

Bond Case Briefs

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Port of Tacoma v. Save Tacoma Water

Court of Appeals of Washington, Division 2 - July 25, 2018 - P.3d - 2018 WL 3582419

Sponsor of local initiative measures that would have required voter approval for large water utility service requests appealed from declaratory judgment and permanent injunction issued by the Superior Court preventing it from placing the measures on the municipal ballot.

The Court of Appeals held that:

- Pre-election review of the proposed initiatives to determine if they were beyond the scope of the initiative power did not offend separation of powers principles;
- Initiatives related to an administrative matter and thus were beyond the scope of the local initiative power;
- Initiatives impermissibly conflicted with statute placing a duty on city to provide retail water service if its requirements were met;
- Invalid provisions of the initiatives were not severable from any remaining valid provisions;
- Sponsor did not have a First Amendment free speech right to place the initiatives on the ballot; and
- Injunction did not violate sponsor's right to free speech under the state constitution.