

ORDINANCE NO. 231

AN ORDINANCE of the City Council of the City of Lakewood, Washington, providing for the submission to the qualified voters of the City of Lakewood at a special election to be held on May 16, 2000, of a proposition ratifying and authorizing the City to acquire the electric system owned by Puget Sound Energy located within the City, at an estimated cost of \$ 4,000,000

WHEREAS, the City of Lakewood, Washington, incorporated effective February 28, 1996, has had since its incorporation, electric utility services provided by three utility service providers, to wit: Puget Sound Energy (formerly Puget Sound Power and Light Company), Lakeview Power and Light, and Tacoma Public Utilities; and,

WHEREAS, because of concerns about the disparity in the amount of electric utility bills being paid by the customers of various utility service providers, and because of concerns about the differences in customer service and customer response needs, the City Council of the City of Lakewood has received several petitions with a total of approximately 1,000 signatures of residents of the City of Lakewood, requesting that the City assist them in having their electric utility services changed from their current provider, Puget Sound Energy, to one of the other electric utility service providers; and,

WHEREAS, pursuant to the provisions of applicable statutes, including RCW 35.67.030 and 35.92.070, a mechanism exists whereby the City Council decision, as set forth in an ordinance, may be submitted to the voters of the City for ratification or rejection; and,

WHEREAS, in connection with the proposition for the acquisition of the electric system owned by Puget Sound Energy located within the City limits of the City of Lakewood, it is appropriate to identify plans with respect to such acquisition, if approved by the voters of the City.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKEWOOD, WASHINGTON, DO ORDAIN as Follows:

Section 1. Findings. The City Council hereby finds and declares that the citizens of the City of Lakewood served by Puget Sound Energy deserve the opportunity to voice their position with respect to whether or not the City should acquire and provide for the operation of the electric system owned by Puget Sound Energy located within the City limits of the City of Lakewood. Particularly where there may be differences in the level or quality of service among the various providers of electric services in the City, and where there may be significant differences in the rates paid by customers of the various service providers, with many of the lower income residents receiving services from the most expensive utility service provider in the City of Lakewood, it is appropriate that the City take steps where it can, and to the extent that it can, to ensure that all of its citizens receive a high quality level of utility services at reasonable rates.

Section 2. Acquisition Plan. If the citizens of the City of Lakewood approve and authorize the acquisition of the Puget Sound Energy electric system in the City of Lakewood, and if the City is successful in negotiating an acceptable purchase price or condemning the electric utility system owned by Puget Sound Energy located within the City of Lakewood with a condemnation cost that is reasonable, then the City intends to move forward to consummate such acquisition and to provide for the operation of the electric utility, either through contract or arrangements for other services, so as to ensure that costs of customers dependent upon such service are reduced and service is provided at beneficial levels. The costs of the acquisition by the City would be paid by the customers of the service in accordance with appropriate economic and accounting practices, again, in a manner which assures beneficial service levels and reasonable costs to the customer. The precise methodology of addressing the financial considerations and ultimate decisions regarding the acquisition depend upon the price for which the system may be acquired, whether through negotiation or condemnation.

Section 3. Ballot Proposition. It is hereby found and declared that emergent circumstances exist which warrant submitting to the qualified voters of the City, a proposition affirming and approving the decision to pursue acquisition, whether by negotiation or condemnation, of the electric system owned by Puget Sound Energy within the corporation limits of the City of Lakewood, as addressed herein, at a special election to be held on May 16, 2000.

The Pierce County Auditor, as ex officio supervisor of elections for the City of Lakewood, is hereby requested to find the existence of such exigent circumstances and to assume jurisdiction of and to call and conduct said special election to be held within the City of Lakewood and to submit to the qualified electors of the City the proposition hereinafter set forth.

The City Clerk is hereby authorized and directed, not less than 45 days prior to May 16, 2000, to certify the following proposition to the Pierce County Auditor in substantially the following form:

CITY OF LAKEWOOD  
PROPOSITION NO. 1  
ACQUISITION OF PUGET SOUND ENERGY  
ELECTRIC SYSTEM

Shall City Council Ordinance No. 231 that sets forth the plan to acquire the electric system owned by Puget Sound Energy located within the City, at an estimated cost of \$ 4,000,000, be ratified and approved?

YES	
NO	

The polls for such election shall be open from 7:00 a.m. to 8:00 p.m., or at such other times as is determined by the Pierce County Auditor in connection with legal authority therefore.

Certification of such proposition by the Clerk of the City of Lakewood to the Pierce County Auditor, in accordance with law, prior to the date of such election on May 16, 2000, and any other act consistent with the authority and prior to the effective date of this Ordinance are hereby ratified and confirmed.

Section 4. Severability. In the event that any one or more of the provisions of this Ordinance shall for any reason be held to be invalid, such invalidity shall not affect or invalidate any other provision of this Ordinance, but the Ordinance and its provisions shall be construed and enforced as if such invalid provision had not be contained herein; provided that any provision which shall for any reason be held by reason of its extent to be invalid shall be deemed to be in effect to the extent permitted by law.

Section 5. Effective Date. That this Ordinance, adopted as an emergency ordinance by a majority plus one of the City Council, is necessary for the preservation of public peace, safety and welfare, and shall be in full force and effect immediately upon adoption.

ADOPTED by the City Council of the City of Lakewood, Washington, at its Special Meeting held on April 1, 2000.

CITY OF LAKEWOOD

\_\_\_\_\_  
Bill Harrison, Mayor

Attest:

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Alice M. Bush, CMC/AAE, City Clerk

Approved as to Form:

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Daniel B. Heid, City Attorney

THE MOTION / ORD. 231 FAILED.  
4-1-2000