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SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

1000 FRIENDS OF WASHINGTON, KING
COUNTY, and CENTER FOR
ENVIRONMENTAL LAW AND POLICY,

Plaintiffs,

vs.

RODNEY McFARLAND,

Defendant.

)
)
) No. 04-2-37112-1 SEA
)
) ORDER GRANTING
) DELCARATORY JUDGMENT
)
)
)
)
)

This matter came before the Court on Plaintiffs' Motion for Summary Judgment.

The Court heard the arguments of counsel and considered the following:

1. Plaintiffs' Motion for Summary Judgment
2. Declaration of Harry Reinert, except paragraphs 6, 7, 12 and the last two sentences of paragraph 10
3. Declaration of Sean Bouffiou
4. Defendant's Opposition to Summary Judgment
5. Declaration of Richard Stephens and exhibits thereto
6. Plaintiff's Reply in Support of Its Motion for Summary Judgment

The Court finds that there are no material disputed issues of fact in this case, thus permitting the case to be decided purely as a matter of law. On the questions of law presented, the Court concludes as follows:

Palmer Robinson, Judge
King County Superior Court
516 Third Avenue, #C-203
Seattle, WA 98104
206-296-9103

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1. King County Ordinance Nos. 15051, 15052, 15053 are not subject to referendum.

2. Proposed King County Referenda Nos. 22, 23 and 24 are beyond the scope of the referendum power as provided in the King County Charter; and

3. Proposed King County Referenda Nos. 22, 23 and 24 are beyond the scope of the referendum power as provided in the Washington Constitution.

NOW THEREFORE IT IS ORDERED:

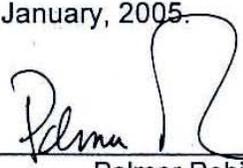
1. The Court declares Proposed King County Referenda Nos. 22, 23 and 24 are beyond the scope of the referendum power as provided in the King County Charter; and

2. The Court declares Proposed King County Referenda Nos. 22, 23 and 24 are beyond the scope of the referendum power as provided in the Washington Constitution; and

3. The Court declares that Proposed King County Referenda Nos. 22, 23 and 24 do not meet the requirements to be placed on the ballot as a proposed referendum measure.

4. The Court declares that King County Ordinance Nos. 15051, 15052, 15053 are not subject to referendum and that King County is not required to place any referenda of these ordinances on any ballot or to take any other related actions.

DATED this 11 day of January, 2005.



Palmer Robinson, Judge

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