSUE: May the City prohibit placement of political signs in the public rights-of-way adjacent to the paved portion of streets?

SUMMARY: The City may prohibit political signs from public rights-of-way if it has adopted an ordinance doing so, if the ordinance prohibits all signs from the rights-of-way and if it has been consistently applied.

DISCUSSION: Attempts to control political signs in public places have generated a number of lawsuits both at the state and federal levels. There are several United States Supreme Court cases on this subject. In Washington State the leading case is Collier v. Tacoma (1993). That case addresses most of the issues present here in Port Angeles.

The court in the Collier decision engages in a lengthy and intricate legal analysis of cases from the United States Supreme Court as well as other states and the specific regulations in Tacoma. For purposes of this memo it is not necessary to summarize that analysis. Rather, it seems sufficient to highlight key points.

The Washington Supreme Court held that the area of the public right-of-way commonly referred to as the parking strip or planting strip is a "traditional public forum." As such it receives a special constitutional protection for political speech. That does not mean political signs must always be allowed. However, it does mean that they can be prohibited only in limited circumstances.

In my opinion, under the Collier decision political signs can be prohibited in public rights-of-way if first there is a City ordinance that prohibits all signs from the public right-of-way and the prohibition is based on a compelling interest. A compelling interest would be aesthetics in combination with traffic safety. There could be other "compelling interests."

It is important that all signs be prohibited. A problem in the Collier case was that Tacoma did allow some signs to be placed in the right-of-way, for example, "for sale" signs. And Tacoma also allowed political signs to be placed in the right-of-way for two months prior to the election. These facts indicated to the court that Tacoma was attempting to make a distinction between political signs and commercial signs. Under the constitution, political signs should have priority; but under the Tacoma ordinance commercial signs actually had priority.

Additionally, the court said that traffic safety and aesthetics were not the real concerns of the city, since Tacoma did allow the signs without limitations for certain purposes and did allow political signs at certain times. Thus, for an ordinance to be valid and enforceable, it probably must prohibit all signs at all times, and it must be consistently applied.

This analysis raises several questions. I quickly scanned the PAMC and did not find a comprehensive prohibition of signs in public rights-of-way. There is at PAMC 17.95.170 a section that says no political signs may be located in the public right-of-way. That prohibition is clearly invalid under the Collier case. I did not find a corollary provision in the Code that prohibits all signs from the public right-of-way. Likewise, I did not find anything about traffic safety or aesthetics.

Past practice in Port Angeles, as I understand it, has been to prohibit political signs. However, that practice may not stand, if challenged in court, unless it has the pre-requisites of the appropriate ordinance and legislative goals.

This memo is not intended to force or to foreclose a course of action that we will follow. Rather, it is intended to illustrate the legal issues and to serve as a basis for further discussion.

After you have had a chance to review this I would be happy to work with you further to develop a course of action.



William E. Bloor
City Attorney

WEB:jd

cc: Mike Quinn, City Manager

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